

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
April 13, 2011**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, April 13, 2011. The meeting was called to order by President James Salopek on a motion by Robert Sloan, seconded by Ramon Alvarez. Motion carried. Member absent was Tom Simpson.

Roll Call

EBID personnel present were Henry Magallanez, Engineering Supervisor, Zachery Libbin, Junior Engineer; Gail Norvell, Controller; James Narvaez, Hydrology Director; Valerie Beversdorf, CR/GIS Director; Dustin Leonard, GIS specialist; Delyce Maciel, HR/Safety Director; Richard Bejarano, Watermaster; Leo Barrett, Maintenance Project Director; Chris Holguin, Ditchrider; Naomi Ontiveros, Executive Secretary.

Also present were Steve Hernandez and Samantha Barncastle, Law Office of Steven L. Hernandez; Dr. Phil King; Eric Fuchs, NMOSE.; James Powell, BOR-EB; Erik Ness Rosa Del Rio Media; Lupe L Garcia, Hispanic Farmers and Ranchers of America; Jerry Mayeux, Plant BioTech; Wayne Bryant, Miller Chemical and Fertilizer; Hilary Brinegar, NM Department of Aquaculture; Sherryl Smith and Jim Hangen, OSE; Fernando Ortiz, City of Las Cruces; Bert Cortez, BOR.

Robert Faubion motioned and Scott Adams seconded to accept the minutes of the March 9, 2011 meeting pending corrections made to the special use permits section. Motion carried.

Minutes Approval

The calendar was discussed. Gary Esslinger advises the board the Ditchrider briefings have been postponed until a further date.

Calendar of Events

Gary Esslinger read the 2011-08 Resolution of Condolence for Leticia P. Segovia; a member of the Dona Ana County Flood Control Commission. Willie Koenig motioned and Robert Faubion second to accept the resolution. Motion carried.

Resolution Of Condolence

Henry Magallanez introduced Zachary Libbin who presented the board with permits for the month of March.

Special Use Permits

**License List for Special-Use-Permits for April 13th, 2011 Board Meeting  
Non-Moratorium**

Licensee	Assessment	Fees Requested to be Waived
<b>2011-L-028 Pat McMullen</b>		
To construct, operate, and maintain a curb, gutter and pavement on Mayfield Lateral ROW from Sta# 20+56 thru 25+24	\$2,671.88	\$2,671.88
<b>2011-L-026 El Paso Electric</b>		
To construct, operate and maintain an overhead powerline on the Garfield Main Canal at approximate Sta# 281+00	\$3,416.67	
<b>2011-L-030 El Paso Electric</b>		
To construct, operate and maintain an overhead a new 3 phase powerline over the Anthony Drain at approximate Sta# 412+00 to serve irrigation well.	\$3,416.67	\$3,416.67
<b>2011-L-032 Nuñez/Torres/Smith</b>		
	\$3,416.67	

To operate and maintain a flume crossing on the Hatch Drain at Sta# 208+71

**2011-L-029 El Paso Electric**

To construct operate and maintain an overhead a new 3 phase powerline over the Picacho Lateral at approximate Sta# 375+00 to serve irrigation well.	\$3,166.67	\$3,166.67
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**2011-L-033 Qwest Corporation**

To construct and maintain a bored service line parallel and across the Anthony Drain at station number 89+00 thru 101+50	\$2,068.10	
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**2011-L-039 Gillis farms**

To maintain and operate an irrigation pipe crossing the Hatch Main Canal at Sta# 874+24	\$3,166.67	\$3,166.67
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**2011-T-011 Thomas Mobley**

Pump in/Take out on the Doña Ana Lateral at Station# 153+28	FEES WAIVED	FEES WAIVED
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Subtotal	\$21,573.33	\$12,671.89
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<b>Total Assessments</b>	<b>\$8,901.44</b>	
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Motion to approve all special permits and allow the Rio Grande Natural Gas Permit to be assigned to Zia Natural Gas after changes to the permit from Legal are made, by Robert Faubion second by Robert Sloan and motion carried. Motion to approve IBWC permit for parallel issues involving levee rehabilitation by Robert Faubion second by Scott Adams. Motion Carried.

Steve Hernandez advises the board that Lee Peters is still working on the Leasburg State Park Footbridges MOU but may have minor revisions, and asked the board for approval to have Gary Esslinger sign final MOU with minor changes to be made by Lee Peters. Motion to approve signature by Gary Esslinger by Robert Faubion second by Robert Sloan. Motion carried.

Leasburg State Park MOU

Henry Magallanez presented to the board the Ranch Road Exchange Resolution 2011-07. This resolution is needed by the State to confirm the February board minutes to exchange the property. Motion to approve by Jerry Franzoy second by Robert Faubion. Motioned carried.

Ranch Road Resolution 2011-07

Jerry Mayeux came before the board to speak about Plant Biotech products and present a power point presentation showing how products help productivity and fields.

Jerry Mayeux Plant BioTech

Leo Barrett gave the board the Maintenance update. There is one more concrete structure left to do for Hydrology and four check structures already built. Crews have been staying busy, reusing lumber and staying below budget. Leo express to the board how employees have been doing a good job this year and have stepped up by taking new challenges and cross training.

Maintenance Department Update

Dr. Phil King advised the board that this season's water in storage is 52,467 acft. He showed the board that 52,467 acft on 90,640 acres with 55 percent efficiency will equal to .32ft or 3.8 inches for an allotment. The seasonal outlook for allocation is one foot or less with what may be coming down to the reservoir from snow melt runoff. The 100,000 acft relinquishment requested by the Texas compact Commissioner from the OSE at the RGCC meeting held in March has been turned down,

Operations/ Hydrology Report

but there is still on going negotiations to find away to receive the relinquishment. Board members said it was not worth opening the season if we receive less than 100,000 acft. Board member Scott Adams raised the question that if we did not have an allotment this year how much EBID would have available to carryover to the 2012 season. Dr. King advised Scott Adams and the board that if no release is scheduled for this season there will no be evaporation loss and all of the 52,467 acft plus what ever runoff hits Elephant Butte will be carried over to the next season. Gary Esslinger asked the board that if the district was able to get a relinquishment of 100,000 acft would that amount of water be able to "salvage" this year's season and what would the board recommend for a start date. Gary explained to the board he would like time to start planning and letting the farmers know what to expect. Willie Koenig suggested that June 1<sup>st</sup> or end of May, being one of the hottest months, be the date to start the season Joe Nelson suggested July. Joe Nelson also expressed to the board the need to start thinking for next year as well. Scott Adam agreed and added that it may be time to change the way we think about allocating our water since there is no drought relief in site. Dr. Phil King suggested the board scheduled a special meeting for April 29, 2011 to re-discuss the irrigation season outlook as well as how we might further inquire about a 100,000 acft relinquishment.

James Narvaez presented the board with the Board Policy 1981-OP2 Establishing Tentative Beginning Date for Annual Irrigation Season to be amended. The old policy was established when the district had a full allotment and could predict the announcement of a full release at the beginning of each Irrigation season. Motion to amend Policy 1981-OP2 to address drought conditions by Robert Faubion second by Willie Koenig. Motion carried.

Richard Bejarano gave the operations department update. Texas's water was released on March 10, 2011 and started with 500 acft, of that 100 acft was for Mexico, one week later they released 1200 cfs. Texas has had 2 delivers for small track irrigators. Mr. Bejarano advises the board of four instances where they had to chain and lock turnouts on the NM side due to people trying to "borrow" water.

Valerie Beversdorf advised the board that Dustin Leonard, GIS Specialist, has finished working with the ditchriders and Assistant Watermasters on gathering information on the turnout locations. Valerie will present with Dustin Leonard his findings at the June Board meeting.

Vision 2040 comprehensive plan group met for the last time on March 31, 2011. The plan has been reviewed and they anticipate that it will to be sent out to the public for input in May.

The Storm Water Coalition met on March 17, 2011. The coalition is still trying to come together and agree on how to proceed and develop a more formal coalition. Valerie added that one of the suggestions made by Gary Esslinger was that this group should be organized similar to Lower Rio Grande Water Users Organization (LRGWUO). The next scheduled meeting will be held on April 21, 2011.

Delyce Maciel gave the Human Resources and Safety update. Hiring at this time has been on hold until the season start date has been determined. Delyce advised the board that last year EBID had a total of 105 employees and currently we have 97 employees; the District has a decrease in personnel and is utilizing all employees by cross training to cover areas needed. She also indicated a considerable reduction in overtime for everyone.

The EAC met at the end of March. The EBID water demonstration trailer work is still continuing to come along. NMSU is funding the trailer and a meeting will be scheduled to go to NMSU to work on the water trailer design. Delyce advises the board that the safety fiscal year ends May 31<sup>st</sup>; there is one more safety training course scheduled, employees are on track for safety hours.

Gail Norvell presented to the board a Professional Service Media Contract for Erik Ness. Gary Esslinger adds that Erik will be writing articles getting with the news media to get information out to our constituents and the public to keep them better informed. Motion to approve contract with Erik Ness by Robert Faubion second by Willie Koenig. Motioned carried.

CR/GIS  
Report

Vision 2040

Storm  
Water  
Coalition

HR/ Safety  
Report

Professional  
Writing/Media  
Services Contract

Gail Norvell presented to the Board the financial reports for the Month of March 2011. Cash in the bank is \$526,096, assessments receivable is \$1,703,379 and investments \$5,938,712 for a total increase of \$827,640 over March 2010. Grant projects are on going. The Water Trust Board Grant for Diez Lagos Regulating Reservoir is not final yet.

Controller  
Report  
Financial  
Fact Sheet

Gary Esslinger gave an update on the NWRA Washington, DC trip that he, Steve Hernandez and James Salopek attended. It was a productive meeting and they were able to meet with all the congressional delegation and congressman Ben Lujan. The NCLS issues and low head hydro were discussed. They also briefed the congressmen on the NM drought issues, allotment concerns, and the on-going issues regarding the Operating Agreement and Stream Adjudication proceedings.

Managers  
Update

Steve Hernandez reported on legal matters.

Legal  
Update

- LRR 302 – City of El Paso/Montoya Drain. Open- SAH
- LRR 303 – Hatch Easements. Open -SRB
- LRR 323 - Policies, Relinquish of Easement and Excess of Real Property. Open-SLH
- LRR 342- Protest to DAC and Verde Reality Water Rights Apps, Reopen-LEP
- LRR 345 – Lack/EBID Land Exchange and Flow Easement. Open-LEP
- LRR 351 - Request to realign ROW boundaries, Stahmann. Open-SAH
- LRR 359 – LRG MD Surface Water Treatment Facility Proposed Plan. Open-BJS
- LRR 365 - Assessment Roll Reconciliation. Open-SRB
- LRR 366 – Rincon Arroyo Weather Station MOA. Closed-SAB
- LRR 367 – Sierra County Communication Tower on Caballo Mountain MOA. Open-LEP

LRR  
Report

Jerry Franzoy motioned and Robert Faubion seconded to break for lunch. Motion carried. Following lunch, Jerry Franzoy motioned and Robert Faubion seconded to reconvene the meeting. Motion carried.

Lunch  
Break

Scott Adams motioned and Robert Sloan 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.)
- CLC Well Applications-LRG 430-S-36

Following closed session, Scott Adams motioned and Ramon Alvarez seconded to return to open session. No topics other than those set forth above were discussed at the closed session.

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

Adjourn

The next meeting of the Board of Directors will be held on Wednesday, May 11, 2011.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary