

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
January 20, 2016**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, January 20, 2016. The meeting was called to order by President James Salopek. Tom Simpson motioned to open the meeting and Bobby Kuykendall seconds the motion. Motion carried. Marty Franzoy was absent.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Zack Libbin, Operations Engineer; Delyce Maciel, HR/Safety Director; Patrick Lopez, Hydrology 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; Lee Peters, Peters Law Firm; Ryan Ward, NMDA; Karen Ray, EBID Media Consultant; Diana Alba Soular, LC Sun- News; Ken Rice, Jennifer Faler, BOR; Jim Hangen, OSE; Cathy Day, NMSU Geography; Ryan Serrano, OSE; Richard Llenez, Richard Barnitz, EBID members; Eric Agossov, Lewis Ruder, Erich Schmitz; BNSF; Gregg Daviet, Dixie Ranch.

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

Willie Koenig motioned and Robert Faubion second to approve the December 14, 2015 board minutes. Motion carried.

Election of Officers took place with nominations for President, Vice-President and Secretary of the Board of Directors. Jerry Franzoy motioned and Bobby Sloan seconds a nomination for Willie Koenig as President. The following roll call vote was recorded:

Jerry Franzoy- Willie Koenig for President;
Tom Simpson- Willie Koenig for President;
Robert Faubion- Willie Koenig for President;

Mike McNamee- Willie Koenig for President;
Bobby Kuykendall- Willie Koenig for President;

Jerry Franzoy motioned and Bobby Sloan seconds Mike McNamee for Secretary. The following roll call vote was recorded:

Jerry Franzoy- Mike McNamee;
Tom Simpson- Mike McNamee;
Robert Faubion- Mike McNamee;
Willie Koenig- Mike McNamee;
Bobby Kuykendall- Mike McNamee.

Jerry Franzoy motioned and Bobby Sloan seconds Robert Faubion for Vice President. The following roll call vote was recorded.

Tom Simpson- Robert Faubion for Vice President

Willie Koenig- Robert Faubion for Vice President
Mike McNamee- Robert Faubion for Vice President
Bobby Kuykendall- Robert Faubion for Vice President
Jerry Franzoy- Robert Faubion for Vice President

The new President, Vice President and Secretary read the required Oath of Office. Incoming President Willie Koenig requested that the sitting President, James Salopek, finish presiding at the meeting and he would preside at the next board of directors meeting. The signed oaths of office are attached to the minutes.

The calendar was discussed:

- January 27-28th Irrigation Leader Workshop
- February 10th EBID Board Meeting
- February 18th & 19th FFA, Las Vegas, NV

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

Current Storage

	1/20/2016	AF
Elephant Butte		347,672
Caballo		28,789
Total Project Storage		376,461
Estimated RGCC		(15,298)
San Juan-Chama		0
Usable Project Storage		361,163
Change from last month		90,789
San Marcial Flow, AF/day		1,000

**NRCS January Forecast,
March-July Runoff**

March - July Runoff Forecast, 1,000 acre-feet						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	1150	905	755	620	450	720
Rio Grande at San Marcial	895	700	565	430	230	510

March - July Runoff Forecast, percent of average						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	160%	126%	105%	86%	63%	720
Rio Grande at San Marcial	175%	137%	111%	84%	45%	510

Roll Call

Pledge of Allegiance & Invocation

Minutes Approval

Election Of Officers

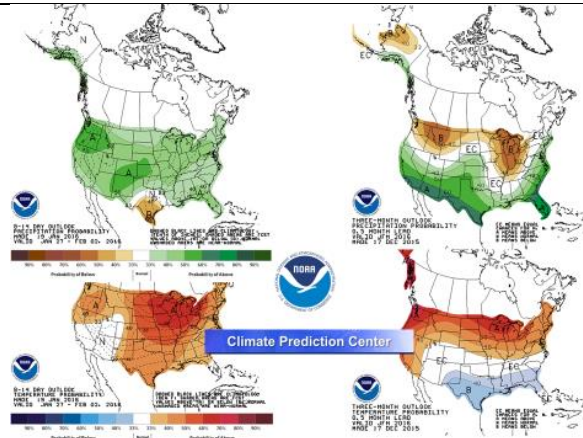
Calendar of Events

Water Resource Report

Current Look at EBID Allotment Conditions

Allotment Outlook	19-Jan-16
Seasonal Usable Storage	344,745
Estimated Diversion Ratio	79.0%
EBID Carryover	24,927
EBID Allocation 2016 water	93,869
EBID Total Allocation	118,796
EPCWID Carryover	33,084
EPCWID Allocation 2016 Water	99,586
EPCWID Total Allocation	132,670
Mexico Allocation	20,710
Total Allocation	272,176
Rough Avail. Allotment Est., inches:*	8.7

*assumes 55% conveyance efficiency



Dr. King does not recommend a release date at this time. EP#1 is looking to have an early release date of March but still uncertain of start date. James Narvaez is currently attending the Binational meeting in El Paso where a more definite answer on when Mexico will want to start their season. Dr. King advises it is important when Mexico decides to come on because if they decide to come on with EP#1. EBID will have to share in losses and if Mexico doesn't then EBID will not share in the losses.

License List for Special-Use-Permits for January 20, 2016 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2015-L-072 MIGUEL ESCOBEDO/ VARIOUS LAND OWNERS			
To operate, and maintain two existing vehicle crossings one on the Little La Union Lateral at station# 52+00 and one on the West Drain at approximate station# 415+00	\$2,233.33	10 Year	Yes
			Farm use
2016-L-001 STAHMANN INCORPORATED			
To construct, operate, and maintain ten (10) existing harvest gates. Two on the Santo Tomas River Lateral at station# 11+90 one on the right and one on the left bank of the La Mesa Drain at approximate station# 696+00 four on the Santo Tomas Lateral right and left bank at station#'s 201+10 & 202+00 and two on the left bank of the Santo Tomas Drain at approximate station# 49+40 & 48+00	\$6,466.67	10 Year	Yes
			Farm use
2016-L-002 JOHN CLAYSHULTE			
To construct, operate, and maintain an irrigation flume crossing the Del Rio Drain at approximate station # 805+25	\$2,233.33	10 Year	Yes
			Farm use

Special Use Permits

Zachary Libbin presented the Special Use Permit applications for the month of January to the Board. Zack recommended approval on the presented permits. Bobby Sloan motion Robert Faubion second to approve the presented permits. Motion carried.

Zach updated the Board on the Rincon Water Smart Grant. He reported that half of the pipeline is in place including the concrete structures and portion of Wasteway 18 is built on EBID side off the river levy. The Wasteway lift pump station will be added to the existing structure. Solar panels are scheduled to be installed next year over the top of the pipe. Communication between EBID and the Carsons is still ongoing regarding the easement for the arroyo portion of the project and a meeting is to be scheduled with the Executive committee and the Carsons to finalize the easement.

Managers Update

Gary updated the board on the Las Vegas, NV NWRA conference. This conference is to bring all 17 western states together and begin to prep for the Washington Congressional visit in April. Each state will begin to narrow down its priorities and NWRA will then prepare a strategy to address those issues that are most important to NWRA members. Several issues that continue to raise concern are: ESA, WOTUS and regulations of EPA on farmers.

Gary reminds the board of the February Las Vegas FFA conference on February 18th and 19th. If any board member is interested in attending please let Naomi know. Robert Faubion motioned and James Jerry Franzoy second to send James Salopek, Gary Esslinger And Steve Hernandez. Steve stated that he was going to take Lisa Henne with him to learn more about Federal legislation that will be presented at the conference. Steve advised the board he would be paying Lisa's way.

Financial Report

At the December board meeting it was discussed to hold a growers meeting in early February. At this time that meeting will be postponed to a later date (no date was given) to provide more information to the farmers about the beginning of the 2016 irrigation season and any future development of the Depletion Reduction Operation Plan (DROP).

Item 12F and 12G were tabled at this time.

Gail presented to the board the financial fact sheet for the month of December 2015. Cash in the bank was \$1, 585,685; assessments receivable was \$3,798,732 and investments \$4,826,650 for a total decrease of \$2,066,228 over December 2014. Gail requested approval of Resolution 2016-02 Financial Report Adoption Fiscal Year 11/01/14 to 10/31/2015. Robert Faubion motioned and Willie Koenig second to approve the presented resolution. Motion carried.

Gail requested approval on a contract renewal for Henry Magallanez who works as an EBID consultant and professional surveyor for the District. Robert Faubion motioned and Jerry Franzoy second to renew Henry Magallanez contract. Motioned carried.

Gail requested approval on Soil Excavation agreement with Caliper Construction Inc for Tortugas Dam#2 to remove one thousand cubic yards of sediment. Robert Faubion motioned and Willie Koenig second to approve the contract as presented. Motioned carried.

Steve Hernandez and Dr. Lisa Henne reported on legal matters. All LRR's remain open.

- LRR 369- Leasburg Dam Easement-LEP-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 Library Agreement-LEP-Open
- LRR 453 – North Salem Dam Issues – LEP – Open
- CID Update-SLH
- Litigation Status Updates – LH/SLH

Mike McNamee moved and Bobby Kuykendall seconds to break for lunch. Motion carried. Following lunch, Tom Simpson moved and Bobby Sloan second to reconvene the meeting. Motion carried.

Robert Faubion moved and Bobby Kuykendall 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
 - Expedited Inter Se-EBID Pre Project Water Rights
- 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
- E. Boyd Motion to Tenth Circuit U.S. Court of Appeals in Quiet Title litigation
- F. Copper Flats Corporation Inter Se on Water Rights
- H. Pending Lawsuits/ Tort Claims
 - 1. Calderon v EBID
 - 2. Carrillo v. EBID
 - 3. Tony Perea

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, Robert Faubion moved and Mike McNamee seconds to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday, February 10, 2016.

Legal Update

LRR Report

Adjourn

WILLIE KOENIG, President

MICHAEL MCNAMEE, Secretary