

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
January 9, 2012**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Monday, January 9, 2012. The meeting was called to order by President James Salopek on a motion by Scott Adams, seconded by Ramon Alvarez. Motion carried. Member absent was Willie Koenig.

Roll Call

EBID personnel present were Henry Magallanez, Engineering Supervisor, Zachery Libbin, Junior Engineer; Gail Norvell, Controller; Valerie Beversdorf, CR/GIS Director; James Narvaez, Hydrology Director; Delyce Maciel, HR/Safety Director; Leo Barrett, Maintenance Director; Erech Fuchs, Groundwater Resource Manager; Naomi Ontiveros Executive Secretary.

Also present were Samantha Barncastle and Steve Hernandez, Law Office of Steven L. Hernandez; Lee Peters; Peters Law Firm; Dr. Phil King, Hydrology Consultant; Bill Kopp, EBID Constituent.

Canvas of votes was completed for the January 5, 2012 election. Gail Norvell presented the Tally Sheet containing the results of the election to the board. Scott Adams motioned and Jerry Franzoy second to accept the Tally Sheet as the official election results. Motion carried. The Tally sheet is attached to these minutes.

Tally Sheet of Election Results

Jerry Franzoy, Robert Faubion, James Salopek and Joe Nelson read the Oath of Office and were sworn in for a 4-year term ending December 31, 2015. Willie Koenig was absent and will be sworn in at the February meeting.

Oath of Office

Robert Faubion motioned and Scott Adams seconded that the officers from the previous year be nominated to serve again in the same positions and that the nominations close and the officers be unanimously elected. Motion carried. Officers are as follows:

Appointment Of Officers

James Salopek, President/Chairman
Robert Faubion, Vice President/Vice Chairman
Willie Koenig, Secretary
Gary Esslinger, Treasurer-Manager

Scott Adams motioned and Jerry Franzoy second to adopt the committee assignments as presented. Motion carried. Committee assignments are as follows:

Committee Assignments

P	NAME	WRC	Exec	Bud	Dmg	Pers	Comp	Eqp	Ret	LID/ Arroyo
1	Franzoy				X		*	X		
2	Adams				X		*			X
3	Faubion	X	X	X		X	*		X	X
4	Simpson		X	X		X	*			
5	Koenig	X	X	X		X	*		X	X
6	Sloan	Alt					*	X	Alt	
7	Salopek	X	X	X		X	*		X	
8	Alvarez				X		*	X		X
9	Nelson	X	Alt	Alt	X	Alt	*	X	X	
	Staff	Mgr	Mgr	Co	WM	HR	Mgr	Mnt	Co	Mnt

Robert Sloan moved and Robert Faubion seconded to accept the minutes with corrections made of the December 12, 2011 meeting. Motion carried.

Minutes Approval

The calendar was discussed. Gary advised the Board he will be attending the allocation meeting in El Paso with Dr. King and James Narvaez on January 10th. He will also be attending a Safety Workshop in Albuquerque on January 19th. The February Board meeting will be on its regular

Calendar of Events

scheduled second Wednesday of the month, February 8th. Gary adds Steve Hernandez, James Salopek and himself will be attending the Annual Family Farm Alliance Conference in Las Vegas, February 23rd - 24th. The BOR will make a presentation at the conference on the proposed changes to the regulations on Project Water from agricultural to municipal use.

Gary Esslinger asked for a moment of silence for the passing of Danny Duran. Resolution of Condolence 2012-01 was read and approved on a motion by Jerry Franzoy second by Scott Adams. Motion carried. A copy of the resolution will be presented to the family and engineering department.

Resolution
Of Condolence

Non-Moratorium

License List for Special-Use-Permits for January 10, 2012 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2011-L-119 El Paso Electric Co		
To construct, operate and maintain an overhead utility crossing the Dona Ana Drain at Sta# 314+96	\$3,416.67	
2011-L-120 Compass Bank		
To operate and maintain an existing irrigation ditch along the West Drain from Approx. Sta # 539+00 thru 532+00	\$3,665.91	Requested Waived \$3,665.91 Farm Use
Subtotal	\$7,082.58	\$3,665.91
Total Assessments		\$3,416.67

Special Use
Permits

Approved Permits-Fees Requested Waived

Special-Use-Permits Approved December 12, 2011 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2011-L-108 El Paso Electric Co		
To construct, operate and maintain an overhead utility crossing La Union East Lateral at Sta# 322+85	\$2,916.67	Requested Waived \$2,916.67 Farm Well
2011-L-109 El Paso Electric Co		
To construct, operate and maintain an overhead utility crossing Lower Chamberino Lateral at Sta# 159+50	\$3,166.67	Requested Waived \$3,166.67 Farm Well
2011-L-110 El Paso Electric Co		
To construct, operate and maintain an overhead utility crossing Lower Chamberino Lateral at Sta# 134+95	\$3,166.67	Requested Waived \$3,166.67 Farm Well

Subtotal	\$9,250.01	\$9,250.01
Total Assessments		\$0.00
<p>Zachary Libbin presented to the Board the Special Use Permits for the month of January as well as a correct list of permits that were presented at the December board meeting that did not include waiver of fees for El Paso Electric. Robert Faubion moved and Scott Adams seconded the motion to deny waiver of fees for Compass bank. Motion carried. Scott Adams moved and Ramon Alvarez second to accept the remaining four Special Use Permits and corrections for December 2011. Motion carried.</p>		
<p>Henry Magallanez presented to the Board three requests for land outside the districts boundary to be included in the District Boundary Expansion. Mr. Bill Kopp is requesting 7.9 acres in the Mesilla Valley area, Chris and Amanda Franzoy requesting 37 acres and Shayne Franzoy requesting 223.08 acres in the Hatch Valley area to be added to the district boundary. Jerry Franzoy motioned and Ramon Alvarez seconded to approve the process to begin the boundary expansion for these three land owners. Motion carried.</p>		Boundary Expansions
<p>Henry presented to the Board Resolution 2012-02 "Authorizing Grant Agreement with US Department of Interior BOR Resolution." Robert Faubion motioned and Jerry Franzoy second to adopted Resolution 2012-02 that will allow the District to continue the grand application. Motion carried.</p>		Resolution 2012-02
<p>Henry also presented Resolution 2012-03 "Portion of Porter Lateral Exchange" which memorialized previous action taken by the Board to exchange ROW with Paul Viscovo. Robert Faubion motioned and Scott Adams second to approve Resolution 2012-03. Motion carried.</p>		Resolution 2012-03
<p>Leo Barrett gave the Maintenance update. The Leasburg Main 1st Check structure was completed by the winter shutdown; as well as the Las Cruces High School pipeline. There are a few other pipelines that are awaiting work to begin and final design. Cleaning culverts and general maintenance is still continuing thru out the district. Leo adds that with the increase in moisture he will keep an eye on the mustard weed and may begin the weed control herbicide application soon.</p>		Maintenance Department Update
<p>Leo Barrett and Valerie Beversdorf requested the Board of Directors to repeal Policy 1984-MNT3. At December's board meeting Policy 1984-MNT4 was amended which was a combination of both 1984-MNT3 and 1984-MNT4 so therefore 1984-MNT3 is no longer needed in the Policy manual. Robert Faubion moved and Scott Adams second to repeal Policy 1984-MNT3. Motion carried.</p>		Policy Removal
<p>Dr. Phil King gave the update on the water allocation and conditions and continued to remind the Board that it looks to be another rough season. An allocation meeting is scheduled for Tuesday, January 10th which Erik Fuchs, James Narvaez and Gary Esslinger will also be attending.</p>		Operations/ Hydrology Report
<p>Erik Fuchs gave the Groundwater report. Erik advised the Board he is currently reviewing groundwater level data for the last year in the Rincon and South collective systems and hopes recent moisture is resonating. Erik adds he hopes to have a preliminary report completed by the February board meeting. Another project he is working on is reviewing the Pump Policy for potential additions and begin developing a permit request for 9600 ac/ft groundwater right of the District to the NMOSE.</p>		Groundwater Resource Report
<p>Valerie Beversdorf gave the CR/GIS update. Valerie advised the Board a new employee, Leslie Kryder will be hired for her department and is scheduled to begin in February. Leslie will take on GIS as well as other computer resource projects and will take on Middle Manager responsibilities in her department.</p>		CR/GIS Report
<p>Valerie discussed the Storm Water Coalition. The Storm Water Coalition will meet January 19th. The Joint Powers Agreement has been signed by all nine participants. The Coalition is already working on putting together a Stormwater Plan. As soon as the JPA is approved by the DFA; the Coalition will elect officers and begin to work on stormwater issues and projects.</p>		Storm Water Coalition

Valerie also discussed Vision 2040. Currently planners are still working on incorporating changes from the public comment period that will again go before the CLC Council and DAC Commissioners in February.

Vision 2040

Delyce Maciel gave the HR/Safety update. The current employee count is 85 with no pending retirements. EAC is scheduled to meet January 23rd at 8am to work on the irrigation trailer. There are currently no safety issues and safety training is continuing. Delyce advised the Board the water trailer will be featured on March 15th at the Water Fest where there will be a 3-5 minute presentation to 3rd and 4th graders. Gary requested that the water trailer be complete by the February board meeting in order for the Board to see the final product.

HR/ Safety Report

Gail Norvell presented to the Board the financial reports for the Month of December 2011. Cash in the bank is \$1,591,758, assessments receivable is \$4,415,129 and investments \$4,796,991 for a total increase of \$910,021 over December 2010. Grant projects are on going.

Controller Report
Financial Fact Sheet

Gary Esslinger advised the Board he received the letter from the BOR to the US Dept of Interior Fish and Wildlife regarding critical habitat designation for the southwestern willow flycatcher between Caballo and the Leasburg Dam. It was pointed out that there has already been extensive work that has been done by EBID and NM Audubon to develop restoration sites along this designated reach. This latest USF&WL critical habitat designation may interfere with this effort and trump all the good work that has been accomplished. The response of the letter was neither negative nor positive, but Gary adds that he will continue to keep the pressure on. USF&WL service to not designate the river reach from Caballo to Leasburg as critical habitat for the Southwest willow Flycatcher.

Managers Update

Gary presented to the Board an invitation to participate at AGFEST 2012 in Santa Fe on January 24th. The cost being three hundred fifty dollars for a booth. Joe Nelson moved and Scott Adams second to not participate in the AGFEST at this time. Motion carried.

Gary informed the Board that eight irrigation districts have committed to the Low Head Hydro Committee and have paid the funds needed to proceed. There are commitments from others; at least 15 irrigation need to contribute, if not, then all funds will be refunded back to the districts that have paid.

Steve Hernandez and Samantha Barncastle 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-SRB
- LRR 345 – Lack/EBID Land Exchange and Flow Easement. Open-LEP
- LRR 351 - Request to realign ROW boundaries, Stahmann. Open-SAH
- LRR 367 – Sierra County Communication Tower on Caballo Mountain MOA. Open-LEP
- LRR 384- LRR Reclassification Amendment of Current Policy-Open- SRB
- LRR 386- Lien Form and Process for Delinquent Farm Accounts- Open- SRB
- LRR 387- Drain Right of Way Use-Open-SRB

LRR Report

Robert Sloan moved and Ramon Alvarez seconded to break for lunch. Motion carried. Following lunch, Scott Adams moved and Jerry Franzoy seconded to reconvene the meeting. Motion carried

Open/
Closed Session

Scott Adams moved and Robert Faubion 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:

State ex. rel. D'Antonio vs. EBID CV 96-888 (Stream Adj.)

- SSI 101-CIR/FDR
- SSI 103-Domestic Wells
- SSI 104-US Project Water Right

- SSI 105-Expedited Inter Se-Boyd Claims
- Threatened Litigation Regarding Operating Agreement

LRR 342/ Matter 150-2nd EBID Protest to Verde Realty Operating Partnership Application
LRR 358/ Matter 151-EBID Protest to City of Las Cruces Well Application- LRG 430-S-36
and LRG 5818

Matter 155- EBID Protests to County of Dona Ana Applications LRG 3150 B and LRG 9356
AWRM Appeal to Supreme Court

Diez Lagos Properties

LRG-3150-D into LRG-12171-S-2 and LRG-3229 Protest to Application of Sunland Park and
Charles Johns

There being no further business, Scott Adams moved and Robert Sloan seconded to adjourn the
meeting. Motion carried.

Adjourn

The next meeting of the Board of Directors will be held on Wednesday February 8, 2012.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary