

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
January 15, 2014**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, January 15, 2014. The meeting was called to order by President James Salopek on a motion by Jerry Franzoy, seconded by Tom Simpson. Motion carried. Robert Sloan was absent.

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

Also present were Steve Hernandez, Samantha Barncastle, Bob Heyser, Heyser Pecan Farm; Conrad Keyes Jr. PDNWC; Maurilio Castro (Maury), EBID Member; Robert Diaz, Diaz Farms Dona Ana; Jim Hagen, OSE; Pat Gordon, Herman Settermeyer, TX RGCC; Angela McMillian, Ryan Ward, NMDA; Dr. Phil King, Hydrology Consultant.

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

Robert Faubion motioned and Willie Koenig second to accept the December board minutes. Motion carried.

Elected Board Members Marty Franzoy, Precinct 2, and Michael McNamee, Precinct 8, read the Elephant Butte Irrigation District Oath of Office and were sworn in as the Districts newest board members.

The calendar was discussed. Gary advised the Board on January 21st George Cairo with Cairo Engineering Inc. will be demonstrating their sealant product on one of the districts canals. Gary suggests that board members attend to see how this product works and could possibly benefit the district. Emails will be sent out on the exact time and location by the end of the week. January 31st there will be a public BOR EIS Scoping meeting at the EBID's large conference room at 6:00 pm. February 1st through 3rd is Las Cruces Day In Santa Fe at the NM 30 day Short Legislation session. Also in Santa Fe will be the CRRUA hearing beginning February 11th through the 13th. Board members are suggested to attend as well. The 2nd Annual Operations & Management Workshop will be February 12th and 13th in Phoenix, board members wanting to attend are advised to let Naomi know. Due to conflicts of schedules Jerry Franzoy motioned and Willie Koenig second to move the February 12th board meeting to Tuesday, February 18th. Motion carried. Gary will be speaking at the National Groundwater Assoc. Conference in Albuquerque on Tuesday, February 25th.

Non-Moratorium			
License List for Special-Use-Permits for January 15, 2014 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2013-L-097 El Paso Electric Co.	\$2,916.67	25 Years	
To upgrade an existing electrical utility line crossing the Upper Chamberino Lateral at Approx. Sta# 237+00			

Zachary Libbin presented the Special Use Permit applications for the month of January to the Board. Jerry Franzoy motioned and Bobby Kuykendall second to approve the permit as presented. Motion carried.

Zack advised the board Richard Armijo with the DAC was expected to be in attendance to discuss Kit Carson Rd with the board but has not arrived for an update. Zack at this time has no further update for the board other than previously discussed. 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 or than an email from Chuck McMahon.

Zack presented a Resolution Authorizing a Grant Agreement with United States Bureau of Reclamation Watersmart funding Opportunity Resolution 2014-001. The Elephant Butte Irrigation District will commit to at least 50% cost share of the designated projects over three years within EBID boundaries. Zack advises the Board this is part of the application process and it will be a three year project. Robert Faubion motioned and Jerry Franzoy

Roll Call

Pledge of Allegiance & Invocation

Minutes

Canvas of Elections

Calendar of Events

Special Use Permits

Kit Carson Rd

Resolution 2014-01

second to approve Resolution 2014-001 as presented. Motion carried.

Zack presented to the board 1999-ENG5 and 1999-ENG11 for review and direction. Zack has gathered a list of members that are encroaching on EBID property and has requested to know how the Board would like to handle the encroachments. A list can be presented at the next board meeting for review and then make a decision on a case by case situation. Legal has advised that the list be given to them for review before final presentation to the Board.

Leo Barrett updated the Board on maintenance projects. The pipeline project on the Derry and Gonzales laterals is underway. Nine structures and one box structure are to be completed by early April. Two concrete linings in the Hatch Valley will be completed; the headwall by Las Cruces High School has been completed and Central and Mesilla area drains are being cleaned. Leo asked the Board of Directors if they felt any particular area needed spraying. Bobby Kuykendall recommended that spraying be done down south before the mustard begins to seed. Leo and Zack advised the board there has been a maintenance issue with several flap gates installed by IBWC in 2011. IBWC was contacted and advised to remove all flap gates. IBWC's response was they would remove and reinstall approved gates. After further investigation only two gates would need to be fixed by IBWC. The further gates do not pose a problem for the District.

Current Storage Status

January 13, 2014	Acre-feet
Elephant Butte Reservoir	293,552
Caballo Reservoir	40,048
Total Storage	333,600
Est. Rio Grande Compact	(80,000)
Est. San Juan-Chama	(18,000)
Total Usable Storage	235,600
Computed Inflow/Day	1,042

Release Scenario Summary

		Release, AF		
		250,000	300,000	350,000
Fixed Start	Initial	May 21	May 21	May 21
	Final	Jul 23	Aug 3	Aug 14
	Days On	64	75	86
Fixed End	Initial	May 20	May 8	Apr 27
	Final	Jul 22	Jul 21	Jul 21
	Days On	64	75	86

NRCS January Runoff Forecast

March - July Runoff Forecast, percent of average						
Exceedance Probability	10%	30%	50%	70%	90%	
Rio Grande at Otowi	117%	89%	72%	56%	38%	
Rio Grande at San Marcial	125%	85%	59%	33%	-6%	
March - July Runoff Forecast, 1,000 acre-feet						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	845	640	515	405	270	720
Rio Grande at San Marcial	635	435	300	167	-31	510

Take-home points

- Snowpack relative to normal for current time of year has degraded significantly
- Dry outlook
- Short release virtually certain
- 400 kAF release threshold in play, potential for allocation skewed to El Paso if release is greater than 400 kAF
- Allotment of LESS THAN or equal to 12 inches very likely
- Not good, but not as bad as 2013

Encroachment
 Policy Review
 1999-ENG5
 1999-ENG11

Maintenance
 Update

Hydrology
 Report

James Narvaez gave a brief demonstration on the new TruePoint Software. James advises that it may look different than the previous software the basic information needed to place an order is the same. Information cards will be sent out to members to fill out to make the process easier and faster; he strongly encourages the board members to get the word out there and encourage members to fill out the information cards. There will also be training classes for board members to be set up soon so they are able to understand the process and help fellow members that have any questions.



Arthur Jr & Josephina M. Narvaez
 5180 Valle Bonita
 Las Cruces, NM 88007

Growers Information Sheet 2014

Customer # 5373

Delivery Information Summary

Section	Canal	Turn-out	Parcel	Field	Crop	Acres
2A	Dona Ana Lateral	207-024458-02-TO	48700P	48700T001	Pecans	1
2A	Dona Ana Lateral	207-024458-02-TO	48700P	48700T001	Idle	1
Total						2

Please take a moment to review the information located above. This your water ordering information that will be used to place your water order for the 2014 irrigation season. If the information is correct you don't have to do anything else. If you are not sure what you will be growing or need help in determining your field size please contact our water records office at 575-524-8003 and we can assist you. EBID will then supply you with all the information you need

Water order procedure

Water orders can be taken by knowing your **Customer Id Number** or your **Field Number**. Each of these numbers can be located on this Growers Information Sheet. Follow these simple steps

1. Call EBID water Records during regular business hours. 575-524-8003
2. EBID will ask you for your **Customer ID** number. Your information will be verified.
3. EBID will then ask which **Field** you would like to order for. If you do not know EBID will assist you and provide you maps if needed.
4. EBID will then be asked when you are ready for the water. It is implied that if you are placing your order you are ready however, we will do our best to accommodate your request.
5. Your preliminary charge will be calculated either by your average Flow charge (CFS) or average inch charge in acre feet. This preliminary charge is only used for planning and actual duration and charges will be based on actual metering by the Ditchrider.
6. Your order is complete.

Growers Information Sheet 2014

Customer # 1234

Delivery Information Summary

Section	Canal	Turn-out	Parcel	Field	Crop	Acres
2A	Dona Ana Lateral	207-024458-02-TO	1234P	1234T001	Pecans	1
2A	Dona Ana Lateral	207-024458-02-TO	1234P	1234T001	Idle	1
Total						2

Please take a moment to review the information located above. This your water ordering information that will be used to place your water order for the 2014 irrigation season. If the information is correct you don't have to do anything else. If you are not sure what you will be growing or need help in determining your field size please contact our water records office at 575-524-8003 and we can assist you. EBID will then supply you with all the information you need

Information Description

Customer # is the number you use to pull up your account.

Turn-out is the location where you take water from.

Field is where the water is being applied. It is a the Parcel number with the Turn-out suffix

Crop is the crop you are growing. This value can change at your request throughout the growing season

Acres is the amount of acres you will irrigate

Information that requires verification

The **CROP** section was populated using last years growing data please confirm the data.

If the field is populated with "**UNKNOWN**" then please let us know what you plan to grow this season.

The **FIELD** is used to determine how many acres of a particular crop you plan to grow.

EBID has taken an initial step in determining your field size using areal maps if you feel this is incorrect

Please contact our office. We can also provide you with a map of your fields

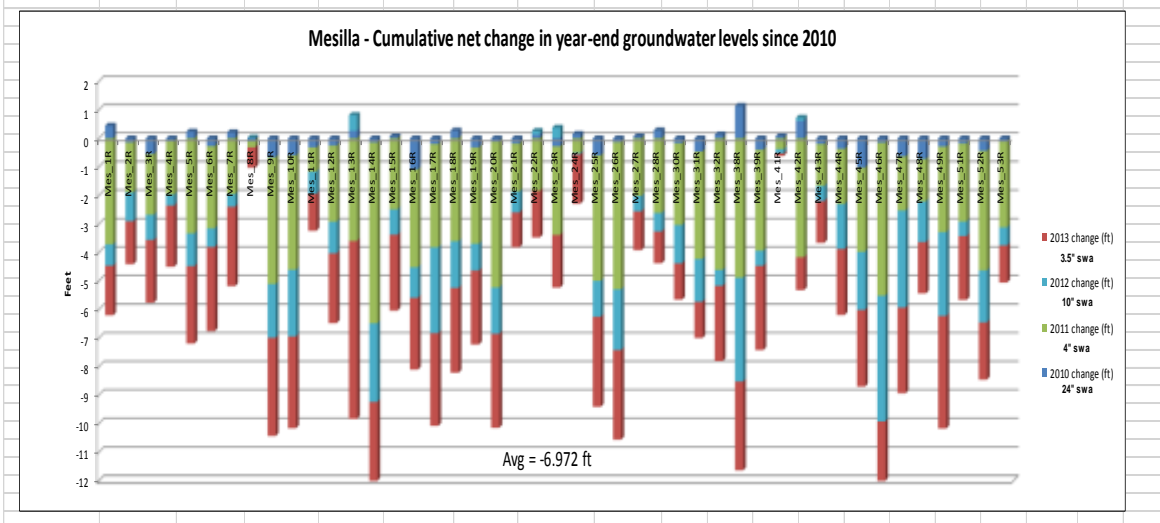
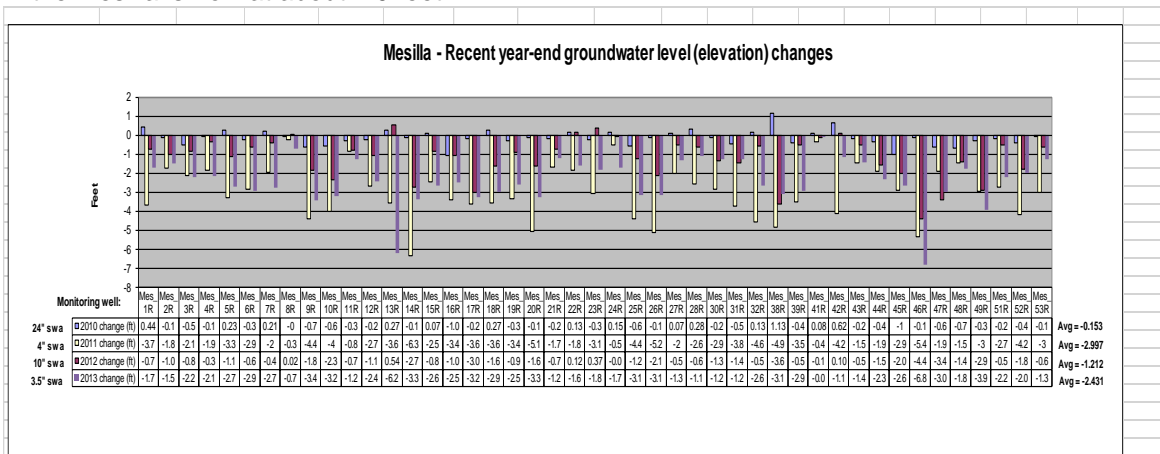
Pat Gordon and Herman Settemeyer with the Rio Grande Compact Commission (RGCC) updated the Board on the RGCC. Mr. Settemeyer advised the board the Rio Grand Compact meeting is scheduled for March 20th in Santa Fe, NM. He also advised that the BOR had requested to store the tribal right water until April, May and then release to help the spike in water for the silvery minnow. There response was no. They wanted the water released in the 2013 calendar year. The BOR worked out a

RGCC
Update

deal with Albuquerque for an exchange of paramount water for San Juan Chama water; a 1-1 exchange. Gary discussed issues regarding the sediment plugs in the river; an issue that has been ongoing for the past seven years. There are currently 10 priority arroyos from Percha Dam to the heading of Seldon Canyon where sediment plugs are blocking the river. He advises that at this time it is unclear if El Paso and Mexico will be able to receive their water within the 7 day release. When talking with IBWC they have expressed several issues with getting into the river to remove the sediment one of which is ESA restrictions regarding the Willow Fly Catcher. Mr. Settemeyer advised he has brought up the issue in previous meeting with IBWC and Commissioner Drusina. The responses he has received are the same responses the District have been given. He asked Gary and staff to email him aerials taken of the areas and detailed information and he will once again address the concern at his meeting next week. Pat Gordon suggests that discussions be made with Commissioner Drusina and not his staff so he his fully aware of the impact the sediment is having on the river and the districts.

Erek Fuchs advised the Board that the annual end-of-year groundwater level analysis is underway. He presented a graph of preliminary results to help explain the changes in the Mesilla Valley, but noted that results for the Hatch-Rincon Valley are still under review. Erek advised that groundwater elevation changes in the shallow alluvium of the Mesilla had declined on average another 2.4 feet since the same time last year, and that the average cumulative groundwater level decline since 2010 in the Mesilla is now at about 7.0 feet.

Ground-
Water
Update



Gail Norvell presented to the Board the financial reports for the Month of December 2013. Cash in the bank was \$1,172,034, assessments receivable was \$4,343,024 and investments \$7,059,802 for a total increase of \$778,821 over December 2012. Grant projects are on going and in process

Financial
Fact Sheet

Gail presented to the board the list of disposition of EBID property. Several pick up trucks and equipment along with miscellaneous computer parts were on the list (attached to the minutes). Robert Faubion motioned and Bobby Kuykendall second to approve the disposition of assets and contract services thru Charles F. Dickerson, auctioneer to sell the assets. Motion carried.

Disposition
Of Assets

Gail updated the board on the continued work regarding the parcel based assessments. There have been nearly 200 customers who have turned in requests to have their assessments adjusted. Gail advised it is a slow process due to the steps needed to verify that the parcels meet the requirements. 63 new assessment bills are ready to send out and staff continues to work on other customer accounts.

Parcel Based
Assessment
Update

Gail introduced the contract for Best, Best & Krieger legal services. Willie Koenig motioned and Robert Faubion second to approve the contract and hiring of Rod Walston as a subcontractor under the legal services contract of the Law Offices of Steve Hernandez. Motion carried.

Contract
Renewal

Gary Esslinger advised the Board of the 2nd Annual Operations & Management Workshop in Phoenix, AZ on February 12th and 13th. He requested approval to send Zachary Libbin on his behalf, James Salopek and any other Board members who would like to attend. Robert Faubion motioned and Willie Koenig second to send Zack and Board members. Motion carried. The 26th Annual FFA meeting in Las Vegas, NV is scheduled for February 20th and 21st. Robert Faubion motioned and Willie Koenig second to send Gary Esslinger, James Salopek and Steve Hernandez. Motion carried. Gary also advised the Board there will be growers meetings in the month of February to update the members on the Truepoint software and the changes that will be occurring in hopes they will have a better understanding on how this will benefit the district and have a smoother transition for the upcoming season.

Managers
Update

Andy Nunez advised the board he will be in Santa Fe for the next few weeks at the Legislative session. He discussed several bills that have been introduced. He also advised the board Senator Papen will be carrying the Roads Act Bill on the Senate side and Representative McMillian will carry it on the House side. Andy reported that the Municipal League and DAC have reviewed the bill and have not made any negative comments on the bill.

Legislative
Update

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

LRR 303- Hatch Easements for Work on Placitas Arroyo- SRB-OPEN
LRR 345 – Lack/EBID Land Exchange and Flow Easement-LEP-OPEN
LRR 386- Lien Form and Process for Delinquent Farm Accounts- SRB-OPEN
LRR 387- Drain Right of Way Use- SRB-OPEN
LRR 394- Review BLM Letter Regarding Copper Flat Mines- LEP-OPEN
LRR 399- Amend and Revise Original Document with Zia Natural Gas-LEP-OPEN
LRR 406- IBWC O& M Flood Gate MOU-LEP-OPEN
LRR 409- Transfer of Tortugas #2 Dam-LEP-OPEN
LRR 410- Kit Carson Rd Permit-LEP-OPEN
LRR 424- 1920 Conversion Act for Change of use, water rights
LRR 425- JPA and Transfer of Loan to LRGPWWA-LEP-OPEN
LRR 426- Acosta Land Lock-SRB-OPEN
LRR 428- Haddad v. Picado, et. al- SRB-OPEN
LRR 429- Petition for Writ of Mandamus against SE-SRB-OPEN
LRR 430- NM Government Conduct Act-LEP-OPEN
LRR 432- Chamberino Well Protest-LEP-OPEN
LRR 433- Hot Springs Basin Protest-LEP-OPEN
LRR 434- BLM Issues Re: Sibley Green Site 4, Sibley Green Site 5
and Crow Broad Placitas Dams-LEP-OPEN
CID Update-SLH/SRB-

Legal
Update

LRR
Report

Robert Faubion moved and Jerry Franzoy seconded to break for lunch. Motion carried. Following lunch, Bobby Kuykendall moved and Willie Koenig 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

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

Following closed session, Robert Faubion motioned and Tom Simpson seconded to send Board members to Santa Fe to attend the CRRUA hearing on February 11th and 12th. Motion carried.

There being no further business, Willie Koenig moved and Tom Simpson seconded to adjourn the meeting. Motion carried.

Adjourn

The next meeting of the Board of Directors will be held on Tuesday February 18, 2014.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary