

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
January 19, 2015**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Monday, January 19, 2015. The meeting was called to order by President James Salopek. Willie Koenig motioned to open the meeting and Bobby Kuykendall seconds the motion. All board members were present.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Gail Norvell, Controller; Zack Libbin, Operations Engineer; Erech Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/Safety Director; Leo Barrett, Maintenance Director; Patrick Lopez, Technology Director; James Narvaez, Irrigation System Director; Stephen Howie, Land Tech I; Sammy Gonzalez, Assistant Water Master-Hatch.

Also present was attorney Steve Hernandez and Dr. Lisa Henne, Law Office of Steven L. Hernandez; Lee Peters, Peters Law Firm; Dr. Phil King, Hydrology Consultant ; Greg Daviet, Dixie Ranch; Hector Franco, EBID Customer.

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

Willie Koenig motioned and Bobby Kuykendall seconds to approve the December 10, 2014 board minutes with one correction that James Salopek's name be deleted from the minutes since he was absent from the meeting. Motion carried.

Robert Faubion motioned and Bobby Sloan seconds to approve the Resolution 2015-01-Notice of Public Meeting and Participation Policy. Motion carried.

The calendar was discussed:

- January 21<sup>st</sup>- Steve Hernandez presents at Rotary
- January 21<sup>st</sup> IBWC Meeting
- January 22<sup>nd</sup> DASWCD
- January 22<sup>nd</sup> 1906 Convention- Binational meeting
- January 28<sup>th</sup>- Dr. King presents at Rotary
- February 4-5<sup>th</sup> Operations and Management Workshop
- February 9<sup>th</sup> EBID Board Meeting
- February 11<sup>th</sup> Colorado River Board of California
- February 12<sup>th</sup> DASWCD
- February 19<sup>th</sup> BLM Coordination meeting
- February 19-20<sup>th</sup> FFA annual meeting
- March 5-6 Law of the Rio Grande

Dr. Phil King and James Narvaez presented the weather forecast and irrigation season update. The BOR meeting will be held on Wednesday, January 21, 2015 at 10:00 am to discuss the irrigation season 2014. Preliminary figures are presented but are not final until the February, 2015 meeting. The preliminary estimate of the end of year 2014 irrigation season is 9,000 ac/ft carryover to 2015. So far, 2014/2015 is not a good snow year, and we are about 1.5 months behind where we should be in snowfall. November and December inflows did boost useable water. The current supply estimate is a 4-5 inch allotment for 2015, which is a similar allotment to 2014.

Storage Status

January 16, 2015	Acre-feet	ΔV since 9/9, AF
Elephant Butte Reservoir	272,975	86,616
Caballo Reservoir	33,129	1,820
Total Storage	306,104	88,436
Est. NM RGC Credit	(25,000)	52,923
Est. CO RGC Credit	(4,000)	
Est. San Juan-Chama	(11,500)	5,447
Total Usable Storage	265,604	142,806
Computed Inflow/day	1,250	

USDA-NRCS SNOTEL

Quantity	AF
Otowi Total	654,524
Adjustments	89,935
Net Otowi	564,589
EB Effective Index Supply	323,461
Elephant Butte Release	300,441
Elephant Butte Δstorage	22,658
EB Computed Inflow	323,099
Credit/(Debit)	(362)
Balance Dec 2014	61,834
Bal est Jan 2015	61,472

Roll Call

Pledge of Allegiance & Invocation

Minutes

Resolution 2015-01

Calendar of Events

Water Resource Report

Technology

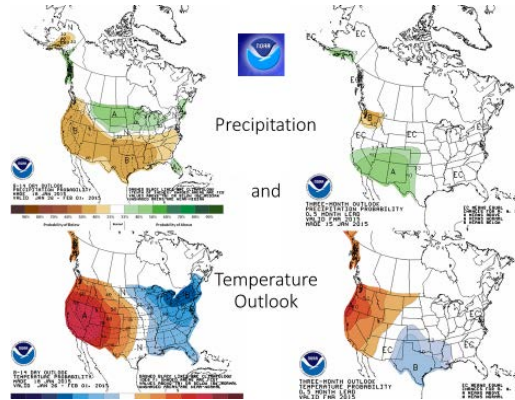


### Runoff Forecast

March - July Runoff Forecast, 1,000 acre-feet						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	760	570	450	350	225	720
Rio Grande at San Marcial	585	385	250	117	-81	510

March - July Runoff Forecast, percent of average						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	106%	79%	63%	49%	31%	720
Rio Grande at San Marcial	115%	75%	49%	23%	-16%	510



Patrick Lopez, Technology Director, presented the One-Rain RTU system, which is expected to go live effective March 1, 2015 on the EBID website. The system allows for filters for weather stations, dams, headings, etc. Patrick presented the features of the system and explained the process for accessing data. This is a reporting program which includes alarms and alerts for rain events, battery failures, etc. An EBID flyer can be prepared to notify EBID customers of the program as well as costs of new/replacement sensors and meters.

Erek Fuchs, Groundwater Resource Director, presented a preliminary report on the end of year groundwater level analysis, including graphs showing the ground water level changes from 2010-2014. The levels of ground water changes and storage are impacted by many factors, including surface water deliveries, fallow land, crop changes, agriculture irrigation pumping, mutual domestic wells, rainfall, etc. The information in the presentation is as follows:

Mesilla Shallow Ground Water Elevation		Mesilla Shallow Ground Storage Changes	
2009-2010	0.15 feet	2009-2010	3,499 ac/ft
2010-2011	3.00 feet	2010-2011	66,866 ac/ft
2011-2012	1.21 feet	2011-2012	<b>28,062 ac/ft</b>
2012-2013	2.43 feet	2012-2013	57,126 ac/ft
2013-2014	0.69 feet	2013-2014	16,865 ac/ft
Cumulative change	7.50 feet	Cumulative change	172,418 ac/ft

Hatch/Rincon Shallow Ground Water Elevation		Hatch/Rincon Shallow Ground Storage Changes	
2009-2010	0.24 feet	2009-2010	1,646 ac/ft
2010-2011	3.00 feet	2010-2011	16,448 ac/ft
2011-2012	0.08 feet	2011-2012	31,911 ac/ft
2012-2013	1.81 feet	2012-2013	9,135 ac/ft
2013-2014	0.01 feet	2013-2014	951.6 ac/ft
Cumulative change	5.12 feet	Cumulative change	26,597 ac/ft

Zachary Libbin presented the Special Use Permit applications for the month of January to the Board. Staff recommended approval on permits presented. Jerry Franzoy motioned and Robert Faubion seconds to approve permits presented. Motion carried.

Non-Moratorium			
License List for Special-Use-Permits for January 19, 2015 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
<b>2014-L- 102 HECTOR FRANCO</b>	\$1,766.67	10 Years	Yes
To operate, and maintain an encroachment agreement for a fence in our Right-of-Way on the right bank of the East Drain approx. sta# 525+00			Farm use

<b>2014-L-103 DONA ANA MDWCA</b>	\$3,416.67	25 Years	
To operate, and maintain a two inch (2") water line to a two inch (2") main crossing the Picacho Drain at approx. sta# 245+00			
<b>2014-L-104 ABRAHAM &amp; YOLANDA ALVAREZ</b>	\$1,380.33	10 Years	Yes
To operate, and maintain an existing wire fence and landscaping on the left bank of the Anthony Drain at approx. sta# 305+14 to 301+64			Farm Use
<b>2014-L-105 ALLEN &amp; PATSY EMERY</b>	\$1,566.67	10 Years	Yes
To operate, and maintain an irrigation well pipe crossing the Gonzales Lateral at approx. sta# 103+00			Farm Use

Zack is working on the sale of excess land under the drain/land issues for BOD discussion and review. Further information will be coming for the next month's meeting.

Zack Libbin advised that EBID Board members representation is needed at 9:00 am for the 1:00 pm IBW pre-planning meeting. Tom Simpson and Robert Faubion will attend.

The BORWHEN grant project will begin once approval from BOR is received to proceed with groundbreaking work on the project.

Leo Barrett updated the Board of Directors on equipment recently acquired from government surplus.

Steve Hernandez and Gary Esslinger attended the NWRA Leadership and Legislative meeting in Las Vegas, NV on January 13-14, 2014. The Operations and Management Workshop is scheduled for February 4-5, 2015 in Phoenix, AZ. James Salopek, Robert Faubion, Jerry Franzoy, Gary Esslinger and Zack Libbin will attend. The Law of the Rio Grande conference is scheduled for March 5-6, 2015. Board members attending will be confirmed at a later date. Gary Esslinger will be attending the Colorado River Board of California February 11, 2015. James Salopek and Gary Esslinger will be attending the Family Farm Alliance Conference February 19-20, 2015. Steve Hernandez may not be able to attend because of a conflict, but may confirm attending at a later date. Marty Franzoy moved and Bobby Kuykendall seconds to approve the travel and to move the February BOD meeting date to Monday, February 9. Motion carried.

The NM legislative session has begun. Several road issues may be resolved with the Roads Act Legislation. Based on the NWRA meeting, there will be legislation introduced in Congress on the WOTUS clean water act definition and legislation on Pesticide reform. In addition, there will be hearings on the Food Safety Management Act. NWRA will be providing EBID with short position papers to give to the NM delegation at their meeting in March in Washington DC.

Gail Norvell presented to the Board the financial reports for the Month of December. Cash in the bank was \$1,354,359; assessments receivable was \$3,854,832 and investments \$7,068,103 for a total decrease of \$297,565 over December 2013.

Gail presented the following contracts for renewal: Engineering Consultant Contracts: Engineering Consultant, Henry Magallanez. Marty Franzoy motioned Robert Faubion second to approve contract renewal. Motion carried. Gail presented the contract renewal for Engineering Consultant Parkhill, Smith and Cooper, Inc. Jerry Franzoy motioned and Marty Franzoy seconds to approve the contract renewal. Motion carried.

Gail presented the DFA, Local Government Division notice of approval for FY 2014-2015 budget.

Gail notified the board that EBID has implemented and is in compliance with the City of Las Cruces Minimum Wage Ordinance effective January 1, 2015. Employees pay rates less than the new minimum wage rate are adjusted according to the requirements of the minimum wage ordinance. The required posting of minimum wage rate posters is also in compliance.

Maintenance Update

Managers Update

Legislative Update

Financial Fact Sheet

Contract Approvals

FY2014-2015 Budget

Minimum Wage Update

Legislative Support

Dr. Lisa Henne, Law Office of Steven L. Hernandez, PC stated that she is waiting for a response from the Secretary of State approving the specific scope of work for services from Andy Nunez to be performed during the legislative session.

Contract

Steve Hernandez, Dr. Lisa Henne and Lee Peters reported on legal matters.

Legal Update

- 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 LRGPWWA-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 446- Dam Safety Bureau
- LRR 447 – Operating Agreement EIS – SLH/LH
- CID Update-SLH

LRR Report

The retirement of Sammy Gonzalez, Assistant Watermaster-Hatch was announced. Sammy was recognized by the board for his dedication and many years of work in Hatch and congratulated him on his retirement effective 1/20/15.

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

Bobby Kuykendall moved and Robert Sloan seconds 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:

- A. State ex. rel. Office of the State Engineer vs. EBID CV 96-888 (Stream Adj.)
  - 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
- B.State of New Mexico vs United States of America, et al.; no. CV 11-00691 JB-WDS
- C.Texas v. NM (USSC)
- D. EBID Protests
  - 1. CRRUA
  - 2. Chamberino Well Protest
  - 3. Attaway (Hot Springs Basin)
  - 4. Smith (Hot Springs Basin)
- E. Boyd Motion to Lift Stay in Quiet Title litigation
- F. Copper Flats Corporation Inter Se on Water Rights

Following closed session, Jerry Franzoy motioned and Bobby Kuykendall seconds to return to open session. Motion carried. During closed session only the above-noted topics were discussed.

There being no further business, Robert Sloan moved and Willie Koenig seconds to adjourn the meeting at 2:30 PM. Motion carried.

The next meeting of the Board of Directors will be held on Monday, February 9, 2015.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary