

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
April 11, 2012**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, April 11, 2012. The meeting was called to order by President James Salopek on a motion by Jerry Franzoy, seconded by Robert Sloan. Motion carried. Member absent as Ramon Alvarez.

Roll Call

EBID personnel present were Zachary Libbin, Junior Engineer; Chuy Morales, Engineer Tech; Gail Norvell, Controller; Valerie Beversdorf, CR/GIS Director; Leslie Kryder, GIS Specialist; James Narvaez, Hydrology Director; Leo Barrett, Maintenance Director; Erek Fuchs, Groundwater Resource Manager; Ross Erwin, Fabrication Foreman; Naomi Ontiveros Executive Secretary.

Also present were Samantha Barncastle, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Vickie Martinez, EBID Constituent; Mariano Martinez and Kurt Anderson, DA Mutual; Hilary Bringer, NM Dept. Ag.; Crystal Enoch, Zia Gas; Fernando Ortiz, CLC.

Jerry Franzoy moved and Robert Sloan seconded to accept the March board minutes. Motion carried.

Minutes Approval

Willie Koenig moved and Scott Adams seconded to accept the March water transfer minutes. Motion carried.

The calendar was discussed. Gary advised the Board on April 10th was the Las Cruces Growers meeting. It was a good turn out with around 85 guests who attended. The next growers meeting are scheduled for April 12th in Hatch and April 19th in Anthony.

Calendar of Events

Non-Moratorium

License List for Special-Use-Permits for April 11, 2012 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2012-L-013 Toni Enriquez		Requested Waived
To construct, operate and maintain a wellpipe crossing on the La Union East Lateral at Sta# 63+08	\$1,666.67	\$1,666.67 Farm Use
2012-L-014 El Paso Electric Co		Requested Waived
To construct, operate and maintain an overhead utility crossing the Little La Union Lateral at Sta# 182+32	\$2,916.67	\$2,916.67 Farm Use
2012-L-015 El Paso Electric Co		Requested Waived
To construct, operate and maintain an overhead utility crossing the La Union East Lateral at Approx. Sta# 326+00	\$2,916.67	\$2,916.67 Farm Use
2012-L-016 John Clayshulte JR.		Requested Waived
To replace, operate and maintain a culvert crossing the West Drain at Sta# 743+00	\$1,766.67	\$1,766.67 Farm Use

Special Use Permits

2012-L-017 Sally Clayshulte		Requested Waived
To construct, operate, and maintain harvest gate and replace a culvert crossing the Picacho Drain at approx. Sta# 121+00 and Sta# 130+00	\$3,333.33	\$3,333.33 Farm Use
2012-L-018 Zia Natural Gas Co		
To construct, operate and maintain a buried utility crossing the Mc Crummen Lateral at Sta# 2+00	Blanket Agreement	
2012-L-019 Zia Natural Gas Co		
To construct, operate and maintain a buried utility crossing the West Drain at Sta# 741+00	Blanket Agreement	
2012-L-020 Robert Sondgeroth		Requested Waived
To construct, operate, and maintain a well pipe and a culvert crossing the Central Drain at Sta# 87+00 and crossing the Baker Lateral at Sta# 37+00	\$3,333.33	\$3,333.33 Farm Use
2012-L-021 Zia Natural Gas Co		
To construct, operate and maintain a buried utility crossing the San Miguel Lateral at Sta# 1+00	Blanket Agreement	
2012-L-022 Willie Hernandez		Requested Waived
To construct, operate, and maintain a well pipe crossing the Anthony Lateral at approx. Sta# 170+80 and two harvest gates on the East Drain at Sta# 348+00 and Sta# 120+50	\$4,800.00	\$4,800.00 Farm Use
	\$20,733.34	\$20,733.34
Total Assessments		\$0.00

Zachary Libbin and Chuy Morales presented to the Board the Special Use Permits for the month of April. Robert Faubion and Scott Adams second to approve all special use permits presented. Motion carried.

Zachary Libbin recommended to the Board amending the Blanket Agreement with Zia Natural Gas including the safety needs requested at the March board meeting. Gary Esslinger also recommends amending the blanket agreement stating it is not the Right of Use Permit Policy that needs to be revised. Legal is reviewing the agreement and then Zia Natural Gas will review with staff.

Zachary updated the board on DA Mutual. The blanket agreement between DA Mutual and EBID has been reviewed but not yet finalized. It will be tabled until the workshop, date undetermined at this time.

Zachary presented to the Board a map of the Diez Lagos area

Leo Barrett gave the Maintenance update. The Del Rio Drain pipe will be going in for the Salopek Farms. Canal and culvert cleaning throughout the CLC and outer limits of the city is continuing. Leo expresses how proud he is of two watermasters Ray Barela and Casey McGuire and all the men for doing an amazing job on the Selden Lateral project. He also advised the Board, Ross Erwin has been promoted to Fabrication Foreman and is proud of all the work Ross has done for the district not only with his great welding skills but with his ability to save the district on cost with being able to do most of the fabrication work in-house.

Maintenance
Department
Update

Dr. Phil King gave the update on the water allocation and outlook for March. The snowpack in the headwaters of the Rio Grande continues to be about 80 % of average for this time of year. The current NRCS forecast for unregulated runoff from March through July at San Marcial is 70 percent of normal, the same as last month, but expect a drop in the April forecast. The current allotment to EBID constituents at this time would be a seven to eight acre-inches per acre. Dr. King adds Mexico has requested a 2 cms (71 cfs) for delivery by March 20th and if this should occur it would drive the diversion ration down for the District hurting EBID's allocation. Once again the drought continues and it will be a short allocation season.

Operations/
Hydrology
Report

James Narvaez Hydrology Director, proposed a plan for a more efficient delivery of Constituents water this year. The plan consists of five primary objectives. 1. Maximize Demand 2. Maximize Delivery 3. Maximize limited staff 4. Improve District Efficiency 5. Maximize District Allotment. This procedure will try to condense unit operations so that field personnel are put in position to assist with high demand and delivery and adapt to situations as the irrigation season progresses. Units will run on a demand rotational basis keeping the water pressure high and not allowing the order to be spread out. For example, the Arrey canal will be split by units in a four day irrigation rotation. Unit 1A will water for three to four days once orders are delivered in that unit water will be transferred to Unit B where they will deliver for the next three to four days. The water will then be transferred to the Unit 1A to begin the process over again. The program will be district wide and all main diversions will contain water with the rotation based on each individual main requirement. Projections are that efficiency will be improved by 20% the impact of that is nearly 2 inches of water saved that can be added to the district Constituents.

Erek Fuchs gave the Groundwater report. Erek advised the Board that he attended the Copper Flat Mine scoping meeting in February in T or C as part of a formal EIS process that the BLM is required to carry out due to the public lands involved. The meeting was very well attended by local residents with overwhelming support for the mine reopening as soon as possible. Erek presented to the Board a scoping comment form that he submitted to the BLM reflecting the concerns of EBID about the mine.

Groundwater
Resource
Report

Erek also advised the Board that he has had several constituents call and visit with him regarding the OSE prove-up notice following the settlement of Stream System Issue 101 in the adjudication. He expressed how careful the District and he are handling questions in this matter so as to not give any particular legal advice that may not be appropriate since this is still on ongoing legal matter.

Valerie Beversdorf gave the CR/GIS update. Valerie reported that our Internet service has been up and down since Thursday of last week and she has been in constant contact with the District's Internet service provider, Century Link to make sure it continues to get worked on and resolved.

CR/GIS
Report

Valerie asked Gary to report to the Board regarding the Stormwater Coalition since she was out of town when the Coalition met on March 8th. Gary reported that the Coalition election of officers was finalized with Gary being elected as Treasurer. Gary stated that the Coalition plans to develop by-laws and a plan to start addressing storm water issues.

Storm Water
Coalition

Valerie also discussed Vision 2040. Vision 2040 was adopted by the City of Las Cruces on February 21 and by Dona Ana County on February 28th. Valerie adds she will bring in a copy of the final document for the Board to review at the next board meeting.

Vision 2040

Gary Esslinger gave the HR/Safety update. The current employee count is 84; one tentative retirement this month. We will be hiring back ditchriders to help this season, two fulltime and two

HR/ Safety
Report

part-time. EAC is scheduled to meet April 24th at 8 am. The Water festival was a success. The Hydrology department did a great job presenting the kids throughout the morning. The trailer was very impressive both to the kids and the adults there. The district is already getting request for the trailer to be shown at different events. Gary advised the Board Delyce did apply and sent in the application. Four staff members will be attending a pesticide workshop to help better understand the guidelines.

Gail Norvell presented to the Board the financial reports for the Month of February 2012. Cash in the bank is \$823,272, assessments receivable is \$1,531,313 and investments \$7,299,727 for a total increase of \$827,100 over February 2012. Grant projects are on going and in process.

Controller
Report
Financial
Fact Sheet

Gail presented to the Board a consulting contract for Henry to work under since many jobs and task involve his expertise. Ramon Alvarez motioned and Robert Faubion second to approve the consulting contract for Henry. Motion carried. Henry was presented a plaque and a watch for his 27 years of service and dedication the district.

IT Contract

Gary Esslinger advised the Board that Robert Faubion will be attending the Law of the Rio Grande in Santa Fe. Willie Koenig motioned and Scott Adams second to approve sending Robert Faubion to Santa Fe. Motion carried.

Managers
Update

Gary discussed with the Board a few concerns and issues the District has had with the State Parks. When the State Parks requested to put foot bridges we advised them they would need to keep them locked so it would not be a public access until the MOU has been approved. Now they have gone in and put a parking lot without the permission and have trespassed on our right away. Gary advised he did send out a notice letting them know this was illegal and they had until the end of the month to remove the parking lot and finalize the MOU.

Bobby Kuykendall was sworn into office to fill the unexpired term of Joe Nelson by President James Salopek. He was welcomed and Joe Nelson was thanked for his years of service on the EBID Board of Directors and was presented with a plaque for his serve and dedication.

Swearing in
of Bobby
Kuykendall

Steve Hernandez and Samantha Barncastle reported on legal matters.

- LRR 302 – City of El Paso/Montoya Drain. Open- SAH
- LRR 303 – Hatch Easements. 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 390- Determine ownership of Rhodes Arroyo Dam and Leasburg Dam-Closed- LEP
- LRR 391- 2012-2014 Draft Integrated CWA 303d/305b-SLH-Closed
- LRR 392- Rio Grande Water Transfer Program-Open-LEP
- LRR 393-Diez Lagos Public Comments- LEP- Closed
- CID Update-SLH/SRB

Legal
Update

LRR
Report

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

Open/
Closed
Session

Jerry Franzoy moved and Scott Adams 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

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
State of NM vs. US/EBID/EP#1. MP/ 11-CV-691/WDS

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

Adjourn

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

The next meeting of the Board of Directors will be held on Wednesday April 11, 2012.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary