

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
September 10, 2014**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, September 10, 2014. The meeting was called to order by President James Salopek on a motion by Tom Simpson, seconded by Marty Franzoy. Motion carried. Robert Sloan and Bobby Kuykendall were absent.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Zachary Libbin, Engineer; Naomi Ontiveros Executive Secretary; Erech Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/Safety Director; Gail Norvell, Controller; AJ Carlson, Land water Analyst; Dennis McCarville, GIS Analyst.

Also present was attorney Steve Hernandez, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant ; Jim Hangen, OSE; Sammy Singh, Jr., Inez Villagaz, Edward Allison, EBID members; Carol McCall CLC; Tom Maddock , Collin McDonald EBID Hydrologist Consultant.

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

Robert Faubion motioned and Jerry Franzoy second to approve the August 8, 2014 board minutes. Motion carried. Marty Franzoy motioned and Robert Faubion second to approve the July 24, 2014 Emergency Board meeting minutes. Motion carried.

The calendar was discussed:

- September 11th & 12th-NM Water Law Conf. in Santa Fe, NM where Steve Hernandez will be speaking and Mike McNamee and Robert Faubion will be attending.
- September 18th- Stormwater Coalition meeting. Zack Libbin was nominated and has accepted the position of Chairman of the Coalition.
- September 19th- Leadership Las Cruces AG Day. Gary will be speaking at the EBID Conference room from 10:15-11:15.
- September 22nd- DASWCD will be holding a Special Coordination Planning Workshop at EBID Conference room
- October 8th next EBID Board meeting
- October 9th DASWCD Meeting
- October 16th Stormwater Coalition Meets
- October 20th-22nd Staff members to attend TruePoint User Group meeting

Non-Moratorium			
License List for Special-Use-Permits for September 10, 2014 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2014-L-060 LOWER RIO GRANDE PWWA	\$3,166.67	25 Years	
To construct, operate and maintain a waterline along East Organ Road crossing the Las Cruces Lateral at Sta# 656+65			
2014-L-064 RBP PARTNERS	\$1,566.67	10 Years	Yes
To construct, operate and maintain an irrigation pipe crossing the Chamberino Lateral at Approx. Sta# 10+00			Farm Use
2014-L-065 EL PASO ELECTRIC COMPANY	\$3,166.67	25 Years	
To construct, operate and maintain an aerial powerline crossing the La Union West Lateral at Sta# 37+44			
2014-L-066 VILLEGAS			
Request for Encroachment Agreement for an existing home along the Left bank of the Las Cruces Lateral at Approx. Sta# 89+00			

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

Special Use Permits

2014-L-067 EL PASO ELECTRIC COMPANY			
To improve, operate and maintain an existing aerial powerline crossing the Central Lateral at Sta# 45+17	\$2,916.67	25 Years	
2014-L-068 ROBERT SHANNON			Yes
To construct, operate and maintain two harvest gates on the H2 Lateral (both banks) at Approx. Sta# 15+00	\$1,566.67	10 Years	Farm Use
2014-L-069 AMBER HARISON			Yes
To renew, operate and maintain an existing access across the piped portion of the Corralitos Lateral at Approx. Sta# 13+90	\$1,566.67	10 Years	Farm Use

Zachary Libbin presented the Special Use Permit applications for the month of September to the Board. Jerry Franzoy motioned and Robert Faubion second to approve the permits as presented. Motion carried.

Zack advised the Board Leo was in Santa Fe looking at new equipment. Maintenance is ongoing. The Laguna pipeline project. A meeting was held to discuss ideas to improve the Picacho Lateral. It has lost its design capacity over the years and has several low spots and bottle necks.

Proposed Picacho Lateral Improvements:

- Clean, re-establish prism, invert, and freeboard during the water of 2014
- Repair leaky flume over the river before 2015 irrigation season
- Piping and lining select locations over the next two years
- Additional/supplemental points of diversion into the lateral from the river by using river pumps over the next two years

Zack advised the board he is the Superintendent for Youth Agriculture and Floriculture at the Southern NM State Fair. He encourages board members and farmers to attend and help the youth get involved by submitting entries. There are many prizes to win and a great experience to gain.

Carol McCall with the City of Las Cruces Planning and Community Development presented the Arroyo Management Plan. The plan presented is currently on its third revision and will be ready for review by next week. The purpose of this plan is to provide policy guidance to improve flood control and drainage functions, protect arroyos in their natural state, protect native vegetation and wildlife habitat, help protect private property, accommodate and protect essential utility installation and maintenance and increase trail and trail activity. The most impacted section is the utilities and stormwater management segment. The public input was helpful in that it provided feedback which showed the model was not very clear and was not understood. Carol advises the model is a tool not to dictate what private property owners can or cannot do in the vicinity of an arroyo. The public also expressed how more education was needed to explain the need of arroyo planning. Carol provided a draft copy of the Goals and Polices section of the Plan so the District may review and provide any additional comments or concerns. Staff will review and submit comments.

CLC
 Arroyo
 Plan

Dr. King presented the July hydrology report:

Current Storage Status

Year-End Accounting

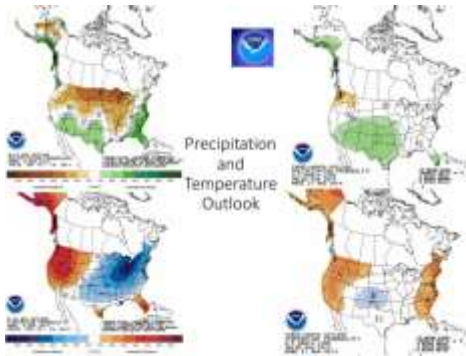
September 9, 2014	Acre-feet
Elephant Butte Reservoir	156,711
Caballo Reservoir	22,324
Total Storage	179,035
Est. Rio Grande Compact	(77,923)
Est. San Juan-Chama	(16,947)
Total Usable Storage	84,165
Computed Inflow/day	240

- EBID ran slightly over final allocation of 99,700 (260 AF)
- EP1, Mexico were about on allocation
- Final charges to be determined including Canutillo Wellfield, Northwest Treatment Plant, etc.
- EBID will end up with a small positive carryover balance at year-end reconciliation

Hydrology
 Report

Elephant Butte Irrigation District
 July 9, 2014

Otowi Actual	494,393
Adjustments (WAG)	(75,000)
Otowi Index	419,393
EB Effective Supply	239,238
EB Computed Inflow	182,012
Seasonal Credit (Debit)	(57,226)
Approximate EOY Balance	72,000
2015 Starting Balance est.	14,774



ENSO Alert System Status: El Niño Watch
 ENSO-neutral conditions continue.*
 Positive equatorial sea surface temperature (SST) anomalies continue across portions of the Pacific Ocean.
 The chance of El Niño is at 60-65% during the Northern Hemisphere fall and winter.*

James Narvaez presented the Unit Efficiency Report. Flat rate weekend still needs to be added to the report but James adds the overall efficiency was 50%.

2014
 Water
 Season
 Report

Elephant Butte Irrigation District
July 9, 2014

Diversion / Unit Headings				
Arreg Diversion	Ordered Acres	Diverted ACFT	Charged ACFT	Efficiency
1A	9,055.00	10,431.35	4,939.00	53.98%
1B	9,272.00	11,305.08	5,433.00	54.79%
Totals	18,327.00	21,736.43	10,372.00	54.40%
Leasburg Diversion				
Ordered Acres	Diverted ACFT	Charged ACFT	Efficiency	
2A	4,266.00	4,928.68	2,901.00	67.10%
2B	6,876.00	9,311.56	3,792.00	46.42%
3A	3,611.00	4,589.39	2,030.00	50.43%
3B	7,902.00	7,486.73	4,538.00	69.10%
Totals	22,655.00	26,316.35	13,261.00	57.45%
Eastside Diversion				
Ordered Acres	Diverted ACFT	Charged ACFT	Efficiency	
4A	6,528.00	11,287.93	4,468.00	45.12%
4B	6,447.00	7,222.43	4,304.00	67.94%
Totals	12,975.00	18,510.35	8,772.00	54.02%
Westside Diversion				
Ordered Acres	Diverted ACFT	Charged ACFT	Efficiency	
5A	10,141.00	7,484.25	4,947.00	75.35%
5B	9,284.00	13,831.08	6,080.00	50.11%
6A/6CT	8,043.00	8,855.80	4,978.00	64.08%
Totals	27,468.00	30,171.13	16,005.00	53.05%
				54.73%

Erek presented the board with a letter from Charles V. Theis dated October 23, 1947 and showed the history between the District and groundwater research in the past. Charles Theis was the first hydrologist to take into account the effects of pumping time and well yield. USGS Clyde Conover studied groundwater quantities and qualities within EBID specifically at the request of District. EBID asked for the study "mainly from the standpoint of productiveness of wells and effect of pumping upon the surface water supply in the river and drains." At the time it appears that the District was contemplating financing numerous wells and large scale pumping of groundwater for its membership to get through drought. It was not done because at the time the cost would be about \$3.5 million dollars and the District was not completely ready for such an undertaking. The history shows that EBID not the BOR or the State of NM disclosed these expected effects in 1947 and ultimately acted to address these realities in the 2008 Operating Agreement.

Dr. Tom Maddock presented to the Board a discussion on groundwater models. Major groundwater flow models built for the Mesilla Basin:

- Peterson, Khaleel and Hawley (Palumbo) 1984
- Wright Engineers and Maddock 1986
- S.S. Papadopoulos 1987
- Frenzel (Gates and Frenzel) and Kaehler 1992
- Hamilton and Maddock 1993
- Weedon and Maddock 1999
- OSE 2007
- Lower Rio Grande Hydrologic Model 2011

History:

- In 1980, the city of El Paso applies for 266 well permits in the Mesilla.
- In 1981, State Engineer Steve Reynolds denies El Paso's permits.
- El Paso sues, and in 1983 Judge Bratton rules for El Paso saying the New Mexico embargo statute violates the interstate commerce clause.
- In 1984, New Mexico passes the new 40 Year Planning Statute.
- These actions spawn three groundwater flow models.
- In 1990, a USGS (Frenzel & (Gates and Frenzel and Kaehler)) model is developed under the SWAB RASA studies (5 layers) and a final version of the USGS model (4 layers) is published in 1992.
- In March of 1991, El Paso and New Mexico negotiate a settlement agreement and form the NM Texas Water Commission.
- Out of the settlement agreement, the Hamilton-Maddock Model is spawned.
- In 1995, the NM OSE adopts a modified (linearized) Hamilton-Maddock model for well permitting.
- 1997 – U.S. Government files Quiet Title suit.
- EPCWID files cross claim alleging inequitable allocation of Project Water by Reclamation because of groundwater pumping in New Mexico.
- 2001 – Quiet Title suit stayed.
- In 2002, the NM OSE begins to develop a groundwater flow model (OSE) for the Adjudication of the Rincon-Mesilla basins and for potential litigation with Texas.
- 2008 – Operating agreement signed by EPCWID, EBID and United States BOR.
- 2011 OSE model is updated to the Lower Rio Grande Hydrologic Model (Mimic Model) with farm module using transboundary project funds.

Groundwater Update

Dr. Tom Maddock Hydrology Models In LRG

Studies Areas



Dr. Maddock advised the board he believes the OSE Model will be the model Texas will use or some form of it.

Gail Norvell presented to the Board the financial reports for the Month of August 2014. Cash in the bank was \$433,293, assessments receivable was \$547,105 and investments \$6,565,079 for a total increase of \$275,209 over August 2013.

Gail presented the soil excavation contract for Caliber Construction who will be removing soil from the Diez Lagos restoration. Willie Koenig motioned and Marty Franzoy second to approve the presented contract. Motion carried. The BOR Watersmart 2014 Grant Contract with the BOR was presented for approval. Robert Faubion motioned and Marty Franzoy second to approve the contract as presented. Motion carried.

Gail presented the Disposition of Assets List for approval. The assets to be disposed of are computer equipment that are cannot to be sent for auction and will be destroyed. Marty Franzoy motioned and Mike McNamee second to approve the disposition of assets. Motion carried.

Gary advised the board of an article posted out of Clovis, NM of the City paying farmers for water; \$400 an acre to not farm. Gary adds that due to the rain on the east side of the state, it may have changed since the article was published but it is an interesting article.

The District helped facilitate a temporary sale of water to a local farmer who needed water for his orchards and did not have access to the canal since the district had the canal under construction. An agreement between NM State University and the farmer to allow NMSU to pump for the farmer was agreed to. The farmer would pay NMSU for the pumping of the water.

Gary asked Steve to discuss the water legislation happenings in California. California has a different groundwater pumping policy than NM which until the new legislation has been unregulated. Gary has noticed that most of what happens in California makes it way to the East and affects the farmers. Steve Hernandez adds that there is no state control of groundwater pumping. In the drought areas where pumping is heavy, there have been reports of subsidence up to 25 feet. This has caused legislators to put a packet of 3 bills to regulate groundwater pumping and created 29 new groundwater districts in the state. Each district will have someone who over sees it and comes up with a plan on groundwater pumping. If you're an agency who overlies the basin, you can apply to be that agency to govern the groundwater pumping. Surface water irrigation districts are usually the ones who overly most of the basins, but if another agency wants to come in with that district they will need to meet with the city and county and come up with an MOU. Then they come up with a new agency who puts the plan together. Steve adds the most interesting thing is the tax that will be imposed on pumping; agriculture will be the ones financing the program.

Gary advised the board in their board books is the FFA Monthly Briefing which speaks more on the Clean Water Act. Also inserted in the board books for review is the NWRA explanation of new Federal Water Policies.

Gary requested feedback from the board on a DAC Legislator Breakfast. He feels this will be a good opportunity to discuss the issues and concerns between EBID and the DAC. The Board unanimously felt it would be a good idea to sit with the area legislators and discuss past and current issues. Robert Faubion motioned and Jerry Franzoy second to approve a DAC Legislator Breakfast. Motion carried.

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

Financial
Fact Sheet

Contract
Approvals

Disposition
Of Assets

Managers
Update

Legal
Update

LRR
Report

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

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

Mike McNamee moved and Willie Koenig 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. 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 Marty Franzoy seconded to return to open session. Motion carried. During closed session only the above-noted topics were discussed.

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

The next meeting of the Board of Directors will be held on Wednesday, October 8, 2014.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary