

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
July 13, 2011**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, July 13, 2011. The meeting was called to order by President James Salopek on a motion by Tom Simpson, seconded by Scott Adams. Motion carried. Member absent was Joe Nelson.

Roll Call

EBID personnel present were Henry Magallanez, Engineering Supervisor, Zachery Libbin, Junior Engineer; Chuy Morales, Engineer Tech; Gail Norvell, Controller; James Narvaez, Hydrology Director; Valerie Beversdorf, CR/GIS Director; Leo Barrett, Maintenance Project Director; James Narvaez, Hydrology Director; Delyce Maciel, HR/Safety Director; Naomi Ontiveros Executive Secretary.

Also present were Samantha Barncastle and Steve Hernandez, Law Office of Steven L. Hernandez; Dr. Phil King; Eric Fuchs, Michael Riley and Sheryl Smith NMOSE; Hilary Brinegar, NM Department of Agriculture; Susan Miledia, EBID Constituent; Lorenzo , EBID Constituent; Diana Alba, Las Cruces Sun-News; Fernando Ortiz, City of Las Cruces; Edward Nickerson, USGS.

Willie Koenig moved and Robert Faubion seconded to accept the minutes of the June 8, 2011 meeting. Motion carried.

Minutes Approval

The calendar was discussed. Gary Esslinger advised the Board there will be a NWRA Western Water Seminar from July 25-27, 2011 in Colorado Springs, CO; Steve Hernandez, James Salopek and Gary Esslinger will be attending.

Calendar of Events

Gary Esslinger read two Condolence Resolutions. Resolution 2011-11 for Raul Olivas a respected and hard worker in the District's Maintenance Department. Jerry Franzoy moved to approve and Scott Adams second the motion. Motion Carried. Resolution 2011-12 for Padraic Guffey an experienced well driller that helped many farmers. Tom Simpson moved to approve and Robert Faubion second the motion. Motion carried. The resolutions will be sent to the family members.

Condolence Resolutions

License List for Special-Use-Permits for July 13, 2011 Board Meeting

Non-Moratorium

Special Use Permits

Licensee	Assessment	Fees Requested to be Waived
2011-L-044 Gerardo Grijalva		Requested Waived
To construct, operate, and maintain a irrigation pipe crossing the La Union West Lateral at Sta# 263+78	\$3,166.67	\$3,166.67 Farm use
2011-L-048 Salopek and Sons		Requested Waived
To use the Las Cruces Lateral and Houghton Lateral for pump in and take out, pump in at Sta# 426+84 and approximate Sta# 416+00 of the Las Cruces Lateral	No Fees	No fees Farm well
2011-L-049 Qwest Corp		
To construct, operate, and maintain a buried utilities conduit crossing the Armijo Lateral at Sta# 143+38	\$1,450.03	
2011-L-050 Qwest Corp	\$1,450.03	

To construct, operate, and maintain a buried utilities conduit crossing the Dona Ana Lateral at Sta# 282+94		
2011-L-051 Qwest Corp		
To construct, operate, and maintain a buried utilities conduit crossing the Leasburg Drain at approximate Sta# 272+50	\$1,600.07	
2011-L-052 Qwest Corp		
To construct, operate, and maintain a buried utilities conduit crossing the Armijo Lateral at Sta# 97+16	\$1,450.03	
2011-L-053 Qwest Corp		
To construct, operate, and maintain a buried utilities conduit crossing the Picacho Drain at approximate Sta# 110+75	\$1,560.06	
2011-L-054 Berridge		Requested Waived
To use the William Lateral for pump in and take out, pump in at Sta# 5+25	No Fees	No fees Farm well
2011-L-055 El Paso Electric		
To operate, and maintain an existing one phase overhead utility and construct, operate, and maintain two secondary overhead utility crossing the Gonzales Lateral at Sta# 43+00	\$2,916.67	
2011-L-056 El Paso Electric		Requested Waived
To construct, operate, and maintain an existing span of overhead utility crossing the Three Saints East Lateral at Sta# 112+93	\$2,916.67	\$2,916.67 Farm well
2011-L-057 El Paso Electric		Requested Waived
To construct, operate, and maintain an overhead utility crossing the Three Saints Lateral at approximate Sta# 762+37	\$3,165.67	\$3,165.67 Farm well
2011-L-058 Kinder Morgan		Req. Admin. Waived *
To inspect, operate, and maintain a buried petroleum gas line crossing the Anthony Drain at approximately 345+00	\$3,416.67	\$666.67 Expired BOR Permit
2011-L-060 Qwest Corp		
To construct, operate, and maintain a buried utilities conduit paralleling the Barrio Lateral from Sta# 0+00 thru 7+33	\$2,757.76	
2011-L-061 Qwest Corp		
To construct, operate, and maintain a buried	\$1,369.48	

utilities conduit paralleling the Dona Ana Lateral
from Sta# 214+36 thru 217+34

2011-L-062 Qwest Corp

To operate, and maintain a buried utilities conduit
crossing the Las Cruces Lateral at Sta# 307+38 \$1,450.03

2011-L-063 Qwest Corp

To construct, operate, and maintain a buried
utilities conduit crossing the Utting Lateral at Sta#
16+77 \$1,462.03

2011-L-064 Qwest Corp

To construct, operate, and maintain a buried
utilities conduit crossing the Mesilla Lateral at Sta#
116+87 \$1,450.03

2011-L-065 Qwest Corp

To construct, operate, and maintain a buried
utilities conduit crossing the Dona Ana Drain at
approximate Sta# 131+50 \$1,580.06

2011-L-066 Qwest Corp

To construct, operate, and maintain a 1448ft
overhead utility crossing the inundation pool of the
South Dona Ana Dam \$4,183.11

2011-L-067 Verizon Wireless

		Requested Waived
		*
To construct, operate, and maintain a buried utilities conduit crossing the Mesilla Lateral at approximate Sta# 195+00 and operate maintenance access crossing the Mesilla Lateral at approximate Sta# 191+00	\$6,333.33	\$6,333.33

2011-L-068 El Paso Electric

		Requested Waived
To construct, operate, and maintain an overhead utility crossing the Del Rio Drain at approximate Sta# 867+70	\$3,416.67	\$3,416.67
		Farm well

2010-L-070 Zia Natural Gas

		Requested Waived
To construct, operate, and maintain a buried gas line crossing the Lower Chamberino Lateral at Sta# 112+76 for a Clayshulte farm well pump	\$3,166.67	\$3,166.67
		Farm well

2011-L-071 Zia Natural Gas

		Requested Waived
To construct, operate, and maintain a buried gas line crossing the Upper Chamberino Lateral at Sta# 489+50 for Farms El Consuelo well pump	\$3,166.67	\$3,166.67
		Farm well

2011-T-002 Guzman Construction

To use the Dam Outfall Channel for temporary haul \$545.00

truck access route		
Subtotal	\$67,640.09	\$39,665.70

Total Assessments \$27,974.39

License List for Special-Use-Permits for July 13, 2011 Board Meeting
 Moratorium

Licensee	Assessment	Fees Requested to be Waived
2011-L-059 City of Las Cruces		Requested Waived
To construct, operate, and maintain pavement parallel use of the Dona Ana Drain from Sta# 0+00 to Sta# 50+00 and cross the Alamo Lateral at Sta# 45+00, the Del Rio Drain at Sta# 1045+50, and Mesilla Lateral at Sta# 63+25 for multi-use trail development	\$22,089.84	\$22,089.84
		Multi use trail MOU
Subtotal	\$22,089.84	\$22,089.84

Total Assessments \$0.00

Chuy Morales and Zachary Libbin presented to the Board the Special Use Permits for the month of July. A correction was added to 2011- L-059 City of Las Cruces fees should only include the Administration Fees and land use fees are requested to be waived. Robert Faubion moved and Scott Adams seconded the motion to accept the Special Use Permits with the exception of fees not to be waived on 2011-L-058 Kinder Morgan and 2011-L-067 Verizon Wireless, and the correction of 2011-L-059 City of Las Cruces. Motion carried.

Henry Magallanez presented to the Board an In-Parcel Water Transfer and Stacking for Leon Lunsford. Jerry Franzoy moved to approve In-Parcel Water Transfer and waiving application fee Robert Sloan second the motion. Motion carried.

A Special Use Permit was presented to the Board for Ronnie Franzoy to cross the Leasburg canal with irrigation well pipe lines with the request of fees waived. A move by Robert Faubion and Scott Adams second the motion to accept the special use permit with fees waived with the exception that Mr. Franzoy meets all criteria and corrects any construction error. Motion carried.

Robert Faubion moved to approve the Leasburg State Park MOU, Robert Sloan seconded the motion. Motion carried.

Henry Magallanez presented to the Board a presentation on the Diez Lagos project. The \$650,000 grant was awarded by the Water Trust Board. The projects goal is to create a 260 acft retention pond to capture storm runoff in the southern part of the district. The Diaz Lagos property is 40 acres of land that was donated to EBID in exchange for flood retention ponding by the developer who owned the property. An informal appraisal was done on and an estimated value of \$1,742,000 was yielded on the property; an appraisal will be done by an independent appraisal firm. The project contributions are: EBID \$19,420 (1%); Pass-through property \$1,761,420 (72%); NMWTB \$650,000 (27%). \$538,800 for construction, \$52,000 on design, \$39,200 for engineering and \$20,000 for environmental and archeological purposes. A final approval on the plans will need to be approved by the local OSE. The project construction will begin in the first part of October with construction taking over two years. This will be a two year project ending in May 2013. Work will all be done by EBID personnel except for environmental and archeological surveys. Henry adds that the work is a win-win situation for everyone. The developer gets flood retention protection, NMWTB receives credit for improving watersheds and water reclamation in the State

Leasburg State Park MOU

Diez Lagos Presentation

and EBID cost shares less than one percent of the project cost and obtains a much needed storm water retention pond, labor and equipment support. EBID also increases capabilities in flood retention and water reclamation.

Leo Barrett gave the maintenance update. Maintenance will concentrate on general cleaning of the canal and laterals until winter maintenance begins in September. Two ditchriders per unit will run through their areas for general cleaning and get back to the basics of turn out repair, painting and culvert cleaning. The ditchriders will also turn in major repair requests that are needed to the Watermaster for major maintenance or construction consideration. The only construction project at this time is installing the Ranch Road pipelines within the West drain ROW. Major construction will begin in September.

Maintenance Department Update

The Rotary Mulcher bid opening will be on August 1st.

Equipment Bid

Leo adds how helpful the hydrology and operations department has been with the cross training of employees and how beneficial it has been to the maintenance department to utilize these employees as heavy equipment operators.

Cross Training

Richard Bejarano and James Narvaez presented to the Board the Hydrology report for the 2011 Irrigation season. Total acft ordered was 53,683; actual diversion 53,046, acft charge to farmers 24,149 acft and delivery efficiency was 45.5 percent. James adds going into the negative to a small degree was done intentionally so there would be no doubt the district was out of water for the season. This will be the shortest irrigation season on record in the history of the district lasting just over one month.

Operations/ Hydrology Report

Dr. Phil King informed the Board that it looks to be an average monsoon season. Any monsoon can be captured and used. EP #1 has stated any storm water that is in the river can be used by EBID and wouldn't be counted against the district as long as EP#1 is not shorted their allotment.

Storm Water Capture Plan

James Narvaez advises the Board of a Storm Water Plan. A team will be on call when we are in a monsoon event that forecast 20 to 30% chance of rain to help capture and control the storm water. Sammy Gonzalez will be the lead man in Hatch assigned and then additional ditchriders will help.

James Narvaez introduced Mr. Edward Nickerson to discuss the USGS Joint Funding Agreement. Mr. Nickerson presented to the Board how and where data has been collected through out the Mesilla basin. The fiscal year is from July 1, 2011 to June 30, 2012 and Mr. Nickerson adds that funding has decreased in the last two years. Robert Faubion moved to approve the USGS Joint Funding Agreement and Scott Adams second the motion. Motion carried.

USGS Joint Funding Agreement

Valerie Beversdorf advised the Board LRR 323 ROW and Easement Policy which included several policies in one is still being worked on and will be available for review and approval at the next Board meeting.

Policy Amendment

Valerie Beversdorf gave CR/GIS update. She advises the Board that Dustin Leonard is no longer with the district. She adds that she hopes to find a candidate for the GIS Specialist position soon.

CR/GIS Report

Valerie presented to the Board the Storm Water Coalition JPA completed by Lee Peters. Tom Simpson moved to accept the JPA Ramon Alvarez second the motion. Motion carried.

Storm Water Coalition

Delyce Maciel gave the HR and Safety update. One employee is on medical short term disability, two employees are expected to retire in August. There will be two positions that will be posted for hire; one for engineering and the second for GIS Specialist. The next EAC meeting will be July 26th. Nominations for new EAC members will also be taken at that meeting. Delyce adds that there will be one safety counseling training on trenching excavating due to two deaths that occurred this year in Northern NM. There was one safety issue that has occurred due to an employee digging with an excavator near high pressure gas lines. The issue has been addressed and the incident documented.

HR/ Safety Report

Gail Norvell presented to the Board the financial reports for the Month of June 2011. Cash in the

Controller Report

bank is \$599,866, assessments receivable is \$585,609 and investments \$5,442,153 for a total increase of \$1,066,415 over June 2010. Grant projects are on going.

Financial
 Fact Sheet

Gail presented the contract renewal for Mesilla Valley Appraisal Services. There are no changes to the terms of the contract. Robert Faubion moved to approve the contract and Robert Sloan second the motion. Motion carried.

Contract
 Renewals

Gary presented to the Board a Petition to the State Engineer that had been sent regarding LRG 4652 for the Copper Flats Mine. Gary expressed that it is a concern that reopening the mine could affect the water quality in Caballo Lake. The LRR has been given to Lee Peters to review since he has looked at this issue in the past.

Managers
 Update

Steve Hernandez and Samantha Barncastle reported on legal matters.

Legal
 Update

- LRR 302 – City of El Paso/Montoya Drain. Open- SAH
- LRR 303 – Hatch Easements. Open -SRB
- LRR 323 - Policies, Relinquish of Easement and Excess of Real Property. Open-SRB
- LRR 342- Protest to DAC and Verde Reality Water Rights Apps, Reopen-LEP
- LRR 345 – Lack/EBID Land Exchange and Flow Easement. Open-LEP
- LRR 351 - Request to realign ROW boundaries, Stahmann. Open-SAH
- LRR 359 – LRG MD Surface Water Treatment Facility Proposed Plan. Open-BJS
- LRR 365 - Assessment Roll Reconciliation. Open-SRB
- LRR 366 – Rincon Arroyo Weather Station MOA. Closed-SRB
- LRR 367 – Sierra County Communication Tower on Caballo Mountain MOA. Open-LEP
- LRR 374- Water Transfer and Stacking Request- Closed-SRB
- LRR 375- Delinquent Accounts for 2 or more acres- Closed-SLH
- LRR 376- Spill 2008-OP12 Policy- Closed- SRB
- LRR 377- EBID Permit Application Amendment Request- Closed-SRB
- LRR 378- Provisions made to Public Records Act-Closed-SLH
- LRR 379- Grey Fox Subdivision Special Use Permit- Open-SRB

LRR
 Report

Steve Hernandez advises the board regarding LRR 378 Inspection of Public Records Act. In order to meet new changes to the Act, EBID needs to adopt a rate schedule for requesting electronic public records and needs to post the information on its web page. Motion made to charge no more than one hundred dollars (\$100) per request for processing, gathering, downloading and sending electronic requests for public records. A public records link needs to be added to the EBID website. A move by Robert Faubion to accept Public Acts provisions second by Tom Simpson. Motion carried.

Steve Hernandez also informed the board that vice President Robert Faubion had signed the Settlement Agreement in Stream System Issue 101 on June 24, 2011 in the absence of President James Salopek. He requested the Board to ratify Vice President Robert Faubion's signature on the Settlement Agreement of Stream System 101-CIR/FDR. Tom Simpson moved to ratify Vice President Robert Faubion's signature Robert Sloan second the motion. Motion carried.

Lunch
 Break

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

Robert Sloan 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:

Open/
 Closed
 Session

State ex. rel. D'Antonio vs. EBID CV 96-888 (Stream Adj.)

CLC Well Applications-LRG 430-S-36

DAC Well Applications-LRG 3150B & LRG 9356

Following closed session, Robert Sloan moved and Willie Koenig seconded to return to open

session. Scott Adams moved and Robert Sloan seconded the motion to drop EBID's protest to the CLC Well Application-LRG 430-S-36 at the appropriate time set forty by legal staff.

The board discussed the matter of the employee vehicle allowance. The irrigation season is over and the employees will not be utilizing their vehicles for district business. The board discussed the impact of the decision to stop the vehicle allowance for those employees affected. The district cannot justify the cost for payment of the vehicle allowance when personal vehicles are not used for business purpose. The board instructed staff to continue the vehicle allowance thru the month of July 2011 in order for employees to adjust to the loss of the vehicle allowance. The board asked staff to begin looking at other alternatives for use of vehicles for the district such as purchasing "state pre-owned vehicles", ATV's and more fuel efficient vehicles.

Vehicle
Allowance

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

Adjourn

The next meeting of the Board of Directors will be held on Wednesday, August 10, 2011.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary