

**MINUTES OF THE ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS SITTING AS A BOARD TO HEAR
WATER RIGHTS SUSPENSION/RECLASSIFICATION PUBLIC HEARING
2011-S&T-02 – February 9, 2011**

I. Call to Order and Roll Call. The meeting was called to order by Board President James Salopek on a motion by Scott Adams, seconded Jerry Franzoy. Motion carried. Absent were Tom Simpson and Ramon Alvarez. Henry Magallanez, Engineer, Linda Armijo, Land Specialist, AJ 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.

AJ 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. City of Las Cruces leased accounts to City of Las Cruces at Santa Tomas for a total transfer of 25.21 water righted acres. Gary D. & Lola Cunningham Family Trust to Gary & Lola Cunningham Trustee for a total transfer of 1.23 water righted 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. Scott Adams motioned that the transfer be approved as presented. Jerry Franzoy seconded the motion. Motion carried.

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. (See Resolution attached.)

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 Scott Adams. Motion carried. Motion to open regular meeting by Jerry Franzoy, seconded by Scott Adams. Motion carried.

James Salopek, President

Willie Koenig, Secretary