

STATE OF NEW MEXICO)
CITY OF CLOVIS) ss.

The City of Clovis Water Policy Advisory Committee met in regular session at 8:30 .m., Tuesday, October 10, 2017 in the Assembly Room, Bert Cabiness City Government Center, 321 N. Connelly in full conformity with the laws of the State of New Mexico and the ordinances and resolutions of said city with the following members:

Commissioner Chris Bryant, Chairman
Commissioner Helen Casaus (for Commissioner Madrid)
Mr. Justin Howalt
Mr. Jack Muse
Mr. Vince Demaio
Mr. Gene Hendrick
Mr. Harry Pomeroy
Commissioner Ladona Clayton
Commissioner Sandra Taylor-Sawyer
County Commissioner Chet Spear

ALSO PRESENT:

Ms. Vicki Reyes, Administration
Mr. Mark Huerta, EPCOR
Mr. Durwood Billington, Public Works
Mr. Ruben Alfaro, Public Works
Ms. Sandy Chancey, EPCOG
Ms. Maggie Chapman, ENMWUA
Members of the public
News Media

Commissioner Bryant called the meeting to order at 8:32 a.m. and established the presence of a quorum.

Agenda Item No. 3 - Approval of minutes of August 8, 2017

Commissioner Bryant stated on page 3 line 120 it should read "they will being a process with NMED and OSE". Mr. Hendrick made a motion to approve the minutes of August 8, 2017 as amended; Commissioner Clayton seconded the motion. The motion passed by acclamation, with the exception of Commissioner Taylor-Sawery who abstained.

Commissioner Bryant stated he would like to move the comments regarding Master Water Assurance Plan up before agenda item number 4.

Comments regarding Master Water Assurance Plan

Mr. Walter Bradley stated he is employed by the Dairy Farmers of America and water is a main concern of everyone. They are 100% in favor of conservation, but he asked how many believed the City of Clovis was running out of water right now. The fact is that dairies state wide accounted for 1.3% of state water use. The dairies recycle their water up to four times and are very efficient at what they do. They have

commercial wells at the dairy which is a requirement of the State Engineer. The dairies are not large water users. Southwest Cheese, which Dairy Farmers of America is a partner with, is a generator of water and they generate more than they use. He read "industry sources tell the milk weed that the New Mexico cheeseplant may have a shelf life of less than 10 years". This is not a true statement.

Mr. Bradley stated 5-6 years ago New Mexico American Water asked to help find a way to acquire water without buying farms. Out of the discussion with a few farmers they came up with legislation which allowed farmers to lease their water to New Mexico American Water. Since then, not only does EPCOR meet the state standards for water but they have a reserve. The city has the possible availability of 3.5 million gallons, which would double what the city uses. They need to capture that and would be the easiest and quickest way.

Mr. Bradley stated the work the city is doing is important, but they need to tone down some of the rhetoric. Commissioner Taylor-Sawyer asked what the difference was between commercial and irrigation well. Mr. Bradley stated an irrigation well is allowed 3 acre feet and a commercial well is allowed 1.29 acre feet.

Commissioner Spear stated the concerns he has are the dairies. He was told the dairies that have double crops use more water. How do you explain the wells being shut down and dried up. Mr. Bradley stated drinking water is one issue and irrigation is another. Mr. Demaio stated the dairy industry is a sustainable model for this area. He agreed that the dairy and ag industry will be huge contributors to the area for a long time.

Josephita Griego stated at a previous meeting Gayla Brumfield made it clear that EPCOR had a contract with the city to make sure the city has water. Is that something they could readdress that the city is not running out of water, but that the county does need water. Mr. Bradley stated EPCOR and the city do have a binding contract that they will provide water to the city. As for the county, when he was Lt. Governor they had the same issues around the State of New Mexico.

Agenda Item No. 4 - Update regarding pilot project with Southwest Cheese

Mr. Billington stated they are at 100%, the equipment is online and they are adding another storage tank. They already do all of the testing that EPCOR requires. TDS is typically 700 and their recommended limit is 500 and that is a non-enforceable requirement.

They have the pipe in for the Southwest Cheese project. They have one basin down and should start working on it in a week. They should be ready by the first of the year. It will take CDM Smith that long to do all of their data research. They have two bids on the pipe and it will run \$2.00 a foot. They are moving forward, but do not have the personnel to keep the schedule he originally thought of.

Mr. Howalt stated they are looking at direct injection and also infiltration. They could do infiltration basins, which is getting through the caliche layer so water will not go through as quickly. They have looked at existing well log data, the makeup of the soil conditions and how quickly the water will infiltrate into the aquifer.

Mr. Howalt stated they have a kickoff meeting scheduled with Southwest Cheese on October 19th. They are trying to work together to get that water back into town. With the rebuild of the plant in 2012 they added treatment processes to the existing plant and are now at a point to get the headworks back into

the effluent and see what extra treatment they may have to do. Mr. Billington stated the biggest issue has always been phosphorus limits from Southwest Cheese. They cannot put high phosphorus numbers in a standing body of water, but if they are putting it directly on grass or directly in the ground then phosphorus is not an issue. Commissioner Bryant asked how far away they were from being able to use reuse water to drinking water. Mr. Billington stated they are very close. It is designed now for direct human contact, but not human consumption.

Mr. Muse asked for a complete description of the pilot project. Mr. Billington stated CDM was tasked to see what it will take to take the phosphorus levels down so they can put the wastewater into a body of water. Mr. Howalt stated they are putting infrastructure in to get the water to the headworks. Mr. Muse asked if the water comes from a lagoon. Mr. Billington stated they have to bring it straight from the plant.

Mr. Hendrick asked when they would test for direct pharmaceutical. Mr. Billington stated when they go toilet to tap. He stated Cloudcroft is the only one in New Mexico that is doing toilet to tap. Mr. Demaio asked if the city would do the direct inject. Mr. Billington stated the purpose of this was to get the water to the quality that EPCOR needs it then EPCOR takes it from there and injects it. Mr. Demaio asked if EPCOR has been approved to inject that water. He stated the idea of putting water back into the aquifer is beyond comprehension. This committee needs to take a stand. He asked why they would want to put that back into a pristine basin. Before they pursue anything they better have a big insurance policy. Mr. Huerta stated this is very much in the infancy stage. The only resources that have been used at this time are EPCOR's resources. This is something strictly exploratory. Mr. Demaio asked if EPCOR was prepared to take a liability if that aquifer is contaminated. Mr. Huerta stated they have not hammered out the details of that yet. Commissioner Bryant stated that was something this committee would study before they ever move forward.

Mr. Blake Prather stated the issue came up about Wastewater during the Strategic Planning meetings. If they can use this water on top of the ground they don't want to inject into the ground. They want to save the water under the ground in the aquifer to use for drinking water.

Agenda Item No. 5 - Discussion and action regarding Master Water Assurance Plan

Commissioner Clayton stated they are supposed to be working toward the common good and she has not always seen that. They are all in this together. They have been recipients of very unkind words and criticism. She stated she appreciated each question that had been asked so far and every question that is coming after today.

Commissioner Clayton stated they had four town hall meetings and had low attendance for a strong topic. There were various questions from all of the meetings and she is working on getting responses to all of them so that they can be given back to her committee, the Water Policy Committee and then on the city's website. The major themes of the presentations were agriculture, reuse water, funding, dry wells south of town and EPCOR. She read her statement regarding agriculture "Clovis and Curry County are not considering stepping away from agriculture. Agriculture has been the bedrock of our community and the regional economy for more than a century and is an integral part of the customs and culture of Curry County. Farmers and their related businesses as major food producers make up 70% of our economic base. In addition they have contributed greatly to Clovis and Curry County to enhance economic progress in our quality of life. We believe farmers have an important voice in conservation

efforts and we plan to seek their help and ideas as we move forward. Several farmers have already converted to dry land farming and many are making significant efforts to conserve water. Some farmers have either converted to cattle or considered converting from irrigated farming to raising cattle. Ag producers are vital to our area and we must be respectful of their private property rights. We must work with agricultural institutions, companies and researchers to provide information to land owners regarding available programs and proven conservation practices where data is already available. We intend to work with local, state and federal agencies to assist land owners interested in changing their land management practices to conserve more water. We believe the conservation districts, NMSU Ag Science Center and NRCS will be great resources for this and we hope to include them in any future discussions."

Regarding reuse water they toured the facility at Rio Rancho and she has spoken with people from Cloudcroft. Questions asked regarding funding were: Are you aware that President Trump is cutting water project funding by 30%? Has the team read documents that regulate federal dollars and what you can and cannot spend those dollars on? Have you considered the dollars received by water utility authority from the state? Has the team reviewed the ¼% for the tax for the ENMWUA? Has the water planning team reviewed the election resolution for this tax stating what it could be used for and the question on the ballot? Where does the money come from to lease wells? Commissioner Clayton stated they spoke mostly about leasing water rights and would have to come up with funding locally. They have been very honest and forthcoming about the total cost to do the paleo, which is \$38-\$58 million for the complete package. Their intent is to exhaust all possible funding sources with the goal of placing the least amount of burden possible on local tax payers.

There are people from south of town who are moving to town for water, which increases water demand. More people are also hauling water from the city, loading at least 500-gallon tanks twice a week. The questions asked regarding dry wells were: How many homes are there without water? What is happening about homes that are actually dry? How long will it take to construct the line? Will EPCOR pay for the infrastructure to bring water to the Alpaca farm? Will Curry County keep citizens informed, as they would like to know what is happening because they have lost hope south of town?

Questions regarding EPCOR were: EPCOR has more water than they need right now. It may be 10 years before they need water. Why not let EPCOR do this and provide a guarantee in a 40-year water plan? What assurances are coming from EPCOR in regards to water, what are they doing right now, and is there support from them to make sure we do not run out of water in five years?

There was some confusion about playas. They do not want to restore the city playas. People thought the city wanted Playa Lakes Joint Venture to do the restoration on city playa's. Externally they were talking about paleochannel. There is evidence that there is recharge in playas. They can produce water and has value. When they put this in the plan it doesn't cost them anything and should allow other farmers to take advantage of conservation easements, land and water trust opportunities in order to restore their playas if they choose.

All of these questions will be answered and sent to the water policy members and posted on the website.

Commissioner Clayton stated they can accept the plan with all five action plans, they can send the plan back to the Water Planning Task Force with recommendations for revisions, completely reject the entire plan or reject individual action plans.

Mr. Muse asked if EPCOR precluded from banking water or are they not allowed to include banking water in their rate structure. Commissioner Clayton stated they could, but is not what they do because the PRC said they can't. Mr. Muse stated they are a private industry, but their rates are regulated by the PRC. Commissioner Clayton stated they do not want to bank the water. They have more water than they need to reach peak demand. They are focusing on infrastructure and have leased more wells. The city also cannot force their hand and insist that EPCOR's 40 year plan has them banking water. Mr. Howalt stated as far as the 40 year water plan that is filed with the Office of the State Engineer that is based on water rights. EPCOR currently has more water rights than what they technically need so there is no reason for them to have a 40 year plan. Mr. Muse asked if they could move water rights. Mr. Howalt stated there is a way to do a global permit. The state engineer would then put that into their model and make sure a neighbor isn't being impacted. (Commissioner Spear left the meeting at 10:20 a.m.)

Commissioner Thornton stated within the plan part of the negotiations leaves the door open for anyone to take the role on the paleochannel.

Commissioner Bryant would like to bring this back to the committee before it goes to the city commission. Mr. Muse stated that was an excellent suggestion. One of the biggest potentials they have as far as surface recharge is Ned Houk Park. There are several areas around Ned Houk Park where they could put more water in the dam. Commissioner Clayton stated she had a conversation with Don D'Amour, Roman Well Service, and he would not recommend Ned Houk Park over paleochannel. He looked at with EPCOR and there were some problems about the wells being considered. Mr. Muse stated he was referring to recharge. Mr. Hendrick asked if it was for recharge

Mr. Pomeroy made a motion to send this back to Commissioner Clayton's committee for revisions and updates and bring back to the Water Policy Advisory Committee for recommendation to the City Commission; Mr. Demaio seconded the motion, which passed by acclamation.

Agenda Item No. 6 - Updates

EPCOR Update

Mr. Huerta stated the peak day for the summer was at 9 million gallons which is 79% of pumping capacity. Last month they had an average pumping of 5.4 million gallons a day, which is about 48% of the total capacity. As of the June performance they had the ability to pump 11.3 mgd, which is about 7,863 gallons per minute. They are starting work on the Hartley wells which started yesterday and will be completed first quarter of next year. They moved on to GBK wells, east of town towards the airport, which should be completed by the end of 2018. Mr. Demaio asked what it costs to lease water from those wells. Mr. Huerta stated they pay \$.95 per thousand. Mr. Hendrick stated that was about \$315 an acre foot.

ENMWUA Update

Ms. Chapman stated this month they submitted the Water Trust Board application and will give a presentation on October 24th. They are working with CAFB on their last easement purchase. They will also have to do an environmental piece on that. They are working with the New Mexico Finance Authority on closing their loans. Mr. Hendrick asked if the right of way issues were settled. Ms. Chapman stated they are not. Mr. Muse asked how many they lacked on the Cannon leg. Ms. Chapman stated they are lacking two. Mr. Hendrick asked if they were trying to go down roadways. Mr. Howalt stated they are not. Mr. Demio asked about easements from the state land office. Ms. Chapman stated the state land office has their own way, but they negotiated for a longer term and a cheaper price.

City Update

Mr. Howalt stated they will also be giving their update at the water trust board.

Mayor Lansford stated the direct injection is the lowest priority. Capturing all of the reuse water they can capture is a great idea, but it is also a great idea to have that water for industrial growth. Then they have that money to invest in conservation. He agreed with Mr. Bradley to a large degree, but why is EPCOR even looking at water injection and why is the city even looking at the Ute Water Project. They want to ensure that they have fresh water supply for the citizens for a long period of time. Mr. Demaio stated they do not need a disaster to act.

Mr. Hendrick asked if they looked into metering wells. Commissioner Bryant stated they would add that on to the next agenda.

Agenda Item No. 7 - For the good of the order

Commissioner Bryant stated the next meeting would be at 8:30 a.m., Tuesday, November 14th.

Agenda Item No. 8 - Future Agenda Items

None.

Agenda Item No. 9 - Adjournment

There being no further business to come before the committee the meeting adjourned at 10:37 .m.

Chairman

SEAL
(ATTEST)

City Clerk