

MINUTES
MEETING OF THE NEW MEXICO\TEXAS WATER COMMISSION
MANAGEMENT ADVISORY COMMITTEE (MAC) AND
THE REGIONAL SUSTAINABLE WATER PROJECT
STEERING COMMITTEE (SC)
EBID OFFICES - LAS CRUCES, NM
June 07, 2001
10:00 A.M.

Welcome

Tom Bahr chaired the meeting and welcomed all the attendees. A copy of the sign-in sheet is attached as **Exhibit “A”**. Those members attending from the Commission’s Steering Committee were as follows:

Ed Archuleta – EPWU
Karl Wood – NMSU
Doug Echlin – IBWC
Gary Esslinger - EBID
Ari Michelsen – Texas A&M

Tom Bahr – NMSU
Tony Tarquin – UTEP
Jorge Garcia – City of Las Cruces
Art Coykendall – USBR

I. Review and Approval of Minutes from MAC\SC Meeting on January 12, 2001 (MAC\SC)

Tom Bahr asked if anyone had any comments or corrections to the MAC\SC Meeting minutes dated April 19, 2001. One correction was pointed out - on page 4 of the Minutes, second to last paragraph under Section VI, the quantity of water needed by the Spaceport should be 2,000 AF per year, not 200,000 AF per year. A motion was made to approve the April 19 minutes as amended. The motion was seconded and passed by a unanimous vote.

II. Progress on Obtaining Approvals for the Environmental Assessment for Jonathan Rogers Plant Expansion (EPWU/BuRec./EPCWID)

Art Coykendall stated that the FONSI for the Environmental Assessment was finalized on May 25th, and that they expected it to be signed by next week pending input from the BuRec solicitor’s office.

III. Report on El Paso County Water Improvement District No. 1’s Public Meetings Regarding Forbearance Policies to convert Rio Grande Water to M&I Uses (EPCWID)

Tom Bahr announced that this agenda item had been postponed. John Burkstaller confirmed this, but referred the attendees to one of the handouts entitled “Forbearance Program Rules and Regulations – Draft 4-16-01” (Proposed Rules), prepared by the EPCWID, and suggested a review of this document. He asked Ed Fierro to go over some of the highlights. Ed Fierro stated that the current draft of the Proposed Rules authorized

a maximum forbearance of 1 acre-feet (AF) per acre during a full allotment year, and only the allotment over 3 AF per acre during less than full allotment years. He added that the District would still have final approval authority of all forbearance contracts. Gary Esslinger asked Mr. Fierro what would happen during drought years when the allotment was below 3 AF/acre. Mr. Fierro answered that under the current Proposed Rules, the City would not receive any water when the District Allotment was below 3 AF/acre. Mr. Esslinger also asked if a specific price per AF had been established by the District for forbearance contracts. Mr. Fierro answered that the price and term would be left up for negotiation between the City and the farmer, and that the District planned to develop a standard contract form with blanks inserted for the price and term. Mr. Esslinger also related that he would prefer that the farmers be allowed to forbear as much of their allotment as they would like.

Mr. Archuleta stated that the District had already held several public meeting, which had been attended by Mike Fahy and Ed Fierro, and emphasized that the Proposed Rules document was only a preliminary document. He also noted that the District had not yet consulted with the City of El Paso concerning their Proposed Rules, and added that in his opinion the current Proposed Rules would not be acceptable to the City of El Paso, explaining that it would not be possible to finance a new surface water plant under the current proposal.

IV. Discussion of the Goals of the New Mexico-Texas Commission (Commission) (MAC\SC)

Gary Esslinger stated that he had met with Tom Bahr and Ed Archuleta on this issue. He felt that there are common goals and objectives that the Commission should continue to pursue, including issues that pertain specifically to the state of Texas – desalination, for example – and other alternatives which could save water down the road. Mr. Esslinger mentioned that there were still things that needed to be done that would allow implementation of surface water alternatives for Las Cruces. For example, information was needed on the pricing of water under the surface water alternatives, and also questions on what legal authority would be used to convert agricultural water to M&I use or which entity would construct the plants and distribute the water on behalf of Dona Ana County. Mr. Esslinger mentioned various other issues that needed to be examined, such as using ASR to store river water in the Jornada del Muerto Aquifer, a concept which looked good at this point but needed additional study. Also, he pointed out a recent contract in the works to study the accuracy of Snotel sites for prediction of future precipitation trends, and also a contract to study the evapo-transpiration and water requirements of pecan orchards. He stated that he hoped these and other studies would help provide guidance on how to proceed with their surface water alternatives. New Mexico's \$300,000 portion of the Year 2000 EPA grant funds has been obligated to a total of seven separate contracts being administered by NMWRRI on behalf of the Lower Rio Grande Water Users Organization.

Tom Bahr asked Jorge Garcia if their Technical Committee was keeping abreast on the progress of water resource issues. Jorge answered that they were, and noted that the city of Las Cruces had allocated funding for GIS and groundwater modeling software and

research. He also mentioned related cooperative modeling work with the New Mexico Water Resource Research Institute which is slated for completion in about four months.

Mr. Archuleta then continued with a discussion on a number of issues which are summarized below:

- * Despite all the litigation, the Commission must continue work on reviewing technical studies. He recommended that the Lower Rio Grande Water Users Organization give a report on the status of their projects and other issues.

- * The SWP had been delayed, and that the only reason the surface water plant was not going into design was delays with the District's forbearance program. However, it may be possible that the SWP Treated Water Transmission System could also be used to convey groundwater, in addition to, or in place of surface water.

- * Hunt Study Evaluation Project is being carried out by CH2M Hill to evaluate water importation options, and that at the same time the work on the Eastside Desalination Project is going forward. He added that it appeared that desalination would be very competitive with surface water, especially when the approximate \$200 per AF price charged by the District under the Third Party Contract is taken into account. An additional benefit tied to the desalination option is that EPWU had control over the brackish water resource.

- * The final ruling by the EPA on a new arsenic standard has been delayed until February 22nd of 2002.

- * Another study underway is the Westside Water Resource Study which is evaluating the potential for developing water resources on the west side of El Paso.

- * The Lower Rio Grande Users Organization is working with the JUNTAS of Cd. Juarez and the City of El Paso on a Tri-Regional Planning effort.

- * The surface water option is not going away, so there is no reason to panic. Although delays in progress of the SWP has been big disappointment, the Commission is not going to put everything on hold waiting for the District to make a decision on forbearance.

Conrad Keyes stated that he believes that the New Mexico Water Quality Commission approved last month the designation of Dona Ana County as the water and wastewater authority for areas outside the city limits of Las Cruces. Presumably, the Dona Ana County can build plants outside the city limits under the authority of the Section 208 Water Management Planning Process.

Gary Esslinger stated that EBID is working with the City of Las Cruces on developing a mechanism for the transfer of surface water rights for M&I use. The New Mexico legislature has already passed legislation that authorizes these type of transfers through the Municipal Water Users Association. This process is being used as a template by the city of Las Cruces, and EBID is also developing internal policies to allow conversion of

surface water to M&I use. He added that they are creating part of the mechanism necessary to allow these conversions at a later point in time. Gary continued by saying that their work on developing this mechanism is almost complete and that they will be ready to present the results of their work in the near future. He noted, however, they were not nearly as advanced as El Paso and the EPCWID#1 in developing the mechanism for M&I conversions. He concluded by saying that the only remaining stumbling block was the stream and groundwater adjudications process. Regarding this issue, Mr. Esslinger stated that in his opinion some decision should be made regarding ownership of water rights up front, and not after the adjudication process had been completed. He added that an effort was under way by EBID to compel the judge involved in the stream adjudication case to make an accelerated ruling concerning the ownership of the water rights.

There were additional questions and clarifications concerning the above issues. Towards the end of the discussion, Mr. Archuleta asked Mr. Esslinger that if he had to come up with a presentation that would show a “wiring diagram” of the steps to be followed which would enable the transfer and conversion of surface water rights to M&I use, would there be a unanimous decision from the entities involved that that would define the correct process to follow? Mr. Esslinger answered that the City of Las Cruces and EBID could probably do so, and that they may even be able to back up such a process with State Law, should the State Engineer Office intervene against it. Tony Tarquin asked if the New Mexico legislation that was recently passed concerning the authorization for water transfers would allow the export of water from the State. Mr. Esslinger replied in the affirmative. Conrad Keyes added that that any such water export across the New Mexico State line must comply with the regional 40 year water resources plan.

Dr. Michelsen brought out for discussion the future role and goals of the Commission. He started the discussion by stating that he saw the Commission as a non-crisis forum which provides an opportunity for using science based decision making. He added that he thought the Commission should have an updated, clear written statement concerning the purpose and goals of the Commission. John Burkstaller suggested that they review the original charter, and added that he thought it was important for the irrigation districts to be involved in the Commission, because they “have the water”. Tom Bahr stated that he saw one of the Commission’s roles as a forum for harmonizing each other’s water policies. Dr. Michelsen suggested that the Commission should look for discussion topics that will get the District’s interest. Mr. Archuleta stated that the bi-national planning effort may be something that will elicit their participation. There was extensive discussion concerning these and other issues related to the future direction and focus that the Commission should take.

Dr. Michelsen made a motion that the Commission draft a formal “Statement of Purpose” of the Commission, to be printed on Commission letterhead and also placed on the Commission’s web page. The “Statement of Purpose” would elaborate on the new direction and focus of the Commission, and should emphasize the joint planning and sharing of information promoted by the Commission. The motion passed unanimously. EPWU will draft the initial letter and distribute it to the MAC/SC members via e-mail for

discussion and input. The intent is to have it finalized, distributed, and ready to present at the next Commission meeting.

Mr. Keyes gave an update on some of the activities of the NMWRRI, and also mentioned a publication dealing with trans-boundary water quality management authored by himself, Dr. Gunaji, and others. He stated that the Watershed Council had seen it, but most member of the MAC/SC had not. He has this publication if anyone is interested. It can also also be downloaded form the ASCE web page at www.asce.org.

V. Discuss Opportunities for Combining Meetings of the Commission with the Watershed Council Meetings (MAC/SC)

John Sproul stated that Watershed Council had met a few days prior to select an Executive Committee, and that some gaps in the Committee membership still remained to be filled due to uneven representation of the desired interest groups. The next meeting is scheduled for Monday, June 11, where hopefully a full Executive Committee will be established. He added that the selection of Jim Stefanov as Chairman was still subject to approval from IBWC. Also, the Council is still working on finding a source of funds to pay for administrative costs. John Burkstaller asked if the evaluation of the Sustainable Water Project enhancements was scheduled ahead of other projects on the Council's list of objectives. Mr. Sproul answered in the affirmative, but that the specific agenda was still in the works.

John Burkstaller asked Mike Fahy what his intent was in adding this agenda item. Mr. Fahy explained that he had included it based on discussions during previous MAC/SC meetings regarding possibility of holding joint MAC/SC and Water Council meetings. The concept was that there may be a situation where joint meetings could be done on occasion, especially when their respective agenda items cover issues of common interest. Mr. Archuleta commented that he would prefer to continue to have separate meetings – at least for the now, until the Watershed Council gets better organized.

Dr. Michelsen mentioned that the Watershed Council had asked Ed Fierro and Mike Fahy to look into the possibility of using SWP monies to fund the initial administrative costs of the Council, but was not aware if this issue had been discussed internally by the Utility. Mr. Archuleta stated that this issue had not yet been discussed with him, but that his position was that no SWP money should be spent on enhancements in advance of SWP construction projects. He recommended that the Council pursue other sources of funds instead in the meantime. John Burkstaller added that having the moral authority of the MAC/SC behind the Council may help it obtain other sources of grant funds. Mr. Archuleta mentioned a recent article concerning the EPA's call for applications for their Source Water Protection Grant program as an example.

VI. Presentation of Elephant Butte Irrigation District's (EBID) SCADA System to Monitor Rio Grande Project Water Quality and Quantity (EBID) (Postponed)

Gary Esslinger apologized for having to cancel the SCADA presentation and EBID tour, and explained that they had had problems with SCADA System web page which was part

of his presentation. He added that he would try to have this presentation ready for the next meeting. Mr. Esslinger also advised that he had canceled the EBID tour for this afternoon, stating that he had not received sufficient notice on the exact number of people that would be taking the tour. He hoped to re-schedule the tour for the next meeting also.

VII. Announcement of postponement of Afternoon Tour of Elephant Butte Irrigation District Facilities (EBID)

See Item VI. above.

VIII. Other Business

Mike Landis stated that the USBR's SCADA System information is now available on their web site and has links to the EPA's "Surf Your Watershed" website. Mr. Esslinger added that they had a web designer develop their website and links to other sites using funding from an Interstate Stream Commission loan in the amount of \$500,000, and that the site is now available for use by the public. EBID's website is coordinated with the USBR's site and shows readings from 5 stations which are updated every 15 minutes. He said they have 38 SCADA sites located on drains, laterals, and canals which are currently operating.

Dr. Michelsen mentioned that the news media was running a series of reports on the border region. These reports can be accessed on the website www.time.com, under the "Special Features" – "Nation" menu selections. Also, he stated that the first planning publication of the Paso Del Norte Water Task Force went to press last week. This report is available on the www.sharedwater.org website, and includes a nice summary of the region's population, water supply, water demand, land use, etc.

In the context of the above discussion, Mr. Archuleta suggested that the MAC/SC ask Mr. Carlos Rincon to make a presentation at a future meeting on bi-national water issues. He also suggested a presentation by a BECC representative to give an update on the scope of work, timetable, etc., on some of their projects in the region. Finally, Mr. Archuleta suggested that CH2M Hill give an update concerning their water resource related activities in Albuquerque, including studies related to the Silvery Minnow. The MAC/SC agreed to pursue these suggestions. Dr. Michelsen volunteered to contact Carlos Rincon. Mike Fahy will contact the other entities and attempt to schedule presentations for upcoming meetings.

IX. Schedule Next Meeting/Location

The next meeting was scheduled for 10:00am on Thursday, July 26, at the PSB Boardroom in El Paso.