

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
December 9, 2013**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Monday, December 9, 2013. The meeting was called to order by President James Salopek on a motion by Jerry Franzoy, seconded by Bobby Kuykendall. Motion carried. All members were present.

Roll Call

EBID personnel present were Gary Esslinger, Treasurer-Manager; Gail Norvell, Controller; Zachary Libbin, Junior Engineer; Leo Barrett, Maintenance Director; Naomi Ontiveros Executive Secretary; Erech Fuchs, Groundwater Resource Manager; Gail Norvell, Controller; Delyce Maciel, HR/Safety Director; Richard Bejarano, Watermaster .

Also present were Lee Peters, Lee Peters Law Firm; Dr. Phil King, Hydrology Consultant; Tom Maddox;

The Pledge of Allegiance was read by President James Salopek followed by an Invocation given by Scott Adams.

Pledge of Allegiance & Invocation

Bobby Sloan motioned and Robert Faubion second to accept the November board minutes. Motion carried.

Minutes

Canvas of votes was completed for the December 3, 2013 election. Gail Norvell presented the Tally Sheet containing the results of the election to the board. Robert Faubion motioned and Jerry Franzoy second to accept the Tally Sheet as the official election results. Motion carried. The Tally sheet is attached to these minutes.

Canvas of Elections

The calendar was discussed. Gary advised the Board he will be attending the Regional Water Planning meeting in Albuquerque on December 17th. The DASWCD will also be holding its monthly meeting on December 12th at 9 am in the EBID large board room. Gary reminded the board the District will have its annual winter shutdown beginning December 24th and will reopen on January 2nd. Gary and Steve Hernandez will be attending the NWRA 2014 Leadership Forum in Las Vegas, NV from January 6th through the 8th. Gary advised he will also be attending the NM Water Dialogue Statewide Meeting that will be held in Albuquerque on January 9th. Due to conflicts of schedules Willie Koenig motioned and Robert Faubion motioned to move the January 8th Board meeting to January 15th. Motion carried.

Calendar of Events

Non-Moratorium License List for Special-Use-Permits for December 9, 2013 Board Meeting				
Licensee	Assessment	Term	Fees Requested to be Waived?	Approved/Denied
2013-L-082 U.S. Geological Survey	\$2,916.67	25 Years	Yes	
To construct, operate, and maintain a high-frequency water level & water quality data monitor on the east bank of the Rincon Drain at Approx. Sta# 156+50				Approved
2013-L-089 Century Link	\$1,630.07	10 Years		
To construct, operate, and maintain a phone utility conduit by boring across the Leasburg Main Canal at Approx. Sta# 54+00				Approved
2013-L-090 Century Link	\$1,570.06	10 Years		
To construct, operate, and maintain a phone utility conduit by boring across the Wasteway #1 at Approx. Sta# 7+00				Approved

Special Use Permits

2013-L-091 City of Las Cruces	\$2,916.67	25 Years		
To construct, operate, and maintain a 12" waterline crossing the Picacho Main Canal at Approx. Sta# 521+50				Approved
2013-L-092 Clarence Crawford	\$1,766.67	10 Years	Yes	
To renew an existing permit for a bridge crossing the Leasburg Main Canal and harvest gate on the Leasburg Main Canal for access to residential property at Approx. Sta# 163+54				Approved
2013-L-094 Zia Natural Gas Co.	Blanket Agreement	25 Years		
To construct, operate, and maintain a gas utility crossing the Weeks Lateral at Approx. Sta# 0+25				Approved
2013-L-095 Zia Natural Gas Co.	Blanket Agreement	25 Years		
To construct, operate, and maintain a gas utility crossing the Three Saints Main Lateral at Approx. Sta# 0+15				Approved
2013-L-096 Engineers Inc./CLC Utilities	\$5,833.33	25 Years		
To construct, operate, and maintain a 12" waterline crossing the Picacho Main Canal at Approx. Sta# 420+00 and the School Lateral at Approx. Sta# 24+00				Approved

Zachary Libbin presented the Special Use Permit applications for the month of December to the Board. Robert Faubion motioned and Tom Simpson second to approve all permits as presented. Motion carried.

Zack updated the board on the Kit Carson Road permit. Dona Ana County still has not signed the one year permit previously approved and have not returned with any comments or suggestions on the drafted agreement or legislation. Zack will continue to follow up with the county engineer and hopes to come to an agreement in the near future.

Dr. King gave the weather outlook for the month of December.

November 19, 2013 Storage Status

Component	Acre-feet	Status
Elephant Butte	215,029	
Caballo	38,682	
Total Storage	253,711	
RGC Credit	(24,267)	
San Juan-Chama	(33,337)	
Usable Storage	196,107	
Inflow/day	1,500	

SNOTEL

Basin	% Avg SWE	% Avg Precip	% Peak
Upper Rio Grande	102	81	16
Sangre de Cristo	138	101	19
Rio Chama	106	66	13
Jemez	117*	76	9*

Hydrology Report

- 2014 will not be as bad as 2013, but that leaves a lot of room for badness.
- 2014 will be bad:
 - High river losses will continue
 - A release over 400,000 AF removes the drought adjustment factor – 0.75 for release < 400 kAF, 1.0 for release > 400 kAF
 - Rains may improve runoff relative to snow pack
 - If release is greater than 400 kAF, expect a skewed allocation

Gail presented several new and renewal contracts for approval: Janitorial Contract; no changes in fees. Scott Adams motioned and Jerry Franzoy second to approve the contract. Contract renewal for Heating and Cooling Services with Stadjuhar's Heating and Cooling; no changes to fees. Contract renewal for IT Professional services with Dave Nelson; no changes to fees. FSA Contract. This contract was previously with the State of NM but due to changes it will be contracted privately. Scott Adams motion and Robert Faubion second to approve this contract upon legal's approval. All motions carried.

Contract Renewals

Gary presented to the Board the NWRA Leadership Forum trip to be held in Las Vegas, NV on January 7th and 8th. He requested approval for Steve Hernandez and himself to attend. Scott Adams motioned and Tom Simpson second to send Gary and Steve. Motion carried. Gary reported on the WRII conference he and Steve attended on November 21st and 22nd. It was a well attended conference with variety speakers. Kris Polly gave a great speech on the federal views and Dan Keppen with Family Farm Alliance gave a good speech on agriculture. Other speakers were Steve Wilmeth of DASWCD and Scott Verhines of NM OSE.

Managers Update

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 Report

Elephant Butte Irrigation District
Board of Directors Meeting
December 9, 2013

LRR 410	Kit Carson Road Permit	LEP	X		Legal has requested to remain open
LRR 422	Illegal Dumping behind Tortugas Dam 1920 Conversion Act for change of use, water rights and the rules associate with the SWUA process	SRB		x	Legal has advised to close
LRR 424		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 428	Haddad v. Picado, et.al	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
LRR 431	BOR EIS Written Response	SLH		x	Legal has advised to close
LRR 432	Chamberino Well Protest	LEP	X		Legal has requested to remain open
LRR 433	Hot Springs Basin Protest	LEP	X		Legal has requested to remain open
LRR 434	BLM Issues Re: Sibley Greent Site 4, Sibley Green Site 5 and Crow Broad Placitas Dams	LEP	X		Legal has requested to remain open

Jerry Franzoy moved and Robert Faubion seconded to break for lunch. Motion carried. Following lunch, Willie Koenig moved and Tom Simpson seconded to reconvene the meeting. Motion carried.

Willie Koenig moved and Tom Simpson 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
Chamberino Well Protest
Hot Springs Basin Protest
Managers Evaluation

Following closed session, Bobby Kuykendall motioned and Tom Simpson seconded to return to open session

Following closed session, Willie Koenig motioned and Robert Faubion seconded to approve the Treasurer-Manager's annual evaluation.

There being no further business, Willie Koenig 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, January 15, 2014.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary