

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
November 2, 2005**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, November 2, 2005. The meeting was called to order by President James Salopek on a motion by Bill Gary, seconded by Ramon Alvarez. Jerry Franzoy and Willie Koenig were absent.

Roll Call

EBID Staff present were Henry Magallanez, Engineer; Gail Norvell, Controller; Ricardo Bejarano, Watermaster; James Narvaez, Hydrology Director; EAC Co-Chairmen, Linda Armijo, Accounts Payable Clerk, and Tom Hansen, Human Resources Director. Also present were Jorge Granados and David Medieros, DAC: and Eric Fuchs, NM OSE.

Also present was Steve Hernandez, Hubert & Hernandez, P.A.

President Salopek called for a moment of silence in memory of the passing of Carl Faubion, a long time area farmer and father of Board Vice-President Robert Faubion.

Carl Faubion

Bill Gary motioned and Joe Nelson seconded that the minutes of the October 12, 2005 Board meeting be approved. Motion carried.

Minutes Approval

Robert Faubion motioned and Bill Gary seconded to approve the minutes of the October 12, 2005 Water Transfer Hearing.

The water supply outlook was presented. The storage totals on November 1, 2005 with a comparison for last year are as follows:

Water Supply

	<u>11/01/2004</u>	<u>11/01/2005</u>
Elephant Butte	108960	349450
Caballo	<u>19050</u>	<u>12610</u>
	218010	362060

The Manager updated the Board on calendar items for the remainder of November and the month of December, 2005. Items on the calendar include the NWRA Conference in Honolulu, Hawaii beginning November 7th; and the Bi-National Rio Grande Summit in McAllen, Texas, November 16-17; the Board election to be held on December 6th and a Salinity Management/Desalinization Summit to be held in Albuquerque December 8-9. The December meeting of the Board will be held on Monday, December 12, 2005 due to the necessity to count the ballots from the Board Election. The office will be closed for the Thanksgiving holiday November 24 and 25th. And the winter break will begin on December 26th. The office will re-open on the 2nd of January, 2006.

Calendar of Events

Janice Neaves, Executive Coordinator, collected petitions from the Board members who are on the ballot for this year's election and announced that the election would take place on the 6th. Ms. Neaves briefly told the Board their responsibilities for the election. Precincts 2 (Bill Gary), 4 (Tom Simpson), 6 (Robert Sloan) and 8 (Ramon Alvarez) are on the ballot. As of the date of the meeting all members were running unopposed.

Board Election

There was a complaint from a constituent as to the legality of EBID elections. The concern was that all constituents could vote for any board member, whether they lived in that person's precinct or not. The attorneys are looking into this complaint to see if there is any problem with the way EBID elections are being conducted.

Linda Armijo and Tom Hansen updated the Board on the Employee Advisory Committee (EAC). The EAC co-chairs reported that employees had been updated on the October Board meeting and that the EAC conducted the general survey discussed with the board at an earlier meeting. Results of the survey are currently being reviewed and tallied and results will be provided as soon as possible.

Employee
Advisory
Committee
Update

Henry Magallanez (Engineer) gave the maintenance report in the absence of Ted Horner, Maintenance Chief. Work is underway on the School and the S1 laterals.

Maintenance
Report

Ricardo Bejarano, Water Master, gave the operations report for the month of October, 2005. In October there were 1289 farm deliveries made, 27561 acres irrigated, and 8812 ac/ft charged to farmers. Actual total diversion was 17621; leaving a 145979 balance in the District's allotment. There were two (2) ditch breaks in the month of October for a total of 29 breaks for the 2005 irrigation season.

Operations
Report

Mr. Bejarano thanked the Board for the operations department's use of emergency vehicles during the water season.

James Narvaez, Hydrology Director, gave the Hydrology Department report for the month of October, 2005. The water order totaled 356728; actual diversion was 353828 estimated carriage losses were 63256; adjusted diversion was 290676; total spill 9618; % diversion spilled, 2.7%; charge to farmers, 180359; and delivery efficiency at 62.0%. Mr. Narvaez will present the final water delivery figures at the December meeting. The Board asked that Mr. Narvaez find out what El Paso #1 left for the December meeting also.

Hydrology
Report

Mr. Magallanez reported that the IBWC would be doing bed work on Picacho flume starting in mid November. The IBWC will be working on the wooden pylons and capping them to prevent rot. During this process they will be dewatering through the Picacho lateral and diverting the river through the Leasburg Canal. Water will be put back into the river below the flume. Mr. Magallanez reported that the water could be used by farmers along this stretch of the lateral.

Bed Work
at Picacho
Flume

Henry Magallanez presented the following special use permits:

Special Use
Permits

05-L-067 – C.W. Crawford/Leasburg (MDWCA); To construct, operate and maintain a new 6" buried water line steel encased crossing the Leasburg Main Canal at approximate station 163+91. Assessment, \$5,243.49.

05-L-068 – Q-West Communications; To construct, operate and maintain a new buried communication cable crossing the Arguelles Lateral at approximated station 62+48. Assessment \$1,887.15.

Total Assessments, \$7,130.64

Henry Magallanez recommended approval of all licenses. Joe Nelson motioned and Bill Gary seconded to approve the licenses as presented. Motion carried.

Jorge Granados DAC Roads Director and David Medieros, DAC Attorney, discussed the problem of DAC's parallel usage of EBID rights-of-way for County roads. Mr. Granados said the County is interested in moving forward to meet and identify the issues. He said that the County felt that parallel use and crossings were two different issues and asked that the Board not give an opinion on crossings that effect individual usage. Will work with parallel uses. Parallel is serious and we need to work it out.

DAC
Parallel
Usage of
District
ROW

James Salopek said that the District can only do so much and it is important to have a meeting with the DAC Commissioners to figure out all of the issues as was envisioned in the resolution that was agreed upon between the EBID board and the DAC Commissioners. Mr. Granados asked that we not take a global approach but address each issue case by case. Robert Faubion said that it was time to move forward and get everything resolved. The board was not in favor of a case by case

approach. DAC and EBID staff have worked on getting an inventory of all the roads with a set of priorities on which roads have questionable impacts. The Board suggested that a status report be given at the next meeting. It should take about 2-3 weeks to verify the ROW on the ground.

DAC Staff would like a letter of intent on them acquiring a piece of property that would allow for a permitted crossing. The board did not object to this request, but indicated it would not continue to look at these issues on a case by case basis. The Board recommended that the manager set up a meeting with DAC manager and 2 commissioners.

The matter of the Hussain temporary emergency easement was tabled to closed session. Closed session

Gail Norvell, Controller, gave the financial report for the month of October, 2005. The fact sheet is as follows: Cash in the bank totaled \$455,282; assessments receivable totaled \$6,842,453; and investments totaled \$1,393,025 for a grand total of \$8,690,760. This figure reflects an increase in assets of \$1,879,794 over October of 2004. Special use fees collected were \$7,746. Sale of conserved water year to date was \$554,000. Also presented was the Financial Statement for the month of September, 2005.

Jim Keeler spoke to the Board regarding of the State of New Mexico deferred compensation plan. The Board will wait until after employees meet with PERA officials to make any decision regarding options for voluntary deferred compensation plans.

The purchase of the building located at 525 South Melendres was discussed. The appraised value for the building is \$182,900. The board discussed various reasons for and against purchasing the building. Mr. Salopek asked the EAC how District employees felt about the purchase. Ms. Armijo explained that the employees were against the purchase and felt that it would be more economical for the District to add on to the present hydrology building with the employees doing the work. The Board opted to visit the building during the lunch break prior to making a final decision.

During the lunch break, the Board visited the building at 525 South Melendres. Following discussion on the pros and cons of the purchase of this building, Robert Faubion motioned and Bill Gary Seconded to build on to the Hydrology building rather than purchasing the building. Motion carried.

Ms. Norvell asked if the Board wanted to provide Thanksgiving turkeys for the employees this year. The cost to purchase turkeys for all employees would be approximately \$1,000. Bill Gary motioned to give turkeys to all employees. Robert Sloan seconded the motion. Motion carried.

Christmas bonuses were also discussed. The Board opted to wait until the December meeting to make that decision.

Phil King discussed Proposal for Section 729 funding by the Corp or Engineers. Objectives of this proposal are (1) to model return period flood events and variable flows to assess the hydraulic conditions during over bank flooding at select locations within the canalization project; (2) select a rehabilitation design flow hydrograph based on frequency, duration, area of inundation, and relationship to the bank full discharge; and (3) evaluate cumulative impacts from the rehabilitation design flow and floodplain inundation in terms of water storage, loss of surface flow, irrigation deliveries and water management, sediment transport, flood routing and channel morphology.

Dr. King said that this funding request could help since IBWC has delayed making any commitment to entering into a sole source MOU with EBID over the delay of

Hussain
Temporary
Easemnt

Financial
Report

State of NM
Deferred
Compensation
Plan

525 S.
Melendres
Building

Thanksgiving
Turkeys

Bonuses

Corp of
Engineers
Section 729
Funding

Record of Decision of the IBWC's environmental Impact Study. Dr. King mentioned that the Corp would do a reconnaissance study first and then if doable, propose a planning study. WWF has committed to match the funding cost 50/50 if it was to go forward. EBID's legal staff has looked at the proposal and advises that there is no conflict. The Board gave its OK for Dr. King to move forward and work with the Corp.

Discussion of Mesilla Dam Closure took place. The Manager mentioned a letter to BOR Area Manager Connie Rupp asking that the dam be closed. This is the only convenient access to the west mesa and the County wants to leave it open. Legislators are seeking federal funding and money is available, but nothing is moving very fast.

Water rights acquisition for Mesilla Valley Bosque State Park was discussed. WWF is asking that EBID work collaboratively with the City of Las Cruces and NM State Parks to facilitate wildlife associated recreational opportunities on the NM Game and Fish land. The CLC constructed two wetlands, totaling about 4-acres in size, on the property. The wetlands rely on return flow from the Picacho Drain and the shallow groundwater table for water. A large stand of salt cedar adjacent to the wetland was cleared to offset consumptive use by the wetlands. The proposed project would benefit EBID and farmers because (1) it would eliminate non-water-righted depletions of District water at the park, (2) it would place State Parks on equal footing with farmers in terms of sharing shortages during drought years and (3) it would keep the RGP whole in terms of accounting and charging for water use. The Board recommended that a letter similar to the one sent to SWEC be sent to the WWF.

The 2005 National Salinity Management and Desalination Summit was discussed. The conference will be held in Albuquerque on December 8th and 9th. Bill Gary motioned and Robert Sloan seconded to send the manager and one board member to the conference. Motion carried.

Tom Simpson motioned and Ramon Alvarez seconded that the Board break for lunch. Following lunch, Bill Gary motioned and Robert Sloan seconded that the meeting be reconvened. Motion carried.

Bill Gary motioned 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:

Threat of Texas/NM Supreme Court Action; LRG Stream Adjudication Case, AWRM; EBID vs. United States, Operating Agreement, Amended Complaint; EBID vs. BOR No. CIV 90-95-HB, Mediation w/State Parks – Subsection I Credits; Anderson vs. EBID, Dona Ana Dam, Fillmore Dam; SHPO MOU; Hussain Temp Easement and Manager's evaluation

Robert Sloan motioned and Bill Gary seconded to return to open session. Motion carried by roll call vote with all members present agreeing to the motion to return to open session. During closed session the above-noted topics were discussed.

Following discussion of the Manager's performance in closed session, Robert Faubion motioned to change the Manager's pay status from hourly and over time to salaried. Robert Sloan seconded the motion. Motion carried. The Controller will work on developing a policy for salaried personnel.

Following discussion of a stream adjudication issue, Robert Sloan motioned and Ramon Alvarez seconded to allow Steve Hernandez to attend Phillip Phillipous' stream adjudication hearing. Motion carried.

Robert Faubion motioned and Robert Sloan seconded to repair the problem on Hussain's property. Motion carried.

Mesilla Dam
Closure
Discussion

Mesilla Valley
Bosque State
Park Water
Rights
Acquisition

Salinity Mngt &
Desalination
Summit

Lunch Break

Closed/
Open Session

Manager's
Performance
Evaluation

Hussain
Temporary
Easement

There being no further business, Tom Simpson motioned and Ramon Alvarez seconded to adjourn the meeting. Motion carried.

Adjourn

The next meeting of the Board will be held on Monday, December 12, 2005.

Next Meeting

JAMES SALOPEK, President

BOBBY SLOAN, Secretary