

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
August 12, 2014**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, August 12, 2014. The meeting was called to order by President James Salopek on a motion by Tom Simpson, seconded by Mike McNamee. Motion carried. All members present.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Zachary Libbin, Junior Engineer; Leo Barrett, Maintenance Director; Naomi Ontiveros Executive Secretary; Erek Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/Safety Director; Gail Norvell, Controller; Jean Hinsley, Land Specialist.

Also present was attorney Steve Hernandez, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant ; Greg Daviet, Leslie Daviet, Dixie Ranch; Jim Hangen, OSE; Sammy Singh, Jr., EBID member. Fernando Ortiz, City of Las Cruces; Chrystal Enoch, Zia Natural Gas.

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

Willie Koenig motioned and Mike McNamee second to approve the July 9, 2014 board minutes. Motion carried. Willie Koenig motioned and Robert Faubion second to approve the July 9, 2014 water transfer hearing minutes. Motion carried.

The calendar was discussed:

- August 14th -DASWCD Meets at 9 am
- August 20th- Bi-National Meeting. James Narvaez, Gary and Dr. King will be attending Zack will also be presenting.
- August 21st- Stormwater Coalition Meeting.
- September 10th- EBIB Board meeting
- September 11th & 12th-NM Water Law Conf. in Santa Fe, NM

Non-Moratorium			
License List for Special-Use-Permits for August 13, 2014 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2014-L-037 CENTURY LINK	\$1,570.06	10 Years	
To renew permit for existing communications cable crossing the La Mesa Drain at Approx. Sta# 639+22			
2014-L-038 CENTURY LINK	\$1,410.02	10 Years	
To renew permit for existing communications cable crossing the College Lateral at Approx. Sta# 9+22			
2014-L-039 CENTURY LINK	\$1,410.02	10 Years	
To renew permit for existing communications cable crossing the College Lateral at Approx. Sta# 20+70			
2014-L-040 CENTURY LINK	\$1,430.02	10 Years	
To renew permit for existing communications cable crossing the San Miguel Lateral at Approx. Sta# 14+14			

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

Special Use Permits

2014-L-041 CENTURY LINK			
To renew permit for existing communications cable crossing the Mesilla Drain at Approx. Sta# 513+90	\$1,590.06	10 Years	
2014-L-042 CENTURY LINK			
To renew permit for existing communications cable paralleling the Santo Tomas River Lateral from Approx. Sta# 5+20 to 11+00	\$2,737.35	10 Years	
2014-L-043 CENTURY LINK			
To renew permit for existing communications cable crossing the Park Drain at Approx. Sta# 130+80	\$1,570.06	10 Years	
2014-L-044 CENTURY LINK			
To renew permit for existing communications cable crossing the Santo Tomas Drain at Approx. Sta# 94+91 and crossing the Santo Tomas Lateral at Approx. Sta# 195+85	\$2,080.10	10 Years	
2014-L-045 CENTURY LINK			
To renew permit for existing communications cable crossing the Rincon Drain at Approx. Sta# 114+66	\$1,600.07	10 Years	
2014-L-046 CENTURY LINK			
To renew permit for existing communications cable crossing the West Drain at Approx. Sta# 1167+57	\$1,600.07	10 Years	
2014-L-047 CENTURY LINK			
To renew permit for existing communications cable crossing the Las Cruces Lateral at Approx. Sta# 201+07	\$1,450.03	10 Years	
2014-L-048 CENTURY LINK			
To renew permit for existing communications cable crossing the Rincon Drain at Approx. Sta# 1634+34	\$1,590.06	10 Years	
2014-L-049 CENTURY LINK			
To renew permit for existing	\$1,430.02	10 Years	

communications cable crossing the Rincon Lateral at Approx. Sta# 1708+56			
2014-L-058 TRIPLE D FARMS			
Request for Encroachment Agreement for an existing rock wall along the Left bank of the West Drain from Approx. Sta# 378+00 - 379+00		25 Years	
2014-L-061 HOWARD COTHERN			YES
To install, operate, and maintain discharge piping for excess stormwater and irrigation runoff into the Picacho Drain at Approx. Sta# 150+00	\$3,133.33	10 Years	FARM USE
2014-L-062 SCOTT BANNISTER			YES
To install, operate, and maintain discharge piping for excess stormwater and irrigation runoff into the Picacho Drain at approx. Sta# 155+00	\$3,133.33	10 Years	FARM USE
2014-L-063 ZIA NATURAL GAS			
To install, operate, and maintain a 2" gas utility crossing the Picacho "A" Lateral WW#39A at approx. Sta# 5+00	Blanket Agreement	25 Years	

Zachary Libbin presented the Special Use Permit applications for the month of August to the Board. Jerry Franzoy motioned and Willie Koenig second to approve the presented permits with special conditions noted by legal on permits 2014-L-061 Howard Cothorn and 2014-L-062 Scott Bannister. Motion carried.

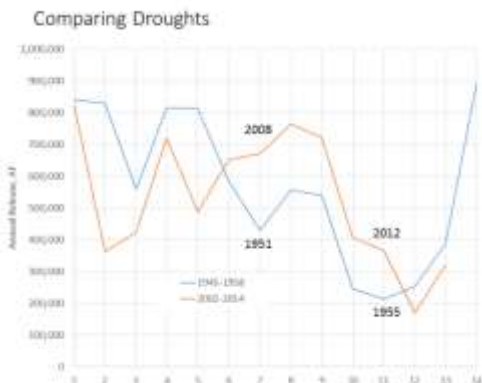
Dr. King presented the July hydrology report:

Current Storage Status

8/12/2014	Volume	
Elephant Butte	138,816	AF
Caballo	30,422	AF
Total Storage	169,238	AF
RGCC Credit	70,369	AF
SJ-C	24,159	AF
Usable Water	74,710	AF
Inflow	~600	AF/day

Season Winding Down

- EBID shut down:
 - Arrey: July 27
 - Leasburg, Mesilla: August 1
- Mexico shut down: August 7
- Elephant Butte release shut down: August 9
- Caballo anticipated shut down: August 21-22
- EPCWID anticipated shut down: August 23



- Take-home points
- End of release August 21-22
 - Ending usable storage > 50,000 AF
 - New Mexico deliveries to Elephant Butte behind annual schedule
 - NM cumulative balance near zero
 - Monsoon has plenty of time to change that
 - Promising early snow season forecast
 - Don't assume runoff will follow suit

ELEPHANT BUTTE IRRIGATION DISTRICT

WATER ALLOTMENT CHARGES

July-14

SUBJECT TO REVISION

	GROSS		DIVERTED		NET	
	DIVERSIONS (AC-FT)		TO TEXAS (AC-FT)		DIVERSIONS (AC-FT)	
	TO DATE		TO DATE		TO DATE	
ARREY CANAL	5,908	21,685			5,908	21,685
PERCHA LATERAL	178	409			178	409
LEASBURG CANAL	10,498				10,498	26,125
CALIFORNIA EXTENTION	38	186			38	186
EASTSIDE CANAL	8,044	18,169	-303	-601	7,741	17,568
DEL RIO LATERAL	360		1,152	360		1,152
WESTSIDE CANAL	22,554	47,713	-7,276	-15,894	15,278	31,819
PUMPED FROM RIVER**	0		0	0		0
GROSS TOTAL	47,579	115,440	-7,580	-16,495	39,999	98,945

Gail Norvell presented to the Board the financial reports for the Month of July 2014. Cash in the bank was \$436,400, assessments receivable was \$583,267 and investments \$7,065,079 for a total increase of 196,803 over July 2013.

Gail presented Dr. Phil King's contract for amendment. Dr. King will be adding a subcontractor to his contract; Dr. Salim Balizer. Robert Faubion motioned and Jerry Franzoy second to approve the amended contract presented. Motion carried.

Gary advised the board of the upcoming CLE NM Water Law Conference to be held in Santa Fe, NM September 11th and 12th. Board members who would like to attend are to contact Naomi so she may send registrations. Gary updated the board on the NWRA Western Water Seminar. Discussions included the Clean Water Act regulations. Farmers need to be aware of the effects it will have on their farms. Two water resource associations are monitoring the act closely. Family Farm Alliance and NWRA have prepared draft comments that Steve has helped develop.

Steve Hernandez reported on legal matters.

- LRR 303- Hatch Easements for Work on Placitas Arroyo- SLH-OPEN
- LRR 345 – Lack/EBID Land Exchange and Flow Easement-LEP-OPEN
- LRR 399- Amend and Revise Original Document with Zia Natural Gas-LEP-OPEN
- LRR 410- Kit Carson Rd Permit-LEP-OPEN
- LRR 425- JPA and Transfer of Loan to LRGPWVA-LEP-OPEN
- LRR 432- Chamberino Well Protest-LEP-OPEN
- LRR 433- Attaway 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
- LRR 440- Clean Water Act--SLH-Open
- LRR 445- Dos Lagos Golf Course-NMED-Permit-AWSD-LEP-Open
CID Update-SLH

Mike McNamee moved and Robert Faubion seconded to break for lunch. Motion carried. Following lunch, Marty Franzoy moved and Willie Koenig seconded to reconvene the meeting. Motion carried.

Willie Koenig moved and Mike McNamee 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

2014
Irrigation
Season
Update

Financial
Fact Sheet

Contract
Amend-
ment

Managers
Update

legal
Update

LRR
Report

shall be discussed in closed session:

State ex. rel. Verhines 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
- Pre 1906 Claimants' Motion for SSI and appeal
- Motion to designate SSI regarding Copper Flats Corporation

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(Armijo)

NMED Public Notice 3-27-14 (PN2)

Potential litigation against DAC

Hot Springs Basin Protest (Attaway)

Following closed session, Tom Simpson motioned and Willie Koenig seconded to return to open session. Motion carried. During closed session only the above-noted topics were discussed.

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

The next meeting of the Board of Directors will be held on Wednesday, September 10, 2014.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary