

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
August 11, 2010**

<p>The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, August 11, 2010. The meeting was called to order by President James Salopek on a motion by Tom Simpson, seconded by Ramon Alvarez. Motion carried. Joe Nelson was absent.</p>	<p>Roll Call</p>
<p>EBID personnel 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; Linda Armijo, Land Specialist; Delyce Maciel, Human Resources;</p>	
<p>Also present were Steve Hernandez, Law Office of Steven L. Hernandez; Bud Starnes, Hillary Brinegar and Brian Hanson, NMDA; Fernie Ortiz, City of Las Cruces; Mariano Martinez, Chuck Huestis and Karl Tonander, DAMDWA; Calvin Chavez and Eric Fuchs, OSE; Sammy Singh, Jr. and Arturo Lucero, EBID constituents; and Marvin Tessneer, the Bulletin.</p>	
<p>Tom Simpson motioned and Bobby Sloan seconded to accept the minutes of the July 14th meeting as presented. Motion carried.</p>	<p>Minutes Approval</p>
<p>The calendar was discussed. Items on the calendar for the months of August and September, 2010 include: The inauguration of the new president at NMSU on the 17th of August; Storm Water meeting on August 17th; Ag Committee Meeting on September 2nd, and USCID Water Management Conference September 28-30th.</p>	<p>Calendar of Events</p>
<p>The next meeting of the board will be Wednesday, September 8, 2010.</p>	
<p>Leo Barrett, Maintenance Project Director, updated the Board on the ongoing processes of the Maintenance Department. Leo reported that the mowers are working in the North area now. He said that the rotary mulcher was still in the works and that Bill Porter's farm on Hatch Drain would be the perfect place to test the machine. Leo is working with Highway Department to get the demonstration set up.</p>	<p>Maintenance Department Update</p>
<p>Leo is looking at tractors and mowing equipment and is interested in a wet blade herbicide application system. Hudsbeth County Irrigation District is using the wet blade equipment now. The wet blade system applies herbicide on the plant as it cuts.</p>	<p>Equipment Update</p>
<p>Leo also reported that he will be meeting with Henry Magallanez to begin scheduling winter maintenance projects. He said that it may be possible to cross train employees for CDL licensing this winter.</p>	<p>2010-11 Winter Maintenance Schedule</p>
<p>Henry Magallanez presented the special use permits for the month of August, 2010 and recommended approval of all licenses as presented.</p>	<p>Engineering Report</p>
<p><u>Moritorium</u></p>	
<p>2010-L-047 - Qwest: Chamberino East Lateral – To construct, operate and maintain a fiber line crossing the Chamberino East Lateral at approximate. Station No. 145+69. Assessment, \$1,450.03.</p>	<p>Special Use Permits</p>
<p>2010-L-048 – Qwest: Chamberino Drain – To construct, operate and maintain a fiber line crossing the Chamberino Drain at approximate Station No. 170+85. Assessment, \$1,554.05.</p>	
<p>2010-L-049 – Qwest: La Mesa Drain – To construct, operate and maintain a fiber line crossing the Upper Chamberino Lateral at approximate Station No. 297+57. Assessment, \$1,600.07.</p>	

2010-L-050 – Qwest: Upper Chamberino Lateral – To construct, operate and maintain a fiber line crossing the Upper Chamberino Lateral at approximate Station. No 297+57.

2010-L-051 – Qwest: Del Rio Drain/Newsome Lateral – To construct, operate and maintain a fiber line crossing the Del Rio Drain at approximate Station No. 54+92 and the Newsome Lateral at approximate Station No. 90+77. Assessment, \$2,010.09.

2010-L-052 – Qwest: San Miguel Lateral – To construct, operate and maintain a fiber line crossing the San Miguel Lateral at approximate Station No. 129+60 and 154+63. Assessment, \$1,980.08.

Total Assessments, \$10,024.34.

Jerry Franzoy motioned and Bobby Sloan seconded to approve all licenses as presented. Motion carried.

The Water Smart Funding for the Dies Lagos project was denied. The NM Water Trust Board was approved.

Mariano Martinez of the Dona Ana Mutual Domestic discussed the proposal for the North Valley Surface Water Treatment Plant. Mr. Karl Tonander of the engineering firm that is designing the plant gave a short presentation. He reported that the DAMD is in the process of purchasing the property to be used for the plant. EBID and DAMD need to first develop a blanket agreement for utility crossing within the District ROW that will take precedence first, and then the District's boundaries will need to be expanded to include the newly purchased land that is outside District boundaries. The presentation was for the District's information only. No action was taken at the present time.

James Narvaez, Hydrology Director, updated the Board on the 2010 irrigation season. Operations efficiency was up to 56% due to help from the rains. The fact that flat raters are asking for more water was discussed. Staff pointed out that small tracts accounts received 6" x 4 watering weekends which is the same quantity as the farm rates accounts. Jerry Franzoy motioned to set September 1 as the last water order date and continue watering out as long as possible in September for delivery and could be extended pending rainfall. Scott Adams seconded the motion. Motion carried. Staff noted that El Nina means a drier winter weather pattern.

James discussed the final copy of the Operating Agreement between the districts. Some small changes had been made to the agreement and were approved by legal and hydrology and the agreement now was ready for a formal signing. Motion to accept the agreement was made by Willie Koenig, seconded by Ramon Alvarez. Motion carried.

Richard Bejarano, Water Master, gave the Operations Department report to date as follows: Farm Deliveries, 2817; Acres Irrigated, 62970; AF charged to farmers, 25149; Actual Total Diversion, 45172; Balance, 58530; 1 breaks and 3 runovers. Total breaks for year, 15, and total runovers, 6. 2010 delivery efficiency at 56% as compared to 55% in 2009.

Valerie Beversdorf, Computer Resources and GIS Director, updated the Board on activities of the CR-GIS Department. Valerie reported that the District is in need of a new T-1 line, since the old one was being filled up by malicious clogs. She said that the department had some critical needs in the server room that would be proposed for the fiscal year 2010-2011 budget.

Valerie reported on her attendance at Vision 2040 meetings, which is the vision for the future of the Las Cruces region. Valerie will be writing the water issue portion of the Vision proposal and was asking the boards suggestions. She will add a statement that private property rights be respected in the statement.

Dies Lagos Project

DAMD Water
Treatment Plant
Proposal

Hydrology
Update

2010 Season
Ending Dates

Operating
Agreement
Signatures

Operations
Report

CR-GIS Report

Vision 2040
Update

Storm Water Coalition meeting update – The coalition is a group of agencies that will provide storm water management and flood control in the Las Cruces region. A formal MOU is being prepared that will ask for participation of the City of Las Cruces and Dona Ana County along with the other entities who are already in agreement. The CLC and DAC are both reluctant to join as they are concerned about how the coalition will affect their tax bases. They are receptive but reluctant due to concern regarding their tax bases. It was decided by the Coalition to move forward with the agencies that are ready to move now. There will be a meeting to talk with legislators on August 30th.

Storm Water Coalition

Gail Norvell, Controller, gave the financial report. The Financial Fact Sheet for the month of July, 2010, is as follows: Cash in the bank totaled \$262,115; assessments receivable totaled \$406,306; and investments totaled \$4,182,630 for a grand total of \$4851051. This amount reflects an increase in assets of \$852,448 over July, 2009. Extraordinary receipts in the amount of \$6,571 for Special Use Fees were. Also presented was the Financial Statement for June, 2010. An amended budget will be in process for a future meeting.

Controller Report
Financial Fact Sheet

Gail discussed the status of grants that the District has received. Gail said that final FEMA funds are in process.

Grant Status Update

Gail presented the following contract for review and approval.

Contract Renewal

- Mesilla Valley Appraisal Service. Contract renewal. Motion by Willie Koenig, seconded by Bobby Sloan to renew the contract. Motion carried.

Gail updated the Board on Water Trust Board Grant 149 for a Surface Water Treatment Plant in Mesquite area which was awarded.

Water Trust Board Grant 149

Gail updated the Board on the Employee Advisory Committee. The EAC will hold a meeting this week. Among topics to be discussed is the Sick Leave Bank proposal. A draft of the proposal has been prepared for proposal for the budget 2010-2011 fiscal year. She reported that the EAC will be working with NMSU on the irrigation display table to add flood components.

EAC Update

Robert Faubion motioned and Tom Simpson seconded to break for lunch. Motion carried. Following lunch, Scott Adams motioned and Bobby Sloan seconded to reconvene the meeting. Motion carried.

Lunch Break

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

Manager's Update

- Gary reported on his trip to Washington DC on August 29th to testify before the Natural Resource Subcommittee on low-head hydro power generation.

FERC Update

Gary reported that a group of 15 EPA officials from Washington DC visited the district to see first hand the problem that irrigation districts have with weeds in canals and drains. Members of the farming community including Joe Nelson and Dickie Salopek invited the group to their farms to see actual working sites. Leo Barrett and the District's three Maintenance Foremen also met with the group.

EPA Tour

Steve Hernandez reported on legal Matters.

Legal Update

- LRR 302 – City of El Paso/Montoya Drain – assigned to Steve Hubert and remains open
- LRR 303 – Hatch Easements – assigned to Samantha Barncastle and remains open
- LRR 323 - Policies, Relinquish of Easement and Excess of Real Property – remains open
- LRR 345 – Lack/EBID Land Exchange and Flow Easement – assigned to Lee

Peters and remains open

- LRR 351 - Request to realign ROW boundaries, Stahmann – Assigned to Steve Hubert and remains open
- LRR 354 – Pumping out of drains and canals – opinion letter was submitted by Steve Hernandez – Remains open
- LRR 355 – Rhodes Arroyo Dam – assigned to Lee Peters remains open
- LRR 357 - Public Water Provider Recognition – assigned to Beverly Singleman and remains open.
- LRR 358 – CLC Well Applications – LRG 430-S-36 – assigned to Lee Peters
- LRR 359 – LRG MD Surface Water Treatment Facility Proposed Plan – closed after approval at today’s meeting.
- Tort Claims – Soriano Flooding (El Paso) – assigned to Lee Peters remains open.

Steve updated the Board on the Blue Ribbon Task Force. He said that an issues paper with respect to water was being prepared for legislators and government candidates.

Blue Ribbon Task Force Update

Steve said that he spoke at Water Law Conference in Santa Fe. He reported that the OSE is in a severe budget cut and hiring freeze.

Water Law Conf Update

Steve updated the board on the brine well sinkhole in Carlsbad that threatens to take out the CID’s main canal. Steve also told the Board that the CID farmers were suffering a bad cutworm infestation and that crops are being destroyed.

CID Update

Bobby Sloan motioned and Willie Koenig 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:

Open/Closed Session

- State ex. rel. D’Antonio vs. EBID CV 96-888 (Stream Adj.)
- AWRM Amicus Appeal Brief
- Verde Realty Operating Partnership
- Cardona vs. EBID

Following closed session, Jerry Franzoy motioned and Robert Faubion seconded to return to open session.

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

Adjourn

The next meeting of the Board of Directors will be held on Wednesday, September 8, 2010.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary