

**TESTIMONY TO SENATOR BINGAMAN AND
THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
ELEPHANT BUTTE IRRIGATION DISTRICT
GARY ESSLINGER, MANAGER**

Good afternoon . . . Senator Bingaman, Senator Udall, Members of the Senate Energy and Natural Resources Committee, and citizens of Dona Ana County citizens thank you for this invitation to speak today. My name is Gary Esslinger and I am here representing the Elephant Butte Irrigation District with its more than 8,000 water users.

Senate Bill 1689 is a legislative package that has far reaching implications on this county. I am here today to represent and voice the position of Elephant Butte Irrigation District in the matters of this bill. Regardless of what I personally think about the issue of protecting the Organ Mountains, the implications of the Bill to my organization and the future of water matters in this District and this county are reflected in my duties and my testimony today.

EBID is one of the most innovative irrigation districts in the nation. We are not just the first of many such Districts; we were the first to fully retire all debt obligations to the United States and the American public. Our actions and our mission are to serve our users as efficiently as possible and always keep our eyes on the future and what is the best for the District. Our record of success would suggest that we have done a pretty good job of maintaining short and long term planning strategies that support that mission and our obligations to our constituency. We are proud of our accomplishments.

The challenges this District faces are dynamic. Seldom is there the luxury of defining strategies on the basis of a snapshot of information. This bill and its implications to our organization represent that dilemma. When I was approached during the discovery phase of this process, I was asked to agree with certain modifications in order to accommodate EBID operations. For example, a request for access and placement of remote telemetry equipment for monitoring flood events was accepted by Senator Bingaman's staff. For that particular monitoring project, the adjustments were adequate for our organization. What was discovered, however, was that the dynamics of our responsibilities continued to change. We realized that our organization was reacting to planning envisioned for us rather than our organization being party and contributor to such planning.

As leaders, I think you have a good idea of what our irrigation district responsibilities are. I will not take up time reciting those duties. What I want to detail is the evolving opportunity this District and this community have found themselves party to. In the settlement between El Paso and EBID, our District became the sole benefactor of flood water if we could contain and handle it before it arrives within the confines of the river channel. El Paso simply cannot handle massive floods because of the proximity of its downtown area and the Rio Grande channel. The settlement allows us to capture and put flood waters to beneficial use, but we must handle the onslaught and contain it in our delivery system. Our canal and drainage system provides the massive infrastructure for

transporting that water, but we need to perfect a system to adequately capture and introduce such waters into that infrastructure.

S.1689 jeopardizes our ability to install such a system if we are not allowed access to our watersheds. This is a complicated project. The extent and scope of such an undertaking is massive and if our ability to perfect the system is hamstrung by federal land designations this new opportunity will be lost. Ladies and Gentlemen, we don't have these kinds of opportunities in arid lands! What is more, if we impose restrictions on getting this accomplished the fiduciary responsibility we swore to uphold will be breached.

What my organization requests today is that this committee recognize the magnitude of this opportunity. We need full and unencumbered access to the major watersheds of this county so that we can embark on the next generation of Irrigation District services that our predecessors so remarkably undertook. I cannot sit here today and draw a pencil sketch on a map that would fully afford this project to get accomplished. What I can tell you is that this opportunity goes away as soon as uncontrolled flood waters reach the channel. What I can also tell you is that this captured water will not be counted to our allotments and contracts. This would be a new and expanded water supply!

S.1689 must be modified to assure access and construction of flood water facilities up and down watershed slopes for the full and safe capture of future flood events similar to those the Village of Hatch has endured. This is a matter of public safety and community interest, and, prior to a full assessment of what is needed, all areas slated for Federal Wilderness and NCA that drain into the Rio Grande must be more closely studied. Our organization and all other organizations that are charged with flood control and public safety matters must be at that planning table. This matter cannot be directed from afar by interests that have other political agendas.

In closing, I will make a personal comment on the core issue of this debate. The Organ Mountains, with their soaring points and sky line, are the issue at stake here. We all identify them with our inward image of our valley home. Let us join in protecting them, but let us also be given the opportunity of making this home we have vibrant and accommodating for those who come after us. Thank you very much . . .