

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
June 9, 2010**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, June 9, 2010. The meeting was called to order by President James Salopek on a motion by Ramon Alvarez, seconded by Willie Koenig. Motion carried. Robert Sloan, Jerry Franzoy and Scott Adams were absent.

Roll Call

EBID Staff present were Henry Magallanez, Engineering Supervisor; James Narvaez, Hydrology Director; Gail Norvell, Controller; Ricardo Bejarano, Water Master; Valerie Beversdorf and Dustin Leonard, CR & GIS; Leo Barrett, Maintenance Project Director; Personnel present were Linda Armijo, Land Specialist;

Also present were Steve Hernandez, Steve Hubert and Lee Peters, Hubert & Hernandez, P.A; Rasool Ahadi and Erik Fuchs, OSE; Bud Starnes, NMSU, NMDA; Sammy Singh, Enrique and Dennis Lucero, EBID constituents; Fernie Ortiz, CLC; John Allen, Paul Dugie and Tish Segovia, DAC Flood Commission; Merry Jo Fahl, Caballo Soil and Water; and Marvin Tessneer, the Bulletin.

Willie Koenig motioned and Robert Faubion seconded to accept the minutes of the May 12th meeting as presented. Motion carried.

Minutes
Approval

The Water Transfer Hearing minutes of May 12th were approved on a motion by Robert Faubion, seconded by Tom Simpson. Motion carried.

The calendar was discussed. Items on the calendar for the months of June and July, 2010 include: Meeting with Audubon Society on Broad Canyon Ranch and request to expand the District's boundaries into Selden Canyon; a meeting regarding Verde Realty operations application for well permit; a meeting of the South-Central New Mexico Storm Water Management Coalition (Formerly SWIM); A planned tour of Drop 8 for representatives from Sen. Udall's office; and an Interim Pretrial Hearing.

Calendar of
Events

The next meeting of the board will be Wednesday, July 14, 2010.

Henry Magallanez presented the special use permits for the month of May, 2010 and recommended approval of all licenses as presented.

Engineering
Report

Non-Moritorium

2010-L-037 - Qwest Corporation: To construct, operate and maintain an aerial cable crossing the Mesilla Lateral at approximate 286+17. Assessment, \$1,450.03

Special Use
Permits

Total Assessment: \$1,450.03

Willie Koenig motioned and Joe Nelson seconded to approve all licenses as presented. Motion carried.

Valerie Beversdorf, Computer Resources and GIS Director, updated the Board on the CR-GIS Department. Valerie reported that new maps had been prepared for use during flat rate weekends. GIS also prepared a set of maps of the entire district which were on display in the board room. These maps are color coded by precinct. She also discussed another set of maps that show ownership of parcel and irrigation units. The board expressed an interest in having copies of the maps for their own personal use.

CR-GIS Report

Mapping

Valerie reported on the conversion of the old Hylax into the new Fusion programming system. She reported that the Water Records department was next on the list for conversion. Dave Nelson, the IT Programmer, will be in the office next week and will be learning the process for taking water orders in order to better be able to write a program to handle the water order process. He will be working with Gail Norvell and the people in the department to get this done. The plan is to have the Fusion program completely implemented by end of 2010.

Hylax to Fusion
Conversion

Dave Nelson also developed a Conveyance Efficiency Report to help the operations department. Dave consolidated and rearranged five different reports into one. James Narvaez will demonstrate the new report to operations personnel. Dave is also working on the conversion to Fusion from the old Hylax program. This program will be incorporating changes to be installed in the tax department in a week or so and tax should be able to start using the program.

Valerie gave an update on the Vision 2040 process developing by the City of Las Cruces and Dona Ana County. The organizing and planning group is split into five committees. Valerie will be on one of the committees and will present a list of the committee members to the board at the next meeting. Committee meetings will be open to the public. Robert Faubion said that it might be imperative for board members to attend different committee meetings from time to time. Vision 2040 will be a regular agenda item from now on.

Vision 2040
Update

Leo Barrett, Maintenance Project Director, gave an update for the maintenance department.

Maintenance
Update

He discussed the rotary mulcher that was going to be in Las Cruces for a test period in the next couple of weeks if the schedule could be worked out. The machine will primarily be used to do routine maintenance in drains to see how it handles large invasive trees and weeds.

Leo reported that the Maintenance Department was in the middle of routine flood control maintenance in the central districts, mowing daily and trying to keep ahead of the weeds in all areas. Leo mentioned he was increasing the rate of herbicides to help control weeds.

Gail Norvell, Controller, gave the financial report. The Financial Fact Sheet for the month of May, 2010, is as follows: Cash in the bank totaled \$432,689; assessments receivable totaled \$543,871; and investments totaled \$5,181,073 for a grand total of \$6,157,633. This amount reflects an increase in assets of \$821,207 over May, 2009. Extraordinary receipts in the amount of \$9,614 for special use permits were reported for the month of May. Also presented was the financial statement for the month of April, 2010.

Controller Report
Financial Fact
Sheet

Gail reported that the EAC was continuing to work on the sick leave bank. She said that surveys had been sent out and the response was favorable.

EAC Update

An amendment to Dr. Phil Kings contract to add a subcontractor, Charles Stanford, was presented. Motion to approve the amendment was made by Robert Faubion. Willie Koenig seconded. Motion carried. Mr. Stanford who is an archivist from NMSU will be working on historic documents stored at EBID in regard to the Adjudication case.

Contract
Amendment

James Narvaez, Hydrology Director, updated the Board on the 2010 irrigation season. James reported that the State of New Mexico would be diverting the 100,000 AF credit water around August 1st. James stated that as far as the District's allocation is concerned, we are exactly where we need to be right now. It is imperative that we work on improving and managing our efficiency to make the water last as long as possible this year.

Hydrology
Update

Richard Bejarano, Water Master, gave the Operations Department report to date as follows: Farm Deliveries, 3243; Acres Irrigated, 49761; AF charged to farmers, 21669; Actual Total Diversion, 45704; Balance, 145812; 5 breaks and 2 runovers. Total breaks for year, 10, and total runovers, 2. 2010. 2010 delivery efficiency at 46.49% as compared to 60.56% in 2009.

Operations
Report

James updated the Board on the Conveyance Efficiency Report. He said that wasteways are locked down to try to control excessive spill. Richard Bejarano and the Assistant Water Masters will find farmers to receive water rather than running it out the wasteway. This new report will give real time data and will enable the riders to be see exactly where the water is when farmers ask.

Conveyance
 Efficiency Report

Richard reported on the new 48 hour shift. He showed a letter from the Asst. Water Master in the north area saying that personnel are 100% satisfied with the new schedule. Most of the Ditchriders enjoy the three days off in a row. On the whole it's working well.

48-hour work
 schedule

On the matter of the flat rate repeat offenders, Richard reported that the riders are catching many along with the personnel from the Hydrology Department. Law enforcement authorities are being notified and the District can file charges against violators for stealing water. The District could file suit in either civil or Magistrate court.

Flat Rate
 Repeat
 Offenders

Tom Simpson motioned that the flat rate irrigators be allowed an additional irrigation for the month of July, for a total of four irrigations which is equivalent to twenty-four inches (24") in 2010. Joe Nelson seconded the motion. Motion carried. Willie Koenig and Robert Faubion voted against the motion while Joe Nelson, Ramon Alvarez and Tom Simpson voted for the motion. Motion passes three/two.

Flat Rate
 Irrigations

Gary Esslinger, Treasurer-Manager, gave the Manager's report. Topics discussed were as follows:

Manager's
 Update

Family Farm Alliance (FFA) - The FFA Monthly Briefing was presented along with FFA's request for support and funding campaign to gain additional members.

FFA Funding
 Request

Gary discussed a MOU between EBID, Caballo Soil and Water Conservation District, and Dona Ana County Flood Commission and which puts the District as co-sponsor with these entities for present and future flood operations and maintenance of the Garfield Dam. Robert Faubion motioned and Tom Simpson seconded to approve the MOU between EBID, Caballo Soil and Water Conservation District, and Dona Ana County Flood Commission for O&M of Garfield Dam Hatch Valley Arroyo Site #6. Motion carried

Garfield Dam
 Flood Control
 MOU

Gary updated the Board on the South-Central New Mexico Stormwater Management Coalition (formerly SWIM Task Force) group meetings. There are five major entities involved and they are trying to get the City of Las Cruces and Dona Ana County to become involved as well. The coalition will work similar to AMAFCA (Albuquerque flood control) or the Las Cruces Metropolitan Flood Authority.

SWIM Update

Lucero Dike maintenance agreement. Gary discussed an agreement for maintenance to coordinate efforts to control the critical amount of flood water that will come into this dike that protect farmland. The Lucero family will contract with EBID for annual maintenance of the dike. Robert Faubion motioned to approve the agreement and Ramon Alvarez seconded the motion. Motion carried.

Lucero Dike
 Maintenance
 Agreement

Steve Hernandez updated the Board on legal matters. All LRR's remain open and are being worked on with EBID Staff.

Legal Update

Steve reported on the brine well sink hole in Carlsbad that could affect the CID. Bankruptcy of the brine well operator has stalled all lawsuits. The City of Carlsbad has contracted a coil drill to attempt to reopen two injections wells and drop sonar into the wells to map what needs to be done to protect the entities boarding the sink hole.

CID Brine Well
 Update

Steve updated the Board on the deal that the NM State ISC is making with Intel corporation in Sandoval County. Tom Simpson motioned to contact ISC Compact Commissioner Buford Harris and tell him that EBID opposes the Intel deal. Motion

INM ISC/Intel
 Water Deal
 Opposition

was seconded by Robert Faubion. Motion carried.

Tom Simpson motioned and Robert Faubion seconded to break for lunch. Motion carried. Following lunch, Tom Simpson motioned and Willie Koenig seconded to reconvene the meeting. Motion carried.

Willie Koenig motioned and Ramon Alvarez seconded to go into closed session to discuss legal matters. Motion carried. Pursuant to Section 10-15-1-h, NMSA of the New Mexico Open Meetings Act, the following topics shall be discussed in closed session:

- State ex. rel. D'Antonio vs. EBID CV 96-888 (Stream Adj.)
- AWRM Amicus Appeal Brief
- Denial of Parasol Dairy NMED Permit (LRR 289)
- Verde Realty Operating Partnership

Following closed session, Tom Simpson motioned and Willie Koenig seconded to return to open session.

There being no further business, Willie Koenig motioned and Robert Faubion seconded to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday, July 14, 2010.

Lunch Break

Open/Closed
Session

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary