

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
September 11, 2013**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, September 11. The meeting was called to order by President James Salopek on a motion by Willie Koenig, seconded by Scott Adams. Motion carried. Bobby Kuykendall, Robert Sloan and Robert Faubion were absent.

EBID personnel present were Gary Esslinger, Treasure-Manager; Gail Norvell, Controller; Zachary Libbin, Junior Engineer; Chuy Morales, Engineer Tech; AJ Carlson, Land Water Analyst; Leo Barrett, Maintenance Director; Naomi Ontiveros Executive Secretary; EreK Fuchs, Groundwater Resource Manager; .

Also present were Steven Hernandez, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Jim Hangen, OSE; Greg Daviet, Dixie Ranch; Ryan Ward, NMDA ; Chrystal Enoch, Zia Natural Gas,

The Pledge of Allegiance was read by President James Salopek followed by an Invocation given by Jerry Franzoy.

The calendar was discussed. Gary advised the Board the Stormwater Coalition will be meeting September 12<sup>th</sup> at 1:30 p.m. A Special board meeting is scheduled for September 19<sup>th</sup> at 10 a.m. Gary also advised the board Delyce, Zack and James are scheduled to attend the Elephant Butte Dam exercise in T or C on Monday September 23<sup>rd</sup>. The next scheduled board meeting will be October 9<sup>th</sup>. Gail, EreK, Zack and James will be attending the 2013 User Group conference in Reno, NV October 22<sup>nd</sup> and 23<sup>rd</sup>.

Roll Call

Pledge of Allegiance & Invocation  
Calendar of Events

Non-Moratorium				
License List for Special-Use-Permits for September 11, 2013 Board Meeting				
Licensee	Assessment	Term	Fees Requested to be Waived?	Approved - Denied EBID BOD
<b>2013-L-068 NMDOT</b>	\$9,250.00	25 years	Yes	Approved
To amend existing permit, to construct, operate and maintain a multi-use path crossing the West Drain, Zack Lateral and the Crawford Lateral along Hwy 136 at various stations.				
<b>2013-L-070 El Paso Electric Co.</b>	\$3,416.67	25 years	Yes	Approved
To replace, operate and maintain two (2) poles, install two (2) new poles and convert a single phase utility into a three (3) phase, crossing the Rincon Main Canal at Approx. Sta# 142+00				
			Farm Use	Fees Waived
<b>2013-L-071 El Paso Electric Co.</b>	\$3,416.67	25 years		Approved
To construct, operate and maintain an aerial utility line crossing the Garfield Drain at Approx. Sta# 248+00				
<b>2013-L-072 El Paso Electric Co.</b>	\$2,916.67	25 years		Approved
To convert, operate and maintain an existing 4KV to a 13.8KV utility line crossing the Chamberino East Lateral at Approx. Sta# 206+80				
<b>2013-L-073 El Paso Electric Co.</b>	\$3,416.67	25 years		Approved
To construct, operate and maintain an aerial			Yes	

Special Use Permits

			Farm Use	Fees Waived
<b>2013-L-074 El Paso Electric Co.</b>	\$3,166.67	25 years	Yes	Approved
To construct, operate and maintain an aerial utility crossing the La Union East Lateral at Approx. Sta# 354+40			Farm Use	
<b>2013-L-076 Olin Calk</b>	\$983.85	10 Years	Yes	Approved
To use, operate and maintain a piped portion of the Tortugas Lateral as a vehicle crossing at Approx. Sta# 31+00 thru 33+00			Farm Use	
<b>2013-L-077 Zia Natural Gas Co.</b>	Blanket Agreement	25 Years		Approved
To construct, operate and maintain a (2") utility crossing the Picacho "A" Lateral at Approx. Sta# 72+00				
<b>2013-L-078 Zia Natural Gas Co.</b>	Blanket Agreement	25 Years		Approved
To construct, operate and maintain a (2") utility crossing the Del Rio Drain at Approx. Sta# 1044+80				

Zachary Libbin presented the Special Use Permit applications for the month of September to the Board. Jerry Franzoy motion and Scott Adams seconded to approve the presented permits. Motion carried.

Zack presented a proposed amendment 2003-ENG12. The proposed amendment will be changing the minimum land reclassification of one acre to two acres and existing EBID land acres must now have two or more acres to be reclassified as recommended by Vice President Robert Faubion. Jerry Franzoy motion and Scott Adams second to approve the amended policy presented. Motion carried.

Policy Amendment

Dr. King presented the Board with the current water outlook report.

Hydrology Report

The 2013 Release

	Allocation	Used	+/-
EBID	53,713	54,002	-289
EPCWID	43,223	51,561	-8,338
Mexico	3,665	3,709	-44
Totals	100,601	109,272	-8,671
Caballo release		168,607	
Diversion ratio		64.8%	

Project Storage Status, September 10, 2013

	AF
Elephant Butte Reservoir	91,111
Caballo Reservoir	11,778
Total Project Storage	102,889
Rio Grande Compact Credit	-24,267
San Juan-Chama	-33,337
Usable Water in Storage	45,285

Summary

- Compact New Mexico will likely have a debit for 2013, applied in 2014
- Drought is still on; Elephant Butte at 4.5% of capacity
- Monsoon is helping with direct rainfall, instream flow and recharging the aquifer. New Mexico's debit will be reduced by storm water inflow below Otowi
- 2014 will likely be a short-supply year, but not as bad as 2013.

Erek Fuchs advised the Board that Sara Falk with USGS has requested cooperation to access the District's monitoring wells and data with attention to proposed water quality (specific conductance) sampling; no funding is requested. The study will be the subject of a public database that will allow anyone to see. Erek recommends working with Ms. Falk; she has also proposed to present a full report of the results with a groundwater contour map to the Board of Directors. Jerry Franzoy motioned and Willie Koenig second to have a joint cooperation with Sara Folk for the noted topic. Motion carried.

USGS Cooperators Program

Erek Fuchs updated the board on the IT department. John Gregg and Gail and Erek have been working on a much-needed wiring upgrade for the District's network. IT will continue to work on improving and rebuilding its hardware.

Erek and Zack introduced Dr. Blair Stringam with NMSU to help discuss a pump efficiency program they hope will benefit the EBID constituents. Dr. Stringam presented the Board with a series of slides showing the difference of costs between electric and diesel run pumps and the percentage of efficiency for each. Dr. Stringam adds this does not show the fluctuation in cost for maintenance and repairs. Erek and Zack both add they feel this could be a great tool for the EBID constituents to be able to better understand groundwater pumping problems and to help save considerable money over time.

Gail Norvell presented to the Board the financial reports for the Month of August. Cash in the bank is \$375,073, assessments receivable is \$587,420 and investments \$7,270,268 for a total decrease of \$185,611 over August 2012. Grant projects are on going and in process.

Controller Report  
 Financial Fact Sheet

Gail presented Dr. Fernando Cadena contract for amendment. Dr. Cadena will be adding a subcontractor Dr. Legg who will be assisting in the design of the Mesquite WTP. Willie Koenig motioned and Scott Adams second to amend Dr. Cadena's contract. Motion carried.

Contract Renewals

Amendment to Policy 2003-GA8 to eliminate Section I. Definition of Special Combined Unit which provides for combination of acreage for assessment purposes was tabled until September 19<sup>th</sup> Special Board meeting to gather more information.

Policy 2003 GA8 Amendment

Gail advised the board in relation to the Truepoint software the assessment of flat rate parcels based on county parcel needs to be changed now as they stand on DAC deeds as flat rate and farm rate with no exception. Board agrees that assessments will be based truly on parcel description.

Gary advised the Board of Directors he will be speaking at the 2013 NM State Planning conference in Farmington on October 4<sup>th</sup>.

Managers Update

Gary updated the Board on the Drought Sub-committee meeting held in Farmington. He stated that there was about a 2 hour discussion on the ruling over Domestic Wells in the Bounds case. Later questions were asked to ISC officials about the OA and the litigation in Southern NM, Estevan Lopez Stated that the State of NM had to intervention because of Compact violation and to much surface water was going to Texas. Gary was asked to respond and stated that he and others would give their explanation to all the litigation in friendlier territory when the committee would meet in Las Cruces.

Steve Hernandez, Samantha Barncastle and Lee Peters reported on legal matters.

Legal Update

LRR #	Legal Assignment	Legal	Open	Closed per BOD	Comments
LRR 303	Hatch Easements for Work on Placitas Arroyo	SRB	x		Legal has requested to remain open
LRR 345	Lack/EBID Land Exchange and Flow Easement	LEP	x		Legal has requested to remain open
LRR 387	Drain Right of Way Use	SRB	x		Legal has requested this LRR remain open indefinitely
LRR 394	Review BLM Letter Regarding Copper Flat Mines	SRB	x		Legal is continuing to monitor and has requested LRR to remain open
LRR 399	Amend and Revise Original Document with Zia Natural Gas	LEP		x	Zachary Libbin has requested to close this LRR
LRR 406	IBWC O & M Flood Gate MOU	LEP	x		Legal has requested this LRR to remain open
LRR 409	Transfer of Tortugas #2 Dam	LEP	x		Legal has requested this LRR to remain open
LRR 410	Kit Carson Road Permit	LEP	x		Legal has requested to remain open
LRR 419	Defective Equipment-Roll Bender Model R-H45	SRB	x		Legal advised a response has been received and will close at the next board meeting.
LRR 421	LCHS Special Conditions Permit	LEP	x		Legal has advised to remain open

LRR Report

LRR 422	Illegal Dumping behind Tortugas Dam	SRB	x		Legal has requested to remain open
LRR 424	1920 Conversion Act for change of use, water rights and the rules associate with the SWUA process	SLH	x		Legal has requested to remain open
LRR 425	JPA and Transfer of Loan to LRGPWWA	LEP	x		Legal has requested to remain open
LRR 426	Acosta Land Lock	LEP	x		Legal has advised to remain open
LRR 427	State Of NM Surface Water Quality Regulations	LEP	x		Legal has requested to remain open
LRR 428	DAC vs Haddad vs Rocio Picado	SRB	x		Legal has provided their responses and has requested to close
LRR 429	Petition for Writ of Mandamus against SE	SRB	x		Legal has requested to remain open
LRR 430	NM Government Conduct Act	LEP	x		Legal has requested to remain open

Jerry Franzoy moved and Scott Adams seconded to break for lunch. Motion carried. Following lunch, Scott Adams moved and Willie Koeng seconded to reconvene the meeting. Motion carried.

Willie Koenig moved 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:

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

- SSI 102-EBID Claims to Groundwater
- SSI 103-Domestic Wells
- SSI 104-US Project Water Right
- Expedited Inter Se-Boyd Claims and Boyd Appeal to NM court of Appeals
- Motion to Designate SSI 106

State of New Mexico vs United States of America, et al.; no. CV 11-00691 JB-WDS

Texas v. NM (USSC)

LRR 342/ Matter 150 & 155-CRRUA

LRR 426- Acosta Land Lock

Chamberino Well Protest

Following closed session, Willie Koenig motioned and Jerry Franzoy seconded to return to open session. No topics other than those set forth above were discussed at the closed session.

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

The next meeting of the Board of Directors will be held on Wednesday October 9, 2013.

Open/  
 Closed  
 Session

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary