

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
October 12, 2016**

The Pledge of Allegiance was led by Gary Esslinger followed by an Invocation given by Marty Franzoy. The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, October 12, 2016. Due to lack of quorum at 8:00 AM, the board was briefed on the following topics with no board action taking place.

LRR 440 - Clean Water Act-SLH-Open
LRR 450- EBID dealing with Comcast- LEP-Open
LRR 453 – North Salem Dam Issues – LEP – Open
LRR 455- Quit Claim Deed to EPCWID for Portion of Montoya drain-LH-Open
LRR 460- IBWC Contract O&M Construction Work- LEP/SLH-Open
LRR 461- WTB SWTP Transfer to LRGPWVA-LEP-Open
LRR 462- SWTP Backwash-SLH-Open
LRR-463- Water for SWTP-SLH -Open
LRR 464- Right of Use Permitting Policy-LH-Open
LRR 466- Settlement of Dispute of ownership of a portion of Angostura Drain
LRR 467- MOU between EBID NMSU for trails within NMSU Heritage Farm- LEP
Update on EBID Drop Policy and 1920 Act Contract-SLH
CID Update-SLH
Litigation Status Updates – SLH

Pledge of
Allegiance &
Invocation

Legal
Update

The calendar and amending the time of the July board meeting was discussed:

- October 13th 1:30 pm Stormwater Coalition
- October 13th 9 am DASWCD
- October 13th 3 pm Paso Del Norte Watershed Mtg
- October 20th 1:30 pm Stormwater Coalition
- October 17th – October 31st Gary will be out of the office
- October 17th – USIBWC ROD mtg @ EBID
- November 9th- EBID Board Mtg
- November 14th- 16th NWRA Conference, San Diego, CA
- November 17th- EBID General Mtg
- November 24th-25th- EBID Office Closed

Calendar
Of Events

Erek Fuchs provided the board with the river pump history report for review. The board of directors will review and request a workshop to discuss and review further.

EBID personnel present were Gary Esslinger, Manager; Patrick Lopez, Hydrology Director; Naomi Ontiveros, Executive Secretary, Erek Fuchs, Groundwater Resources; Zachary Libbin, Engineer; Gail Norvell, Finance Director. Also present were attorneys Steve Hernandez, Law Office of Steven L. Hernandez and Lee Peters, Peters Law Firm.

The BOD had a quorum at 9 am thereafter Tom Simpson moved and Marty Franzoy seconds to go into closed session to discuss legal matters. Motion carried. James Salopek, Bobby Sloan, Bobby Kuykendall and Willie Koenig were absent. 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 Rio Grande Project – Priority date of Project Water
 - SSI 107 Pre-Project Interest
 - Expedited Inter Se-Pre-1906 Claimants
- 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, Nos. LRG-3150-B, 3150-E & 9356 (2010 Protests)
 - 2. Cloverleaf Trust
 - 3. CRUUA- Application Nos. LRG-3695 POD 6 and LRG-3150 POD 48
 - 4. CRRUA, No. LRG-3150-POD 49
- E. Copper Flats Corporation Inter Se on Water Rights/EIS Comments
- F. Pending Lawsuits/ Tort Claims
 - 1. Tony Perea
 - 2. Stella Sanchez
- G. Los Pinos Water Supply Project

October 12, 2016

Tom Simpson motioned and Marty Franzoy second to go out of closed session.

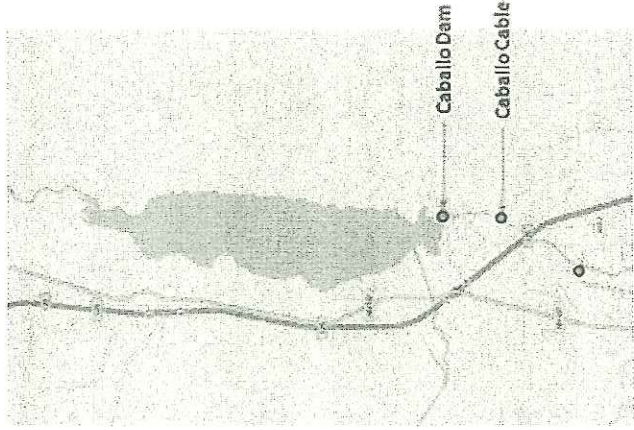
Tom Simpson motioned and Jerry Franzoy second to go into regular scheduled board meeting. Motion carried. At the beginning of the Open Session Chairman Fabian requested if anyone in the audience wanted any of the items on the LRR list, Calendar of Events or the river pump history to be discussed. No audience member requested any review of those items.

Also present at open session were Dr. Phil King, Hydrology Consultant; Karen Ray, EBID Media Consultant; Sheryl Smity and Jim Hangen, OSE; Ryan Serrano, OSE; Gregg Daviet, Dixie Ranch; Sammy Singh, Jr., State Engineer; Tom Blaine and his chief counsel Greg Ridgely.

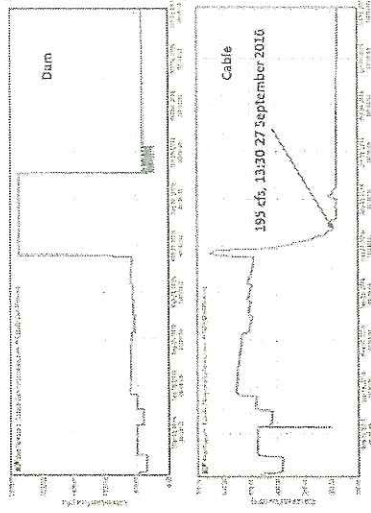
Tom Simpson motioned and Marty Franzoy second to approve the September 14, 2016 board minutes.

Minutes
Approval

Dr. King updated the board on the Caballo Dam plug. The last useable release was calculated to be on September 27th around 1:30 pm. Vegetation material and sediment from the Black Range Silver Fire had plugged up the trash rack at the Dam causing the sediment to build up and eventually restricting release. James Narvaez suggested installation of a velocity meter in the tubes to help monitor the flow; this had been brought up in years past. Dr. King agrees this is a good idea and will bring it to the attention of the OA allocation committee at the next meeting. 330 acft (1 thousand cfs) will be released to test the clean up and make sure that it is clear. A final OA allocation meeting will be held on October 17th.



Caballo Release



Water
Resource
Report

WY 2016 Precipitation Conditions



Basin	Basin Index
Upper Rio Grande	51%
Rio Chama	40%
Sangre de Cristo	40%
Jemez	28%

Current Storage

	September 12, 2016	AF
Elephant Butte		134,404
Caballo		6,629
Total Project Storage		141,033
Estimated RGCC		(14,659)
San Juan-Chama		0
Usable Project Storage		126,374

Special
Use Permits

Zack introduced Don Lopez with AECOM. Mr. Don Lopez discussed AECOM and the benefits of having a dam risk assessment done. The board advised Mr. Lopez they will take into consideration his presentation and will discuss further with Staff.

Zachary Libbin presented the Special Use Permit applications for the month of October to the Board. Zack recommended approval on the permits. Tom Simpson motioned Marty Franzoy second to approve the presented permits. Motion carried.

License List for Special-Use-Permits for October 12, 2016 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2016-L-051 EL PASO ELECTRIC COMPANY	\$2,080.60	25 Year	
To construct, operate, and maintain a pair of guy wires for aerial utility poles utilizing an area of the Leasburg Main Canal WW5 at approx. Sta.# 51+00			

Zack presented a list of permit applications and their status in sequential order from November 2015 to October 2016. This reconciliation is to address a 2016 audit finding that permit numbering was not reconciled at each board meeting. The list provided to the board showed sequential numbering and status for every permit application submitted thus far in 2016 so that each permit reflects the current status of each permit as approved, paid, tabled and/or withdrawn. Jerry Franzoy motioned Marty Franzoy second to approve and accept the presented list.

Gary advised the board of the upcoming EB Dam 100 year celebration to be held on Wednesday, October 19, 2016 beginning at 11 am. Robert Faubion will be speaking on behalf of EBID. Any BOD who wish to attend are requested to let Naomi know so she may add their name to a list. Jerry Franzoy motioned and Marty Franzoy second to contribute one thousand dollars to the EB Dam celebration. Steve Hernandez and Lee Peters said they would also attend. Motion carried.

The MOU between EBID and NM WRRRI has been tabled for next month's meeting.

Gail presented to the board the financial fact sheet for the month of September 2016. Cash in the bank was \$572,302; assessments receivable was \$458,577 and investments \$3,595,179 for a total decrease of \$1,084,728 over September 2015.

Gail presented the concrete contract for CEMAX for approval. Marty Franzoy motioned and Jerry Franzoy second to approve the presented contract. Motion carried.

Gail presented a list of Assets for Disposal to the board. Mike McNamee made a motion to approve disposal and Tom Simpson seconds. Motion carried. A list of the Assets for Disposal is attached to the minutes.

Tom Simpson moved and Mike McNamee seconds to break for lunch. Motion carried. Following lunch, Mike McNamee moved and Mary Franzoy second to reconvene the meeting in open session. Motion carried.

Gail provided the BOD information on the budget for the next fiscal year. After discussion it was determined that a decision or any final motions should wait until more members of the board were present at a special session. A Special BOD meeting will be held on October 19th at 8 am to discuss and adopt the budget.

There being no further business, Mike McNamee motioned and Jerry Franzoy seconds to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday, November 9, 2016 beginning at 8 AM.

Robert Faubion, President

Michael McNamee, Vice President

Permit
Numbering
Reconciliation

EB Dam
100th
Celebration
Contribution

Financial
Fact Sheet

Contract
Renewal

Disposition
Of Assets

FY 2016
Budget

Adjourn