

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
September 12, 2012**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, September 12, 2012. The meeting was called to order by President James Salopek on a motion by Bobby Kuykendall, seconded by Ramon Alvarez. Motion carried. Robert Sloan, Jerry Franzoy and Scott Adams were absent.

Roll Call

EBID personnel present were Gary Esslinger, Treasure/Manager; Gail Norvell, Controller; Valerie Beversdorf, CR/GIS Director; James Narvaez, Hydrology Director; Leo Barrett, Maintenance Director; Jean Hinsley, Resource Engineering Specialist; AJ Carlson, Land Water Analyst; Chuy Morales, Eng Field Tech; Erek Fuchs, Groundwater Resource Manager; 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, Dixie Ranch; Jerry Schidder, DFPOWH; Jim Hangen, OSE, Richard Trujillo and Theresa Gonzalez, RTD Hardware; Jerry Cordova and Koting Lee, CLC; Doug McAda and Sarah Falk, USGS; Diana Alba, LC Sun News.

Ramon Alvarez moved and Willie Koenig seconded to accept the August Board minutes. Motion carried.

Minutes Approval

The calendar was discussed. Gary advised the Board the last day to place orders for the irrigation season will be Friday, the 10th and the season looks to be ending on August 20th. Gary reminded the Board that the 57th Annual NM Water Conference will be held on August 28th and suggested that Board members attend. Steve Hernandez also advised the Board that on August 27th there will be an Interim Water Committee meeting in TorC where Dr. King and Steve will be speaking on the AG Operating Lawsuit.

Calendar of Events

Non-Moratorium

License List for Special-Use-Permits for September 12, 2012 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2012-L-070 John Clayshulte		Requested Waived
To construct, operate and maintain harvest gates on the Lake Lateral at Approx. Sta# 34+50 and the Lake Spur Drain at Approx. Sta# 34+80	\$3,233.33	\$3,233.33 Farm Use
2012-L-075 Nelson F. Clayshulte		Requested Waived
To construct, operate, and maintain harvest gates on West Drain at Approx. Sta# 941+00 and on the Westside Canal at approx. Sta# 615+00	\$3,133.33	\$3,133.33 Farm Use
2012-L-076 El Paso Electric Co.		
To replace, operate and maintain an overhead utility crossing the Angostura Lateral at Approx. Sta# 230+00	\$2,916.67	
2012-L-078 Bertha Ofelia Cuaron Hayen		Requested Waived
To construct, operate, and maintain a well pipe crossing the Anthony Lateral at approx. Sta# 290+00	\$1,566.67	\$1,566.67 Farm Use

2012-L-080 El Paso Electric Co.

To replace, operate and maintain an overhead utility crossing the Rodey Lateral at Approx. Sta# 220+00 \$2,916.67

2012-L-068 Ctiy of Las Cruces

To construct, operate, and maintain a pipe crossing the Mesilla Drain at Approx. Sta# 464+00 \$1,766.67 Requested Waived \$1,766.67

2012-L-081 City of Las Cruces

To construct, operate and maintain two (2) buried utility lines crossing the Mesilla Drain at Approx. Sta# 464+00 and the Quesenbury Lateral at Approx. Sta.# 47+00 \$6,333.33 Requested Waived \$6,333.33

2012-L-082 City of Las Cruces

To construct, operate and maintain seven (7) harvest gates three (3) on the Mesilla Drain at Approx. Sta# 464+00 and four (4) on the Quesenbury Lateral at Approx. Sta.# 47+00 \$10,966.67 Requested Waived \$10,966.67

2012-L-083 Zia Natural Gas Co.

To construct, operate and maintain a 2" conduit paralleling the Mesilla Lateral from Approx. Sta.# 141+50 to 152+00 Blanket Agreement

2012-L-084 El Paso Electric Co.

To construct, operate, and maintain an overhead utility crossing the Garfield Canal at Approx. Sta# 65+00 \$3,416.67 Requested Waived \$3,416.67
 Farm Use
 \$36,250.01 \$30,416.67

Total Assessments \$5,833.34

Zachary Libbin presented the Special Use Permit applications for the month of September to the Board. Zachary advised the Board the EAC committee have recommended approval on the September permits with a few conditions. Permit 2012-L-083 Zia Natural Gas Co is recommended for approval on the condition a concrete cap is used. Zack advised the Board the request for the concrete cap is due to safety measures as well as detouring any gas company to parallel our canals north or south. Zia Natural Gas has requested to use us a metal cap and advised the Board of Directors in their opinion there are no safety concerns regarding the metal cap and they would be available at anytime should a problem arise. Robert Faubion motioned and Willie Koenig seconded to approve the September permits with the condition of 2012-L-083 using a concrete cap. Motion carried.

Zachary also presented to the Board the EBID Boundary Expansion Deed of Acceptance. A motion by Robert Faubion second by Bobby Kuykendall to accept the recorded deed into EBID records. Motion carried.

Zachary presented to the Board three options of improving delivery in the 3A/3B area.

Boundary Expansions

<p>Leo Barrett gave an update on the Fabrication Shop he had requested. After further discussions were done with Parkhill, Smith and Cooper the estimate of cost for the project was cut drastically. There were a few misunderstand of what was essential to have and what were just "what if" ideas. Parkhill, Smith and Cooper will be used for permitting the structure. Leo adds the shop will in the end pay for itself. More in house projects will be able to be done as well as safety hazards will be minimized in working on the Districts bigger equipment. Zachary Libbin agreed that the new shop will have many benefits. Robert Faubion requested a committee meeting be scheduled once all final costs are gathered.</p>	Maintenance Department Update
<p>Dr. Phil King and James Narvaez gave the season outlook for the month of August. Dr. King advised the board at the allocation meeting EBID was looking to have 126,000 acft and a .64 diversion ratio. Dr. King adds the district is "close to the edge as can get" and that is where the district would like to be. He predicts next year we may have a better snowpack runoff but cautions there will be a low diversion ratio that will affect the allocation. He recommends no increase in allocation. James Narvaez advised the last order date will be Friday, August 10th and small tract irrigators will be watering the weekend of August 11th and 12th. Hatch should be ending by the end of the week which will help extend the rest of the district and finish on target; then he hopes he can get to August 17th. James adds farmers have taken the advice to order before the deadline and orders have been increasing. James is hopeful the district will be able to meet the demand, but worries that the allotment will run out first.</p>	Operations/ Hydrology Report
<p>Erek Fuchs gave the groundwater update. Erek advised the Board he has been working on a Groundwater Policy and a draft has been completed and has received input from legal. It will now be refined and passed out to Staff members for review and then taken in front of the executive committee for further input.</p>	Groundwater Resource Report
<p>Erek advised the Board that he, Zack Libbin and Leo Barrett visited the Diez Lagos site and made a GPS well location of a primary irrigation well. A quarter to half of the land qualified for primary groundwater right. Erek advises the Board he will be putting together a declaration to submit to the OSE and when the declaration is finalized it will be presented to the Board.</p>	Diez Lagos
<p>Erek introduced guests Doug Mcada and Sarah Falk of USGS. Sara Falk presented to the board a power point regarding the Mesilla Basin Groundwater monitoring program. It is a cooperative program between USGS, EBID and other agencies. The objective is to document hydrologic conditions within the groundwater basin. There are three different components the Mesilla Basin well network. There were 1874 water level measurements in winter 2012, 10 wells located but not measured. Historically there have been as many as 212 wells that have been measured. There have been wells removed from the 2012 year for measurements due to lack of access to sites. Sara concludes by advising the board for the year 2013 they will be having the winter 2013 water level mass measurements and continue the water level sites and possibly the Mesilla cross section area in partnering with the District. A seepage investigation report will also be worked on. Sara provided the USGS website for more information; www.nm.water.usgs.gov/projects/mesilla/. The Board took the presentation under advisement and will decide whether or not to continue to participate and continue funding their portion at a later date.</p>	USGS Mesilla Basin
<p>Valerie Beversdorf gave the CR/GIS update. Valerie advised the Board she and Leslie have been working on the Structure Book Verification Project, determining appropriate equipment, processes, and procedures, and putting together maps and reports to go along with verifying the structures. The verified structure book data will be made available digitally so all departments will have access.</p>	CR/GIS Report
<p>Valerie advised the Board she attended the quarterly meeting for the Rio Grande Citizens Forum on July 19th which was hosted by EBID. Dr. Jim Covey presented the emergency action plan, and others updated the forum on levee construction and river restoration projects. The next meeting will be held in El Paso.</p>	Rio Grande Citizens Forum
<p>Valerie gave the update on the Stormwater Coalition. Leslie Kryder and Casey McGuire both attended the July monthly meeting that was held in T or C, NM. Since 1/3 of the members are from Sierra County it was decided to hold a meeting in Sierra County every third month. The emergency</p>	Stormwater Coalition

action plan was discussed as well as the OSE's requirements for BMPs and how to address flood events. The next scheduled meeting will be held on Thursday, August 9th in the EBID small conference room.

Valerie updated the Board on the Farm Service Agency (FSA). She advised the Board she is still in contact with FSA in acquiring their farm field data. She met with Mr. Rael at the FSA Roundtable Discussion meeting in Las Cruces on July 25th. Mr. Rael had received the letter sent out and advised Valerie that they would not be able to release the data due to confidential information. Valerie suggested stripping out all confidential information and only releasing the shapes of the fields (GIS polygons); he was more open to the idea. He requested Valerie meet with his staff and explain her idea and reasoning of needing the information. No date has been set as of yet.

Farm Service Agency

Valerie also advised the Board there will be a three day kick off meeting with TruePoint software from Wednesday through Friday (August 8-10) to gather information from each department and determine the data needed for conversion. Board members are welcome to attend.

TruePoint Software

Gary Esslinger gave the HR/Safety Report. The current employee count is 86 including temporary employees; the full time employee count is 82. Operation temps will be leaving this month as the season will be ending. The next EAC meeting is scheduled for August 23rd at 8 am. Thank you letters and posters were received from the different schools where the EBID water wagon was demonstrated. These were present for the Board to view. The safety training hours schedule is being planned for the safety year. Employees are required to have a minimum of 16 hours of safety training each year and supervisors and staff are required to have a minimum of 8 hours each year.

HR/Safety Report

Gail Norvell presented to the Board the financial reports for the Month of July 2012. Cash in the bank is \$322,557, assessments receivable is \$562,106 and investments \$7,183,951 for a total increase of \$1,210,731 over July 2011. Grant projects are on going and in process.

Controller Report
Financial Fact Sheet

Gail updated the Board on the progress of the security access project. The wiring is in process for the system and will be completed within the next few weeks. Access cards will be set up and cameras are positioned inside and outside. Exterior doors will be locked at all times and access to the building will be through the front door.

Security Access

Gary Esslinger advised the board on July 19th himself, Steve Hernandez, Erech Fucks, Lee Peters and Dr. King did a tour of the Santa Teresa area with Border Authority Director Bill Mattiace. Due to a back log of unloading ships coming into the Long Beach Harbor, the Chinese are looking at helping build a railway from Mazatlan to the Santa Teresa border crossing. This is where the union pacific intermodal site has been developed. The border crossing now has x-ray scanners that can see inside each cargo container and determine what is being shipped. It was a good tour and showed how much additional development will be brought to the area. Dr. King adds there are problems with heavy groundwater pumping in that area because the aquifer is shallow. He is not sure how the area will be able to sustain a long term water supply. They may have to go to surface water at some point.

Managers Update

Gary updated the board on the NWRA conference that was held in Sun Valley, ID from August 1st through the 3rd. The Policy Committee discussed the Red River lawsuit involving Texas and Oklahoma and the importance of the states protection of the compact water. The committee will also develop a resolution on the watershed rehabilitation. Some of the speakers were Don Easterbrook, Climatologist; Carlos Rubinstein, Texas TCEQ Commissioner and Dan Keppen of FFA. Dan Keppen spoke about the regulatory over reach and federal agencies trying to encumber water deliveries and making it harder for farmers to farm. Allocation to farmers in California used to be eighty percent to the farmers and twenty percent to the cities now its twenty percent to the farmers and eighty percent to the cities and environment.

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

Legal Update

- 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- Closed- SRB
- LRR 387- Drain Right of Way Use-Open-SRB
- LRR 392- Rio Grande Water Transfer Program-Open-LEP
- LRR 394- Review BLM Letter Regarding Copper Flat Mines-Open-LEP
- LRR 398- EBID Purchase Order Terms and Conditions-Open- LEP
- LRR 399- Amend and Revise Original Document with Zia Natural Gas-Open-LEP
- LRR 401- State of NM obligation to pay EBID Bill- Open SRB
- LRR 403- True Point Software and maintenance Agreement-Closed-SLH
- LRR 404- MOU or Waiver between USDA FSA and EBID- Open-SRB
- LRR 405- Magellan Pipeline Co. Right of Use Permit- Open- LEP
- CID Update-SLH/SRB

Samantha Barncastle also requested to reopen LRR 291 regarding Parasol Dairy.

Bobby Kuykendall moved and Robert Faubion seconded to break for lunch. Motion carried. Following lunch, Ramon Alvarez moved and Bobby Kuykendall seconded to reconvene the meeting. Motion carried.

Jerry Franzoy moved and Willie Koenig 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 Robert Faubion seconded to return to open session

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

The next meeting of the Board of Directors will be held on Wednesday September 12, 2012.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary

LRR
Report

Open/
Closed
Session

Adjourn