

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

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, May 9, 2012. The meeting was called to order by President James Salopek on a motion by Ramon Alvarez, seconded by Tom Simpson. Motion carried. All Members present.

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; Jean Hinsley, Resource Engineering Specialist; AJ Carlson, Land Water Analyst; Chuy Morales, Eng Field Tech; Roman Ramos, Sammy Gonzales, Ray Barela, Armando Jacquez, Assistant Watermasters; Naomi Ontiveros Executive Secretary.

Also present were Steven Hernandez and Samantha Barncastle, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Henry Magallanez, Engineering Consultant; Mariano Martinez and Kurt Anderson, DAMDWCA; Fernando Ortiz, CLC; Hector Vasquez, Vencor; Martin Lopez LRGPWWA.

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 there is a Water Conference Planning meeting scheduled for May 11th at 10am. There will also be two Water Trailer presentations one on June 5th and the other on June 19th at NMSU. The next scheduled Board meeting will be on June 13th.

Calendar of Events

Non-Moratorium

License List for Special-Use-Permits for May 8, 2012 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2012-L-023 Achen		Requested Waived
To cover and operate a portion of the Angostura Drain from Sta# 116+62 through 106+62	\$2,252.58	\$2,252.58 Farm Use
2012-L-024 Grijalva		Requested Waived
To construct, operate and maintain a harvest gates on the Little La Union Lateral, West Drain, and Central Drain	\$2,233.33	\$2,233.33 Farm Use
2012-L-025 El Paso Electric Co		
To construct, operate and maintain an overhead utility crossing the Locke Lateral at Sta# 144+82 and Anthony Drain at approx. Sta# 385+00	\$3,583.33	
2012-L-026 El Paso Electric Co		Requested Waived
To construct, operate and maintain an overhead utility crossing the West Drain at approx. Sta# 520+00	\$3,416.67	\$3,416.67

Special Use Permits

		Farm Use
2012-L-027 El Paso Electric Co		Requested Waived
To construct, operate and maintain an overhead utility crossing the Newsome Lateral at Sta# 11+15 and Wasteway 18 at approx. Sta# 26+50	\$3,583.33	\$3,583.33
		Farm Use
2012-L-028 LRG Public Water Works Authority		Requested Deferred
To construct, operate, and maintain buried water utility crossings of the Kilgore Lateral, Three Saints Lateral, Bannock Lateral, Mesquite Drain, Lake Lateral, Del Rio Drain, Eastside Canal, Three Saints West Lateral	\$26,083.33	
2012-L-030 Dona Ana Mutual Water Works Authority		
To construct, operate, and maintain various existing buried water utility crossings	\$88,666.67	
	\$127,566.66	\$11,485.91
Total Assessments		\$116,080.75

Zachary Libbin presented to the Board the Special Use Permits for the month of May. Zachary explained that 2012-L-030 Dona Ana Mutual is a 25 year permit fee for about 30 previously unpermitted crossings. Lower Rio Grande PWWA requested a deferment on payment for permit 2012-L-028 until funding is received but no longer than 6 months. Scott Adams and Bobby Kuykendall second to approve all special use permits presented. Motion carried.

Zachary Libbin presented Policy 2003-Eng12 for amendment. Jerry Franzoy motioned and Scott Adams second to amend policy 2003-Eng12. It was noted their will no longer be applications and names put on the reclassification list. Jean Hinsley presented and explained a summary of the reclassification list and presented and explained a simplification of the reclass list of those applications neither stacked nor smaller than 1 acre. Engineering staff was directed to further investigate the reclassification applications and report back so the Board can decide how the existing list and applications should be dealt with.

Policy
2003-Eng12

Leo Barrett gave the Maintenance update. Leo presented to the Board various pictures displaying farmer's backhoes getting close to turnouts and check structures possibly damaging them. He recommended that letters be sent to these farmers who have trespassed without permission. The Leasburg Main above the Ft. Selden road has been dug out and reconsturcted. The Hatch area has been cleaned up and water is flowing into the canals. Leo thanked the assistant watermasters for all their hard work during the winter season not only on the big projects but the "small" projects as well. Leo adds after the storm in Hatch Sammy Gonzales, assistant Watermaster, was on top of things and his dtichriders did an amazing job controlling the water and divert all stormwater into the drains or use it to irrigate.

Maintenance
Department
Update

James Narvaez gave the update on the water allocation and outlook for May. San Marcial runoff is at 25 percent of normal and is expected to continue to drop. The May – July forecast is 3 percent of normal and the Ottawi gauge is also below normal at 1100 cfs and has already peaked. The U.S. Seasonal Drought outlook looks to have some improvement. James adds El Nino is continuing to grow strong and La Nina is getting weaker. The current allocation for EBID is 121, 301 acft and the allotment will remain at 6 inches until further discussion and final numbers are determined. James advises the Board there are currently not enough orders to start the irrigation season on the 15th of May in the Mesilla Valley and recommends pushing the date back until late May or early June. EP

Operations/
Hydrology
Report

#1 is waiting to see what the EBID will be doing and will determine a restart date based on our start date. Sammy Gonzales presented to the Board the progress of the rotation cycle in the Hatch area. Before the storm shut down they were beginning the fifth rotation cycle. He was proud to announce to the Board that no water was lost during the storm and constituents are happy out in the fields with the way things are running.

Leslie Kryder presented to the Board new mapping program she has been working on to help Hydrology with water orders and tracking where the water was in the system. Each unit will be color coded; actual watering is green and pending orders are orange. It will show orders by canal heading and the different turnouts along the canal. There are still a few things to be worked out such as locating turnouts and data issues that will need field verification. In time the idea is for farmers to place orders by field ID and turnouts.

Erek Fuchs gave the Groundwater Resource report. Erek advised the Board that he has been coordinating with Zachary Libbin regarding potential groundwater rights associated with the Diez Lagos property owned by the District. Erek has also been involved in technical support concerning with the OSE protested by the District and is working closely with Lee Peters; a conference is scheduled for May 14th. Erek also advised the Board that prove-up proceedings for SS 101 under the OSE and related settlement issues remains a concern of many constituents. He continues to provide very limited guidance on behalf of the District and cautions that it is still an ongoing legal matter.

Groundwater
Resource
Report

Gary Esslinger reported to the Board regarding the Stormwater Coalition. A lot of media coverage has been around making the Organ Mountains a National Monument. Senator Bingaman drafted the legislation to cover the mountains and wilderness to the west which covers over 600,000 acres. Congressman Pierce went to legislation on the House side to recognize the mountains and limit the size of other wilderness areas. The District is concerned that the local watersheds would be impacted by wilderness restrictions.

Storm Water
Coalition

Gary Esslinger gave the HR/Safety update. The current employee count is 86. Three new (temporary) employees have been hired for the irrigation season and two additional employees will be hired. EAC is scheduled to meet July 24th at 8 am. Hydrology and the EAC presented the Water Wagon at an event at Mesilla Park Elementary School on Friday May 4th; approximately 200 3rd and 4th graders were present. Gary advised the Board that Delyce has received the notice of Intent for EPA Pesticide General Permit and it has been accepted. Gary also adds 95 percent of employees have completed safety training hours for this year. Safety training hours for the year are to be completed by May 31st; there will be 2 more safety classes to be held before the deadline.

HR/ Safety
Report

Gail Norvell presented to the Board the financial reports for the Month of April 2012. Cash in the bank is \$487,788, assessments receivable is \$955,920 and investments \$7,302,634 for a total increase of \$1,054,142 over April 2011. Grant projects are on going and in process.

Controller
Report
Financial
Fact Sheet

Gail presented to the Board the janitorial contract that is up for renewal. Willie Koenig motioned and Ramon Alvarez seconded to accept renewing the janitorial contract. Motion carried.

Janitorial
Contract

Gary Esslinger advised the Board there will be a Small Hydro Association Conference in Denver, CO on May 17th and it will be just for one day. Jerry Franzoy motioned and Ramon Alvarez second to send Gary to the Conference. 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 EBID 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.

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

Legal
Update

- 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

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 June 13, 2012.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary