

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
October 14, 2015**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, October 14, 2015. The meeting was called to order by President James Salopek. Mike McNamee motioned to open the meeting and Willie Koenig seconds the motion. Motion carried. Bobby Kuykendall, Tom Simpson were absent.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Zack Libbin, Operations Engineer; Erech Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/Safety Director; Leo Barrett, Maintenance Director; Patrick Lopez, Technology Director; James Narvaez, Irrigations Systems Director; Gail Norvell, Controller; Naomi Ontiveros, Executive Secretary.

Also present was attorneys Steve Hernandez, Dr. Lisa Henne, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Greg Daviet, Dixie Ranch; Karen Ray, EBID Media Consultant; Valentine Valenta, Water Strategies.

The Pledge of Allegiance was led by Gary Esslinger followed by an Invocation given by Jerry Franzoy.

Willie Koenig motioned and Mike McNamee second to approve the September 16, 2015 board minutes.

The calendar was discussed:

- October 15&16 – Interim Water & Natural Resource Committee Proposed Meeting
- October 15 – Stormwater Coalition
- October 21st- Allocation meeting
- November 4-6th NWRA Conference, Denver, CO
- November 10th- EBID Board Meeting
- November 17th-20th USCID Management Conf
- November 26th &27th Thanksgiving Holiday

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

Current Storage Status



10/14/2015	El. Storage, AF	
Elephant Butte	4307.33	170,915
Caballo	4138.23	24,377
Total Project Storage		195,292
Compact Credit		-15,910
San Juan-Chama		-3,258
Usable Project Storage		176,124
San Marcial, AF/d		300

Final Charges

	Charge	Allocation	Unused
EB storage	(121,287)		
EB Release	412,684		
Compact Delivery	291,397		
Caballo Release	435,483	515,996	80,513
EBID	143,404	142,233	(1,171)
EPCWID		188,117	
Mexico	33,772	35,365	1,583
Total	177,176	365,705	412

James Narvaez advised the board that Hatch and the Central and South Units have shut down and all orders have been watered out. The last order date set for EP #1 is September 18th and orders ready to receive water by the 21st. The allocation for EBID was 142,233 acre feet for the year with a balance to the District of plus 2,658 ac/ft. Larry Vasquez with the Bureau of Reclamation advised the board that water at Elephant Butte Reservoir gates were shut off as of today. James Narvaez will have a final allocation and crop report by the next board meeting.

James discussed the findings on the Small Track Investigation that the board requested. James showed spreadsheets and data explaining that the average flat rate parcel uses around 8.5 acre inches per acre. James recommended the board keep rate for flat rate irrigations at 6" as investigations would continue. Dr. King stated that he agrees with that figure. Some of the tracts that were metered used less than 6" and others used more. On an average the 6" per irrigation would be correct. James recommended continued measurement and setting up more measurement for flat rate irrigations. Tom Simpson also recommended continued measurement in the forthcoming years to solidify the charge.

John Gwynne; Dona Ana County Flood Commission Engineering Supervisor spoke to the board concerning the benefits of a local flood warning systems and sharing data. John explained how EBID and Flood Commission rain gauge and climate measurement networks complement each other.

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

Water Resource Report

Patrick Lopez and Zack Libbin showed the board a proposed agreement between Dona Ana County Flood Commission and EBID for sharing data for Flood Warning Systems. Patrick explained the proposed agreement and Zack explained some of the benefits. Marty Franzoy made a motion to approve the MOU and give Gary Esslinger authority to sign off on the MOU including any minor changes and Robert Faubion seconds. Motion carried.

License List for Special-Use-Permits for October 14, 2015 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2015-L-062 CENTURYLINK	\$4,187.91	10 Year	
To construct, operate, and maintain a six (6) pair cable paralleling the Del Rio Drain at approximate station # 237+00			
2015-L-063 CITY OF LAS CRUCES	Perpetual Agreement	NMDOT	
To construct, operate, and maintain electrical pull boxes crossing the Armijo Lateral at station #96+70			
2015-L-064 CALICHES FROZEN CUSTARD	\$2,781.21	10 Year	
To construct, operate, and maintain a seating area approximately 2,000 sq.ft. with red brick flooring, benches and pergolas on the Porter Lateral at station # 4+00			

Special Use Permits

Zachary Libbin presented the Special Use Permit applications for the month of October to the Board. Zack recommended approval on all permits. Marty Franzoy motion Robert Faubion second to approve the presented permits. Motion carried.

Zack presented the Motion carried.

Zack requested approval for the MOU with IBWC for River Gate Structure O&M be tabled until next board meeting.

Zack gave the board an update on the Tortugas 1 Dam Emergency Action Plan progress. Gary, Zack, and EBID's engineering consultant met with OSE Dam Safety Bureau to address some differences in interpretation and engineering. Zack explained that most issues were resolved and revisions are being made to the Tortugas 1 EAP for resubmittal.

Gary Esslinger advised the board that the NWRA Annual Conference will be in November in Denver, Colorado this year. Gary, James Salopek, Steve Hernandez and 1 Staff member, if no one else from the board wants to go, would like to attend the conference. Gary requested approval from the board so early-bird registrations can be made. Robert Faubion made a motion to approve their attendance and Bobby Sloan seconds. Motion carried.

Gary asked Zack Libbin and Mike McNamee to update the board on the Law of the Rio Grande conference they attended September 14th thru 15th. Zack gave a brief summary of several sessions and Mike concurred.

Frank Ward; NMSU presented to the board the USDA Research Project for sustainable water resources for irrigated agriculture. They are requesting the board to be willing to collaborate on stakeholder policy considerations and stake holder input meetings. Robert Faubion motioned to collaborate on policy considerations; Tommy Simpson seconds. Motion carried.

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

Gail presented to the board the financial reports for the month of August 2015. Cash in the bank was \$208,599; assessments receivable was \$569,758 and investments \$5,574,916 for a total decrease of \$1,192,204 over August 2014.

Gail requested approval from the board for two soil removal contracts at EBID project site Diez Lagos in Sunland Park; one is with Caliper Construction and the other is with KMF Construction. Both contracts have duration of one year. Robert Faubion motioned to approve the contracts and to add that Gary can sign the contracts pre-approval and bring them to the board after the fact; Marty Franzoy seconds. Motion carried.

Gail presented a list of Assets for Disposal to the board. Marty Franzoy made a motion to approve disposal and Robert Faubion seconds. Motion carried.

Steve Hernandez and Dr. Lisa Henne reported on legal matters.

- LRR 303 - Hatch Easements for Work on Placitas Arroyo- SLH-Open
- LRR 406 - Drainage MOU with IBWC-LEP-Open
- LRR 440 - Clean Water Act-SLH-Open
- LRR 447 – Operating Agreement EIS – SLH/LH-Open
- LRR 452 - NMSU Special Collections Agreement-Open
- LRR 453 – North Salem Dam Issues – LEP – Open
- CID Update-SLH
- Litigation Status Updates – LH/SLH

Willie Koenig moved and Bobby 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 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 MDWCA
 - 3. Attaway (Hot Springs Basin)
 - 4. Smith (Hot Springs Basin)
- E. Boyd Motion to Tenth Circuit U.S. Court of Appeals in Quiet Title litigation
- F. Copper Flats Corporation Inter Se on Water Rights
- G. BOR OA EIS Update

Following closed session, Willie Koenig 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, Marty Franzoy moved and Bobby Kuykendall seconds to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Tuesday, November 10, 2015.

Managers Update

Financial Report
Legal Update

LRR Report

Adjourn