

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
July 8, 2015**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, July 8, 2015. The meeting was called to order by President James Salopek. Jerry Franzoy motioned to open the meeting and Robert Faubion seconds the motion. Tom Simpson, Bobby Kuykendall and Mike McNamee were absent

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

Also present was attorney Dr. Lisa Henne, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant ; Lee Peters, Peters Law Firm LLC; Greg Daviet, Dixie Ranch; Diana Alba, LC Sun-News; Jim Hagan, OSE; Sterling Grogan, Carpe Diem; Jerry Pacheco, Boarder Industrial Assoc.; Gilbert G Mesa, Camino Real Regional Utility Authority; Joshua Orozco, Ed Camden; Boarder Industrial Assoc.; Jim Cannia, XRI; Lin Perschel, Goats Unlimited; Ray Holes, Prescriptive Livestock Services; Karen Ray, EBID Media Consultant; Ryan Ward, NMDA; Lacy Levine, NM Dept. of Ag.; Christopher Sanders, Gila Lodge Program; Bill Gomez, NM State Legislator Dist. 34.

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

Willie Koenig motioned and Marty Franzoy second to approve the June 10, 2015 board minutes. Willie Koenig motioned and Robert Faubion second to approve the 06/30/15 Special Board Meeting with the correction of Mike McNamee being absent. All motions carried.

Resolution of Condolence 2015-06 for Valerie Beversdorf was read by Gary Esslinger. Jerry Franzoy motioned and Marty Franzoy second to adopted 2015-06 Resolution of Condolence. Motion carried.

The calendar was discussed:

- July 9th- DASWCD meeting
- July 14th-Reclamation Meeting
- July 16th- Stormwater Coalition meeting
- July 27th & 28th- Water & Natural Resources Com. mtg. in Taos, NM
- August 4-6th- NWRA Western Seminary, Monterey, CA
- August 12th- EBID Board Meeting
- August 13th- DASWCD Meeting
- August 20th- Stormwater Coalition
- August 31st- Water & Natural Resources Com. mtg. in Silver City, NM

XRI representative Jim Cannia presented to the board. XRI provides airborne electromagnet survey services (AEM). This is a way to collect data for brackish water and is cost effective. It is a noninvasive high density of data points and is designed to cover large areas in short periods of times. The depth of investigation is about 1400 ft. Mr. Cannia presented an example of data collected of Clarkson, NE. Jerry asked if it has and could be used for small areas. Jim advised it could be done but it is not recommended and unlikely to be done. It is not cost efficient to do small areas.

Non-Moratorium			
License List for Special-Use-Permits for July 08, 2015 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2015-L-045 DONA ANA MDWCA	\$5,266.67	10 Year	
To construct, operate, and maintain a new 12" waterline in a 24" steel casing crossing the Del Rio Drain at approximate station# 985+00, the Picacho "C" Lateral at station #'s 51+50 & 62+00, the Picacho Drain at approximate station #'s 275+00 & 241+25, and the School Lateral at station #'s 22+75 & 24+50			
2015-L-046 EL PASO ELECTRIC	\$3,166.67	25 Year	
To replace, operate, and maintain two (2) poles in an existing 3 phase 24 KV powerline crossing the Upper Chamberino Lateral at station # 14+00			
2015-L-047 JIMMY DICK / JD IV FARMS LLC	PUMP IN/OUT	10 Year	Yes

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

Special Use Permits

July 8, 2015

To operate, and maintain five (5) existing wells used for pump in/ out discharging into the Lil La Union Lateral at station #'s 151+37, 152+37, 180+30, 199+11 and one on the Baker Lateral at station # 65+12			Farm Use
2015-L-049 CLAYSHULTE BROTHERS LLC			Yes
To construct, operate, and maintain a new storm water runoff discharge pipe entering the Mesilla Drain at approximate station # 341+00	\$1,856.10	10 Year	Farm Use

Zachary Libbin presented the Special Use Permit applications for the month of July to the Board. Zack requested direction on permit 2015-L-047 for Jimmy Dick/JD IV Farms LLC. The RTU Policy 2010 requires RTU's to be installed on all irrigation wells that discharge into district facilities. The question was asked if an RTU will be required and if at this time issuing a permits to not hold up the pumping process would be available. It was agreed by the board that a permit would be issued upon a signed contract agreement to purchase an RTU and perform a water quality test. Robert Faubion motioned and Marty Franzoy second to approve permits, 2015-L-045 & 2015-L-046. Permit 2015-L-047 with the conditions agreed upon by the Board. Permit 2015-L-049 Clayshulte Brothers was denied to discharge storm water into the Mesilla Drain. Motions carried.

Zack presented the potential use of permit for the Boy Scout Youth Lodge and their request to use the Tortugas Dam high ground that is owned by EBID. The Youth Lodge is a nonprofit organization looking for a permanent area to hold its events and activities. After discussion it was decided to have legal review and will then be brought back to the board for their consideration at the next Board of Directors meeting.

Dr. Phil King presented the weather forecast and irrigation season update.

"Current" Storage Status

July 7 FINAL Allocation based on June 30 conditions

July 7, 2015	Acre-feet
Elephant Butte Reservoir	324,238
Caballo Reservoir	17,449
Total Storage	341,687
RGC Credit	-15,760
San Juan-Chama	-3,363
Usable Storage	322,564
Released from Caballo	199,506
Inflow/day	1,140

Parameter	AF	
Total Usable Water Available for Release	515,966	
Carryover Obligation using Estimated Diversion Ratio	15,530	
Estimated Loss Adjustment	-15,000	
Total Usable Water Available for Current Year Allocation	485,436	
Diversion Ratio Estimate		0.730
Multiple Year Drought Factor		0.83
Mexico Allocation	35,355	
EBID Allocation, this year's water	133,581	41.9%
EPCWID Allocation, this year's water	185,432	58.1%
EBID Allocation with carryover	142,233	43.1%
EPCWID Allocation with carryover	188,117	56.9%
Total Allocation	365,705	

Water Resource Report

Final Allocation to Allotment

Bottom Line:

Allocation to Allotment	
Allocation, AF	142,233
Acreage	90,640
Allocation/acre, AF/acre	1.57
Conveyance Efficiency	0.53
Delivery/acre, ft	0.83
Delivery/acre, in	10.0
Current Allotment, in	11.0

- Allocation is final
- Last Calls issued – July 15 for Rincon Valley, July 31 for Mesilla Valley
- EBID done ≈ mid-August
- The faster we can deliver water, the more water we will have in the long run
- Mexico done about September 19
- EPCWID done early October
- El Niño in place, hurricane season in both oceans slow now

Gary Esslinger introduced Sterling Grogan who introduced a Watershed Management Program using goats. A presentation was given to the Board by Ann Perschel and Ray Holes showing the benefits of goat herding on watersheds including flood control dams. They described how goats can be used for vegetation management

Managers Update

July 8, 2015

and enhance the land sustainability. A tour was going to be given to the group so they could see the areas the district was most interested in using goats. Sterling Grogan will report back to the board and present a proposal after the tour to determine if such a venture is feasible.

Herman Ortiz came before the board to request dropping the protest on his mother's farm in Garfield. Mr. Ortiz's family has 20 acres of land upon which groundwater rights for irrigation were converted to dairy purposes a number of years ago under OSE permit in the amount of 45 AF consumptive use. He has requested 90 AF diversion be moved out of dairy use and back to irrigation use on the 20 acres as there is no longer a dairy. Lee Peters suggested that if a permit were to be issued to not exceed the historical consumptive use, the protest could be dropped. Marty Franzoy motioned and Bobby Sloan second to drop the protest if the permit condition were added to restrict the application to the historical consumptive use. Motion carried.

Ortiz
Protest

Gail Norvell presented to the Board the financial reports for the Month of June 2015. Cash in the bank was \$384,450; assessments receivable was \$638,775 and investments \$7,572,923 for a total decrease of \$789,256 over June 2014.

Gail Norvell presented Kosh Solutions contract for network monitoring and help desk for internal office needs. Marty Franzoy motioned and Robert Faubion second. Motion carried.

Dr. Lisa Henne and Lee Peters reported on legal matters.

Legal
Update

- LRR 303- Hatch Easements for Work on Placitas Arroyo- SLH-OPEN
- LRR 406- Drainage MOU with IBWC-LEP
- LRR 440- Clean Water Act-SLH-Open
- LRR 447 – Operating Agreement EIS – SLH/LH
- LRR 452- NMSU Special Collections Agreement
- CID Update-SLH

LRR
Report

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

Bobby Sloan moved and Willie Koenig 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 were 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
 - 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)
 - 5. Ortiz
- E. Boyd Motion to Lift Stay in Quiet Title litigation
- F. Copper Flats Corporation Inter Se on Water Rights

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

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

The next meeting of the Board of Directors will be held on Wednesday, August 12, 2015.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary