

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
July 14, 2010**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, July 14, 2010. The meeting was called to order by President James Salopek on a motion by Willie Koenig, seconded by Tom Simpson. Motion carried. Joe Nelson was absent.

Roll Call

EBID personnel present were Henry Magallanez, Engineering Supervisor; James Narvaez, Hydrology Director; Gail Norvell, Controller; Ricardo Bejarano, Water Master; Valerie Beversdorf and Dustin Leonard, CR & GIS; Leo Barrett, Maintenance Project Director;

Also present were Steve Hernandez, Law Office of Steven L. Hernandez; Steve Hubert and Blain Mynatt, Holt Babington Mynatt PC; Beverly Singleman, Law Office of Beverly Singleman; Bud Starnes, NMSU, NMDA; Conrad Keyes, Paso del Norte; Calvin Chavez, OSE; Buford Harris, ISC and Elaine Harris; Estevan Lopez, OSE; Jay Powell, BOR; Sammy Singh, EBID constituent; and Marvin Tessner, the Bulletin.

Willie Koenig motioned and Ramon Alvarez seconded to accept the minutes of the June 14<sup>th</sup> meeting as presented. Motion carried.

Minutes Approval

The Water Transfer Hearing minutes of June 14<sup>th</sup> were approved on a motion by Tom Simpson, seconded by Robert Faubion. Motion carried.

The calendar was discussed. Items on the calendar for the months of July and August, 2010 include: Stream Adjudication on July 16<sup>th</sup>; SWIM joint meeting with the CLC and DAC on July 22<sup>nd</sup>. Pecan Growers and Diverse Croppers meeting also on July 22<sup>nd</sup>; Western Water Seminar, July 28-30; an EPA tour of EBID canals and drains on August 3<sup>rd</sup> regarding weed problems, mainly Horsetail; NM Water Law Conference August 5<sup>th</sup>; and the Ag/Urban/Environmental Water Sharing Workshop to be held August 11-13.

Calendar of Events

The next meeting of the board will be Wednesday, August 11, 2010.

Leo Barrett, Maintenance Project Director, updated the Board on the ongoing processes that the Maintenance Department is doing. Leo discussed drain cleaning and mowing on the canals.

Maintenance Department Update

He also talked about the need to replace tractors that were new in 1994 will now cost \$52,000 to replace and with an added mowing system, the cost goes to \$100,000. The warehouse will stock replacement parts for tractors to keep the existing tractors running and readily available when needed.

Horsetail, a menacing weed, makes weed control costs increase. Leo said the addition of a backhoe to clean up after the mowers and cut the horsetail down adds to the cost. Gary discussed the fact that Jill Schroeder was coming with Environmental Protection Agency personnel from Washington DC who Gary feels are the rule makers for the EPA's new NPEDS permit. A tour of our canals and drains can shed some new light on their thinking about what is needed to keep the canals free flowing and how weeds present a problem. Leo reported that he needs three tractors and three more operators to keep on top of the weeds.

Henry Magallanez presented the special use permits for the month of July, 2010 and recommended approval of all licenses as presented.

Engineering Report

Moritorium

2010-L-041 – Rio Grande Natural Gas - To construct, operate and maintain a new 2" poly gas line crossing the Picacho Lateral at approximate station # 254+83. Assessment, \$2,916.67.

Special Use Permits

2010-L-044 – City of Las Cruces - To construct, operate, and maintain a new 12" water main crossing the Picacho Drain at approx station # 172+10. Assessment, \$3,416.67.

2010-L-045 – New Mexico Gas Co. - To construct, operate and maintain a new 2" gas line parallel the Montoya D Lateral at approx station # 52+63 to 68+13 and cross at approx station # 68+13. Assessment, \$5,939.88.

2010-L-046 – Rio Grande Natural Gas – To construct, operate and maintain a new 4" high pressure gas line paralleling a portion of the Dona Ana Drain from Station # 60+50 to 67+50. \$3,665.91.  
Total Assessments, \$12,273.22.

Robert Faubion motioned and Tom Simpson seconded to approve all licenses as presented. Motion carried.

Estevan Lopez of the NM Office of the State Engineer came before the Board to discuss the ISC-Intel Water Collaboration. NM ISC Commissioner Buford Harris was also present. Intel will transfer 741 AF of pre 1901 surface water rights plus \$10 million

ISC-Intel Water Collaboration

to the ISC. The ISC will help to meet obligation reports. Mr. Lopez said that this is the right precedent to set and that it will help the state's tax payers.

James Powell of the US BOR updated the board on the Quagga Muscle Plan to keep the invasive species out of New Mexico Waters. He said that the 'Rapid Response Plan' is conducting boat inspections at the EB and Caballo and that boats found to be contaminated were being cleaned and beached until the muscles are dead. He said the plan was working well.

Quagga Muscle Update

James Narvaez, Hydrology Director, updated the Board on the 2010 irrigation season. James reported that the State of New Mexico would be diverting the 100,000 AF credit water around August 1st. James stated that as far as the District's allocation is concerned, we are exactly where we need to be right now. It is imperative that we work on improving and managing our efficiency to make the water last as long as possible this year.

Hydrology Update

Water supply update – James reported that per the current water in the reservoir, the District could allot 19.6 inches and we that we had actually set the allocation at two AF (24 inches). He said that there was no water coming into the reservoir unless the monsoon season brought additional water. We can deliver the two AF, but will probably end the irrigation season by the end of August.

The Board decided to put out the following announcement:

At the meeting of the Board of Directors held on July 14<sup>th</sup>, it was noted that all upstream gauges above Elephant Butte Reservoir indicate that the 2010 snowpack runoff has ceased. Currently, there is enough water in storage to release, under average releases, to get to the last week of August. The Board will take another look at the situation at its next regular meeting to be held on August 11<sup>th</sup>. The Board will continue to monitor storage levels and hope for the opportunity to extend our 2010 irrigation season.

The Board gave Gary Esslinger the discretion to make the decision as to raising the allotment if additional water became available.

Richard Bejarano, Water Master, gave the Operations Department report to date as follows: Farm Deliveries, 3486; Acres Irrigated, 69336; AF charged to farmers, 30004; Actual Total Diversion, 58076; Balance, 89649; 4 breaks and 1 runovers. Total breaks for year, 14, and total runovers, 3. 2010. 2010 delivery efficiency at 52% as compared to 58% in 2009.

Operations Report

Valerie Beversdorf, Computer Resources and GIS Director, updated the Board on the CR-GIS Department. Valerie reported that there had been a system failure but that a component was replaced and the system was back up and running.

CR-GIS Report  
System Update

Valerie reported that new maps had been prepared for the last flat rate weekend of the 2010 season, and she and Dustin Leonard showed the maps prepared by Dustin for James Salopek and Robert Faubion. These maps show the board member's entire district. The maps are color coded by precinct. Dustin will prepare precinct maps for any board member who requests a set.

Mapping

Valerie gave an update on the Vision 2040 group. Robert Faubion asked who was on the steering committee. Valerie replied that it was private citizens and private agencies. It was pointed out that the group should not exclude development from ag land.

Vision 2040 Update

Willie Koenig motioned and Robert Faubion seconded to break for lunch. Motion carried. Following lunch, Bobby Sloan motioned and Willie Koenig seconded to reconvene the meeting. Motion carried.

Lunch Break

Gary Esslinger, Treasurer-Manager, gave the Manager's report. Topics discussed were as follows:

Manager's Update

The Intel matter was again discussed. Robert Faubion motioned and Tom Simpson seconded to send letter to ISC Commissioner Buford Harris that neither EBID nor any of the other major irrigation districts support the Intel agreement with the NM ISC. Motion carried. The letter will be send to Estevan Lopez, John D'Antonio and Pat Gordon.

NM ISC/Intel Water Deal

Gary discussed a request from NMSU to participate in the inauguration of the new president of NMSU. Tom Simpson motioned and Robert Faubion seconded to supply the service ware for the reception. Motion carried.

NMSU President Inauguration Reception

The USGS Joint Funding Agreement for Monitoring Network of Ground Water Flow System was presented for reaffirmation. Robert Faubion so motioned and Scott Adams seconded. Motion carried.

USGS JFA

Gail Norvell, Controller, gave the financial report. The Financial Fact Sheet for the month of June, 2010, is as follows: Cash in the bank totaled \$162,363; assessments receivable totaled \$465,006; and investments totaled \$4,933,813 for a grand total of \$5,561,213. This amount reflects an increase in assets of \$709,473 over June, 2009.

Controller Report  
Financial Fact Sheet

No extraordinary receipts or costs were given. Also presented was the financial statement for the month of May, 2010.

Gail discussed a spreadsheet listing the status of grants that the district has received. The grant status will be presented at each board meeting.

Grant Status  
Info

Gail presented the following contracts for review and approval.

Contract  
Renewal

- Dr. Fernando Cadena - Environmental Hydrology. Motion to approve the contract was made by Robert Faubion. Ramon Alvarez seconded. Motion carried.
- Dr. Phil King – Expert Witness Services. Robert Faubion motioned and Scott Adams seconded to approve the contract. Motion carried.
- Dr. Phil King – Engineering Services. Jerry Franzoy motioned and Scott Adams seconded to approve the contract. Motion carried.
- Dr. Tom Maddock – Expert Witness Services. Robert Faubion motioned and Scott Adams seconded to approve the contract. Motion carried.
- Kris Polly – Lobbyist Services. Robert Faubion motioned and Scott Adams seconded to approve the contract. Motion carried.
- Fire Extinguisher Service – Robert Faubion motioned and Scott Adams seconded to approve the contract. Motion carried.
- Legal Services for Law Office of Steven L. Hernandez; Peters Law Firm, LLC; Law office of Beverly Singleman and Holt Babington Mynatt PC. Robert Faubion motioned and Willie Koenig seconded. Motion carried.

Resolution number 2010-07 to approve a water trust board grant was presented. Scott Adams motioned and Willie Koenig seconded to approve the resolution. Motion carried.

Gary Esslinger, Treasurer-Manager, gave the Manager's report. Topics discussed were as follows:

Manager's  
Update

Steve Hernandez updated the Board on legal matters. All LRR's remain open and are being worked on with EBID Staff. They will be reassigned to the proper attorneys.

Legal Update

Willie Koenig motioned and Ramon Alvarez 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:

Open/Closed  
Session

- State ex. rel. D'Antonio vs. EBID CV 96-888 (Stream Adj.)
- AWRM Amicus Appeal Brief
- Denial of Parasol Dairy NMED Permit (LRR 289)
- Verde Realty Operating Partnership
- Cardona vs. EBID

Following closed session, Jerry Franzoy motioned and Robert Faubion seconded to return to open session.

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

Adjourn

The next meeting of the Board of Directors will be held on Wednesday, August 11, 2010.

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JAMES SALOPEK, President

WILLIE KOENIG, Secretary