

**MINUTES OF THE ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS SITTING AS A BOARD TO HEAR  
WATER RIGHTS SUSPENSION/RECLASSIFICATION PUBLIC HEARING  
2010-S&T-09 – September 8, 2010**

**I. Call to Order and Roll Call.** The meeting was called to order by Board President James Salopek on a motion by Willie Koenig, seconded by Ramon Alvarez. Motion carried. Bobby Sloan, Jerry Franzoy and Scott Adams were absent. Henry Magallanez, Engineer, and Anjeanette Carlson, Land Water Analyst, represented the Engineering Department for the presentation. Steve Hernandez was also present.

**II. Application and Publication.**

President Salopek announced the following:

- A. The applicants are identified in Exhibit A (Suspensions – Move from) and Exhibit B (Reclassification - move to).
- B. The applicants seek to move the water rights from lands as identified in Exhibits A and B as “Move from” land.
- C. The applicants were required to publish notice in any newspaper published within Dona Ana County of EBID taking action to consider a resolution allowing the transfer. The publications did the following:
  - 1. Listed the time and place of this meeting.
  - 2. Listed the action to be taken by this board.
  - 3. Listed a description of the move to and move from lands.
  - 4. Listed the reason for the requested transfer.

The Staff provided the Board with a copy of the Notice of Publication containing all of the required points in the publication. The last publication date was prior to this hearing

**III. Testimony.**

Mr. Salopek announced that the Board would proceed with the presentation by the Staff.

Anjeanette Carlson made the Staff presentation. She identified the tracts of land to the Board and said that the Engineering Department had visited the “move to” locations and analyzed the properties on their ability to receive surface water from EBID facilities. The suitability of the soil and other engineering criteria in the “move to” locations for irrigation had been analyzed and recommended approval of the applications for a total transfer of 76.45 acres.

Mr. Salopek announced that at this point in the hearing, the Board would take evidence and testimony from the applicants or their representatives, any person(s) present to protest the application, and finally from the EBID staff. There were no applicants present.

**IV. Resolution by the Board of Directors**

Mr. Salopek announced that the chair would entertain a motion to have a resolution to approve or disapprove the applications. Mr. Magallanez said that this was only the first step and that the constituents now had the opportunity to come in and pay back taxes on the reclassified lands. If this is not done, the transfer will continue as allowed by state law. The next step of the suspension was approved in the amount of 76.45 water righted acres as noted on Exhibit A and Exhibit B, which amount will change as taxes are made current.

Mr. Salopek asked that a Resolution be formalized as called for by Section 73-13-5 of the New Mexico Statutes Annotated, and that the Secretary of the Board certify and file with the State Engineer a true copy of the Resolution and action of the board. The Resolution will be presented at a future meeting.

Mr. Salopek also announced that if there be a protestant who disagreed with the action of the Board, he/she may appeal this decision directly to the district court as provided under Section 73-13-4 of the New Mexico Statutes.

**V. Adjournment.**

Motion to adjourn the Board sitting for water transfer hearing by Robert Faubion, seconded by Ramon Alvarez. Motion carried. Motion to open regular meeting by Willie Koenig, seconded by Tom Simpson. Motion carried.

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James Salopek, President

Willie Koenig, Secretary