

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
September 8, 2010**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, September 8, 2010. The meeting was called to order by President James Salopek on a motion by Willie Koenig, seconded by Tom Simpson. Motion carried. Bobby Sloan, Jerry Franzoy and Scott Adams were absent.

Roll Call

EBID personnel present were Henry Magallanez, Engineering Supervisor; James Narvaez, Hydrology Director; Gail Norvell, Controller; Ricardo Bejarano, Water Master; Leo Barrett, Maintenance Projects Director; Valerie Beversdorf, CR/GIS Director; Dustin Leonard, GIS specialist; Anjeanette Carlson, Land/Water Analyst; and Delyce Maciel, HR/Safety Director.

Also present were Steve Hernandez and Samantha Barncastle, Law Office of Steven L. Hernandez; Bud Starnes, NMDA; Rasool Ahadi, Eric Fuchs and JR Hennessey, OSE; Beth Bardwell, Audubon Society; Jill Schroeder and James Hill NMSU Dept of Entomology; Conrad Keyes, Paso del Norte; and Phil King, Water Quantity Consultant.

Robert Faubion motioned and Ramon Alvarez seconded to accept the minutes of the August 8th meeting as presented. Motion carried.

Minutes Approval

Joe Nelson motioned and Robert Faubion seconded to approve the minutes of the Water Transfer Hearing of August 8th as presented. Motion carried.

Joe Nelson motioned and Robert Faubion seconded to approve the minutes of the special board workshop held on August 27th to discuss the OSE Stream Adjudication mediation and the Operating Agreement. Motion carried.

President James Salopek called for a moment of silence to honor the passing of Fred Franzoy, a farmer from the Hatch, New Mexico area who was also the father of Board member Jerry Franzoy and grandfather of Board member Scott Adams. Robert Faubion motioned and Willie Koenig seconded that a prepared Resolution of Condolence be accepted and the resolution be read by President Salopek. Motion carried.

Resolution of Condolence, Fred Franzoy

The calendar was discussed. Items on the calendar for the months of September and October, 2010 include: USCID Water Management Conference September 28-30th; Fly Catcher Conservation Projects on the Rio Grande meeting, September 17th; Ag day – Leadership in Las Cruces, September 17th; Pecos Valley Telemetry Tour, September 21st; and 2010 NM Watershed Forum, September 28th.

Calendar of Events

The next meeting of the board will be Wednesday, October 13, 2010.

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

Engineering Report

Non-Moritorium

Licensee: Qwest Corporation

Special Use Permits

2010-L-054 To construct, operate, and maintain an aerial service drop on the Leasburg Drain at approx. STA# 06+80

2010-L-055 Leasburg Drain - To construct, operate, and maintain an aerial service drop on the Leasburg Drain at approx. STA# 06+80.

2010-L-056 Leasburg Canal - To construct, operate, and maintain an aerial service drop on the Leasburg Canal at approx. STA# 302+54.

2010-L-057 Leasburg Canal - To construct, operate, and maintain an aerial service

drop on the Leasburg Canal at approx. STA# 302+54.

Total Assessments, \$0.00

Robert Faubion motioned and Tom Simpson seconded to approve the permits as presented. Motion carried.

Henry discussed a request by Ms. Rose Cardenas to excess property on the Santo Tomas Drain. Ms. Cardenas requested permission to proceed with covering her portion of the drain as was done for Mr. Fresquez. Robert Faubion motioned and Tom Simpson seconded to approve the request. Motion carried.

Excess
Property on the
Santo Tomas
Drain.

Beth Bardwell of the National Audubon Society came before the Board concerning a plan for expansion of District boundaries within Seldon Canyon. The process begins by petitioning the landowners who would be affected and publishing in the newspaper. Robert Faubion encouraged Ms. Bardwell to state more clearly what the goal was for the expansion and that it would be easier to get everyone on board to buy into the proposed plan.

Boundary
Expansion –
Seldon Drain

Lee Peters is working to be sure EBID will not lose water rights by developing a safe harbor agreement that would enable third party interests to become constituents of the District. Robert Faubion motioned to continue forward with the expansion of boundaries. Joe Nelson seconded. Motion carried. Willie Koenig opposed the motion.

Leo Barrett, Maintenance Project Director, updated the Board on the ongoing processes of the Maintenance Department. Leo reported that the Leasburg, Edwards and Rincon arroyos in recent rains ran and caused damage to EBID infrastructure. EBID worked along with the DAC Flood Commission and the IBWC and others to clean up damage caused by the arroyo flood waters.

Maintenance
Department
Update

Leo reported that there were three major structures to be constructed during this maintenance season. A hydro electric generator at the tail end of the Garfield main should be finished by November 1st. This is on Bill Porter's property and is being funded by grant money. The second is an old double bay structure to be replaced on the Brown check on the Armijo Lateral. And lastly, a single bay structure replacement on the Louisiana Lateral off of Apodaca Road.

Jill Schroeder and James Hill of the NMSU Entomology Department came before the Board to discuss the problem of Horsetail weed. Dr. Schroeder thanked the District for its help during a tour of EPA personnel who came to visit the area from Washington D.C. She said that the District helped to explain the challenges of water delivery and management in the arid southwest to people from the east where water is abundant.

Horsetail
Presentation

Dr. Phil King, EBID Water Quantity consultant discussed the end of the 2010 water season. He stated that there was no water left in the allocation from the BOR, in fact we had gone over budget in our 2010 allocation. We will be starting the 2011 season with a less than zero (0) allotment. He said that the district needs to wait and start after EP#1 next year to allow them to wet the river up with their water prior to beginning our releases. EP#1 will most likely start the 1st week of April, 2011.

Richard Bejarano, Water Master, gave the Operations Department report to date as follows: Farm Deliveries, 3572; Acres Irrigated, 67712; AF charged to farmers, 28692; Actual Total Diversion, 52497; Balance, 16172; 3 breaks and 0 runovers. Total breaks for year, 18, and total runovers, 6. 2010 delivery efficiency at 55% as compared to 59% in 2009.

Operations
Report

Valerie Beversdorf gave the report for the CR/GIS department. She started off by congratulating her department's employees, Dustin Leonard and John Gregg, for being selected as employee of the month for the months of July and August, 2010. She thanked Dustin and John for a job well done keeping the computer and GIS systems

CR-GIS Report

up and running.

Valerie gave an update on the Vision 2040 group. Valerie is Vice-Chairman of the Infrastructure, Utilities and Water Subcommittee and the mission of the group is to bring awareness to the public of the roll of agriculture in the area. She will work to make the group know that Agriculture is not just for scenic enjoyment, but rather that it's a business. The committee should finish the land use goals by the end of 2010.

Vision 2040
Update

Valerie updated the Board on the Stormwater coalition. The group has prepared a Memo of Understanding between EBID, Dona Ana Soil and Water Conservation District, Caballo Soil and Water Conservation District, Sierra Soil and Water Conservation District, Dona Ana County Flood Commission, Office of the Sierra County Flood Commission, County of Dona Ana, New Mexico State University, Village of Hatch, city of Sunland Park, Town of Mesilla, City of Anthony and the City of Las Cruces. The different agencies are taking the MOU to their boards and getting approval to sign the MOU. Once this is done, the group can then develop the final MOU and move forward to legislative developing a bill to formalize a regional authority. The MOU should be finalized by the October meeting.

Storm Water
Coalition

Gail Norvell, Controller, gave the financial report. The Financial Fact Sheet for the month of August, 2010, is as follows: Cash in the bank totaled \$215,314; assessments receivable totaled \$385,602; and investments totaled \$3,683,401 for a grand total of \$4,284,317. This amount reflects an increase in assets of \$953,628 over August, 2009. Extraordinary receipts in the amount of \$7,146 for Special Use Fees.

Controller Report
Financial Fact
Sheet

Gail reported that the Employee Advisory Committee will hold its next meeting in September. NMSU students are working with EAC members on the water trailer to add flooding aspects and more detailed irrigation modeling.

EAC Update

James Salopek discussed the NWRA conference to be held in November in San Diego, California. Ramon Alvarez motioned and Tom Simpson seconded to send James Salopek, Robert Faubion, Steve Hernandez and Gary Esslinger to the conference.

Manager's
Update

Steve Hernandez reported on legal matters. He informed the Board that Samantha Barncastle had passed the bar and was now a full fledged attorney. The board congratulated Samantha.

Legal Update

- LRR 303 – Hatch Easements – This matter is assigned to Samantha Barncastle. She is working to find the owners of the parcels in question. The matter remains open.
- LRR 354 – Pumping out of drains and canals – opinion letter was submitted by Steve Hernandez. The matter remains open.

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

Lunch Break

Ramon Alvarez 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.

The next meeting of the Board of Directors will be held on Wednesday, October 13, 2010.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary