

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

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, July 11, 2012. The meeting was called to order by President James Salopek on a motion by Scott Adams, seconded by Tom Simpson. Motion carried. Ramon Alvarez was absent.

Roll Call

EBID personnel present were Zachary Libbin, Junior Engineer; Gail Norvell, Controller; Valerie Beversdorf, CR/GIS Director; Leslie Kryder, GIS Specialist; James Narvaez, Hydrology Director; Leo Barrett, Maintenance Director; Jean Hinsley, Resource Engineering Specialist; AJ Carlson, Land Water Analyst; Delyce Maciel, HR/ Safety Director; Richard Bejarano, Watermaster; Naomi Ontiveros Executive Secretary.

Also present were Steven Hernandez and Samantha Barncastle, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Greg Daviet, Hilary Brinegar, NMDA; Graham and Ron Reynolds, Zia Gas; Louie Bouvet and Sammy Singh Jr., EBID member; James Powell, Diana Alba, LC Sun News.

Jerry Franzoy moved and Robert Faubion seconded to accept the June board minutes. Motion carried.

Minutes Approval

The calendar was discussed. Gary advised the Board he will have be interviewed by an Arizona State University Student regarding the water situation on July 13th. Gary also advised the Board the 57th Annual NM Water Conference will be held on August 28th.

Calendar of Events

Non-Moratorium

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

Licensee	Assessment	Fees Requested to be Waived
2012-L-047 El Paso Electric Co		
To operate and maintain an existing overhead electric utility crossing the Central Lateral at Sta# 25+22	\$3,116.67	
2012-L-048 James Dick		
To pump in - take out using the Baker Lateral at Sta# 50+58	Pump in - Take out	Farm Use
2012-L-049 El Paso Electric Co		
To construct, operate and maintain an overhead electric utility crossing the Westside Canal at Sta# 696+79	\$3,416.67	\$3,416.67 Requested Waived Farm Use
2012-L-050 Zia Natural Gas		
To construct, operate and maintain a 2" diam. buried gas utility crossing the Lower Chamberino Lateral at Sta# 240+33	Blanket Agreement	
2012-L-051 Zia Natural Gas		
To construct, operate and maintain a 2" diam. buried	Blanket Agreement	

Special Use Permits

gas utility crossing the Nemexas Drain at Sta#
 770+13

2012-L-052 Zia Natural Gas

To construct, operate and maintain a 2" diam. buried
 gas utility crossing the La Union West Lateral at
 approx. Sta# 11+00

Blanket Agreement

2012-L-053 Zia Natural Gas

To construct, operate and maintain a 2" diam. buried
 gas utility crossing the Del Rio Drain at approx. Sta#
 957+00

Blanket Agreement

2012-L-054 Magellan Pipeline Company

To construct operate and maintain an 8" diam.
 petroleum products pipeline crossing the West drain
 at approx. Sta# 517+50, Nemexas drain at approx.
 Sta# 669+50, and La Union West Lateral at Sta#
 125+60

\$10,000.00

\$16,533.34

\$3,416.67

Total Assessments

\$13,116.67

Non-Moratorium-Renewals

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

Licensee	Assessment	Fees Requested to be Waived
2012-L-046 WPA Partners		
To operate and maintain a previously permitted storm water discharge on the Mesilla Drain at approx. Sta# 349+10 (Tabled from June 13, 2012)	\$3,166.67	
2012-L-055 DORMAC		Requested Waived
To operate and maintain a previously permitted irrigation pipe crossing Wasteway #19 at Sta# 4+20	\$1,666.67	\$1,666.67 Farm Use
2012-L-056 Wolschlager, Pavia		Requested Waived
To operate and maintain a previously permitted vehicle culvert crossing the Vinton Lateral at Sta#0+50 and the La Union Lateral at Sta# 134+72	\$3,133.33	\$3,133.33 Farm Use
2012-L-057 Nunez		Requested Waived
To operate and maintain a previously permitted vehicle bridge crossing the La Union East Lateral at Sta# 156+59	\$1,666.67	\$1,666.67 Farm Use
2012-L-058 Walker, Gardner	\$1,666.67	Requested Waived

To operate and maintain a previously permitted vehicle culvert crossing the Elwood Lateral at Sta# 53+44		\$1,666.67	Farm Use
2012-L-059 Vega			Requested Waived
To operate and maintain two previously permitted harvest gates on the tailend of the Baca Lateral (both banks) at Sta# 31+07	\$3,133.33	\$3,133.33	Farm Use
2012-L-060 Cothorn			Requested Waived
To operate and maintain a previously permitted vehicle culvert crossing the Picacho Drain at Sta# 157+81	\$1,666.67	\$1,666.67	Farm Use
	\$16,100.01	\$12,933.34	
Total Assessments		\$3,166.67	

Zachary Libbin presented the Special Use Permit applications for the month of July to the Board. Zachary explained to the Board there were two lists of permits, the second being previously issued permits that need to be renewed. After discussion from the Board and staff it was determined to continue to table permit 2012-L-046 WPA Partners until further research was done. All other permits presented were motioned for approval by Robert Faubion and second by Robert Sloan with the condition on permit 2012-L-054 Magellan Pipeline Company was approved subject to final language being approved by legal counsel. Motion carried.

Zachary advised the Board that elimination of Policy 1981-ENG2 is in the process of being incorporated into a revised Right of Use Policy. There are several policies that conflict, and the revised Right of Use Policy covers most and will replace this policy. More information will be presented to the Board when closer to finalization for review and approval.

Right of Use Policy

Zachary presented to the Board an update on the District's Low head hydropower efforts. Various styles of blade turbines have been tested at both "Drop 8" and "Wasteway 5" prototype locations, the most successful so far is the 24" Kaplan style fixed blade at "Drop 8" that produced 7.2 kWatts per turbine. Recently two blades were tested at "Wasteway 5" including the EBID designed and the blade design at the Los Alamos National Labs (LANL) and fabrication at Dan Darbyshire shop. The EBID blade produced 5.3 kW and the LANL varying pitch blade produced 4.1 kW. Zachary adds there are some room for improvements for both Drop 8 and Wasteway 5 such as adjusting the gearing a perfect blade pitch, improving baffles and a perfect testing procedure. Zachary answered Board questions and received feedback on the blade designs.

Low Head Hydro Turbine Policy

Zachary also updated the Board on District's Diez Lagos Project design. The finalized design includes approximately 200 ac-ft storage for storm water naturally intercepted by the Nemexas and West Drains which will require about 300k cubic yards of soil to be removed. This project will help remediate storm water flooding problems, help create habitat and add a potential for recreation. Zachary displayed the design and answered Board questions.

Diez Lagos Design

Leo Barrett gave the Maintenance update. Maintenance is going smooth and there is not much to report at this time.

Maintenance Department Update

Dr. Phil King gave the season outlook for the month of July. As of June 30, 2012 EBID has 66,753 remaining to divert in allotment and estimated conversion 53 %. There still is 12,000 acft in accounts that still have not been ordered and the diversion ration has been bad. Dr. King recommends an increase allotment of 4 inches. He also recommends that the farmers use there

Operations/ Hydrology Report

water before shut down and not hold on to it till the last. James Narvaez adds there is a problem with farmers holding orders or not placing orders and trying to wait and see if rain will help. James also adds the rain received in June did not produce enough run off to catch up as most of the rain received was soaked up by the dry ground conditions. Robert Sloan motioned and Robert Faubion second to increase the allotment 4 inches. Motion carried.

Dr. King gave the Board the results of the 319 study. The study showed the overall average source of ecoli being birds at 31 percent; wildlife was 18, unknown 13, pets 8 and sewage 6 percent. In overall it showed the highest peaks came during the monsoon season and the East Side Drain levels were higher compared to water above and below the river.

319 Study

Erek Fuchs gave the groundwater update. Erek gave the Board an update on the Copper Flats Mine. They have an aquifer test planned soon, no date set. Erek adds the test looks to be well designed.

Groundwater
Resource
Report

Erek advised the Board he has been working on a Groundwater Policy. He will have Gary Esslinger, Treasurer-Manager, review as well as legal and then Staff for further review

Erek presented to the Board a press release he made available to the Las Cruces Bulletin regarding groundwater pumping by EBID Farmers. As of this date it has not been published in the Sun News. Erek does recommend spreading the word to other venues and have further press release.

Valerie Beversdorf gave the CR/GIS update. Valerie advised the Board she has been working on budget items and preparing for next years budget. A few projects she has been working on is the Structure book verification. Valerie along with Staff will be verifying all the structures in the EBID structure book. A digital list and version of all structures will be available and use full for all departments. Valerie adds she is also working on Farmfields Project. It will identify delivery to water to all fields. The new software to be used is already set up for orders to be placed at the farm field level. Valerie adds a letter has been sent to Mr. Rael of the USDA, Farm Service Agency to request records to be released to use for our system.

CR/GIS
Report

Valerie gave the update on the Stormwater Coalition. There next scheduled meeting is on the same day as our monthly meeting (today), Casey McGuire and Leslie Kryder were asked to attend. The meeting scheduled on June 13th and five members that signed the JPA were present. A quorum has been a problem to meet and there are hopes to come to a resolution to meet quorum requirement. At the June meeting EBID presented the emergency action plan. Engineering Consultant Dr. Jim Covey has been doing flood plan maps. Another discussing was the concern of the National Monument and that Dona Ana County Commissioner were in favor of the proposal. DAC approved without finding out if there was any opposition. The coalition requested resolutions stating they are opposed to the National Monument. An editorial was published in the Sun-News and will be picked up from the Las Cruces Bulletin.

Stormwater
Coalition

Valerie reminded the Board that Vision 2040 document is available for review.

Vision
2040

Gail Norvell presented to the Board the financial reports for the Month of July 2012. Cash in the bank is \$427,555, assessments receivable is \$598,549 and investments \$6,803,716 for a total increase of \$1,202,193 over July 2011. Grant projects are on going and in process.

Controller
Report
Financial
Fact Sheet

Gail updated the Board on the Irrigation management system. The procurement process has been finished including the demonstration of the functions of the software. Implementation is expected to begin August 1st. The contract is being finalized with TruePoint. Robert Faubion motioned and Scott Adams second to approve the contract.

TruePoint
Software

Gary Esslinger advised the Board the Hydropwer Regulatory Efficiency Act of 2012 was introduced by Representative Cathy McMorris of Washington and Representative Diana DeGette of Colorado was passed 360-0. It will still have to go through the Senate side. The Small Hydro Working group will introduce a proposal the FERC secretary in Washington, DC in a way of a safe harbor

Managers
Update

agreement to get away from the regulatory requirements of FERC; a meeting for this month is being looked at.

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. Closed-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

Bobby Kuykendall moved and Robert Faubion seconded to break for lunch. Motion carried. Following lunch, Tom Simpson moved and Scott Adams seconded to reconvene the meeting. Motion carried.

Open/
Closed
Session

Bobby Kuykendall moved 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:

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, Willie Koenig motioned and Scott Adams seconded to return to open session

Adjourn

Following closed session, Jerry Franzoy motioned and Scott Adams seconded to approve the Treasurer-Manager's annual evaluation

There being no further business, Bobby Kuykendall moved and Tom Simpson seconded to adjourn the meeting. Motion carried.

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

JAMES SALOPEK, President

WILLIE KOENIG, Secretary