

**Elephant Butte Irrigation District  
Board of Directors' Meeting  
December 12, 2018  
8:00 am**

Duration-From/To	Item # - Item Description	Presenter	Page												
<b>OPEN SESSION</b>	<b>REGULAR SCHEDULED BOARD MEETING</b>														
08:00 0815	<ol style="list-style-type: none"> <li>1. Mtg called to order</li> <li>2. Invocation</li> <li>3. Pledge of Allegiance</li> <li>4. Roll Call</li> </ol>														
<b>PURSUANT TO SECTION 10-15-1-H, NMSA OF THE NEW MEXICO OPEN MEETINGS ACT, THE FOLLOWING TOPICS SHALL BE DISCUSSED IN CLOSED SESSION:</b>															
<b>Motion to go into CLOSED SESSION</b>															
1.5 0815 0930	<ol style="list-style-type: none"> <li>5. Legal Update - Attorneys <ol style="list-style-type: none"> <li>A. NM ex. rel. OSE vs. EBID CV 96-888 (Stream Adj.) <ol style="list-style-type: none"> <li>1. Lower Rio Grande Water User Group Activity/Status of ongoing discussions</li> <li>2. General Update</li> </ol> </li> <li>B. Texas v. NM (USSC) <ol style="list-style-type: none"> <li>1. General Update</li> </ol> </li> <li>C. EBID Protests <ol style="list-style-type: none"> <li>1. CRRUA, Nos. LRG-3150-B, 3150-E &amp; 9356 (2010 Protests)</li> <li>2. CRRUA - Application Nos. LRG-3695 POD 6 and LRG-3150 POD 48.</li> <li>3. CRRUA, No. LRG-3150-POD49</li> <li>4. Doak Application No. LRG-10290-1 into 17266</li> <li>5. Cloverleaf Protest, No. HS -1131</li> </ol> </li> <li>D. Pending lawsuits/Tort Claims <ol style="list-style-type: none"> <li>1. Pioneer Bank v. Mooney, et. al</li> </ol> </li> <li>E. NM Copper Corporation proposed mine litigation</li> <li>F. Litigation Support</li> <li>G. NMSU Interim Settlement Agreement discussion</li> <li>H. Motion to come out of closed session</li> </ol> </li> </ol>														
<b>OPEN SESSION REGULAR SCHEDULED BOARD MEETING</b>															
.15 0930 0945	<ol style="list-style-type: none"> <li>6. Introduction of Guests</li> <li>7. Approval of Board Minutes 11/14/18 <span style="float: right;">3</span></li> <li>8. Calendar of Events <span style="float: right;">9</span> <table border="1" data-bbox="474 1199 1052 1310" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th align="center"><u>12/01/2017</u></th> <th align="center"><u>12/01/2018</u></th> </tr> </thead> <tbody> <tr> <td>Elephant Butte</td> <td align="center">368,236</td> <td align="center">72,461</td> </tr> <tr> <td>Caballo</td> <td align="center"><u>69,736</u></td> <td align="center"><u>25,777</u></td> </tr> <tr> <td>Total Storage</td> <td align="center">437,972</td> <td align="center">98,238</td> </tr> </tbody> </table> </li> </ol>		<u>12/01/2017</u>	<u>12/01/2018</u>	Elephant Butte	368,236	72,461	Caballo	<u>69,736</u>	<u>25,777</u>	Total Storage	437,972	98,238		
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.30 0945 1015	<ol style="list-style-type: none"> <li>9. Engineering/Maintenance Z. Libbin/ L. Barrett <ol style="list-style-type: none"> <li>A. Maintenance Update</li> <li>B. Special Use Permits <span style="float: right;">11</span> <ol style="list-style-type: none"> <li>1. 2018-L-226 NM GAS COMPANY</li> <li>2. 2018-L-227 NM GAS COMPANY</li> <li>3. 2018-L-228 NM GAS COMPANY</li> <li>4. 2018-L-229 NM GAS COMPANY</li> <li>5. 2018-L-232 NM GAS COMPANY</li> <li>6. 2018-L-253 LESLIE FLETCHER</li> <li>7. 2018-L-254 LA UNION MDS&amp;WA</li> <li>8. 2018-L-255 LA UNION MDS&amp;WA</li> <li>9. 2018-L-256 LA UNION MDS&amp;WA</li> <li>10. 2018-L-257 LA UNION MDS&amp;WA</li> <li>11. 2018-L-258 LA UNION MDS&amp;WA</li> <li>12. 2018-L-259 LA UNION MDS&amp;WA</li> <li>13. 2018-L-260 SCOTT ADAMS FARMS</li> </ol> </li> <li>C. LRGPWWA Proposal <span style="float: right;">13</span></li> </ol> </li> </ol>														
.30 1015 1045	<ol style="list-style-type: none"> <li>10. Water Resource P. King/J. Narvaez <ol style="list-style-type: none"> <li>A. Weather/Runoff Forecast</li> </ol> </li> </ol>														
.15 1045 1100	<ol style="list-style-type: none"> <li>11. Legal Update Attorneys <ol style="list-style-type: none"> <li>A. LRR 469- Lower Rio Grande Water User Group Activity</li> <li>B. LRR 477- Sale of Montoya Drain</li> <li>C. Litigation Update- SB</li> </ol> </li> </ol>														

			D. WNR Interim Committee Mtgs 2018		
			E. Hatch deep well discussion		
			F. NMSU Interim Settlement Agreement discussion		
			G. Ruttie Encroachment		
			H. NMSU Graduate Assistantship Agreement		16
.15	1100	1115	12. General & Administrative	G. Norvell	
			A. Financial Report		
			B. Concrete Ready-Mix Contract		
			C. Contract renewal- Professional Legal Services		
			D. Resolution 2018-07 – Final Quarterly Budget Report10/31/2018		
.15	1115	1130	13. Managers Update	G. Esslinger/	
			A. NWRA Leadership Forum, 1/10-1/11 Phoenix, AZ		19
			B. Irrigation Leader Workshop, 1/23-1/24Phoenix AZ		21
			C. FFA 2019 Annual Mtg & Conf, 2/21-2/22 Reno, NV		24
			D. "EBID celebrates its 100-year anniversary" Las Cruces Sun-News		26
			E. Employee Recognition		
.10	1130	1140	14. Legislative Update		
			A. "Secretary Perdue Names NRCS Chief" USDA Press Release		28
			B. "Managing and Conserving our Water to Preserve our Culture..." Michelle Lujan Grisham		29
			C. "Legal battle in Southern California..." AZ Central		38
			D. "Getting close': Outline of Colorado River..." AZ Central		41
			C. FFA Monthly Briefing		46
			D. Water Strategies Legislative Update		

**STAFF REPORT**

53

.45 1140 1230 Lunch Break

**OPEN SESSION**

19. CONTINUATION PURSUANT TO SECTION 10-15-1-H (see regular schedule 6-14 if necessary)

**CLOSED SESSION**

20. CONTINUATION PURSUANT TO SECTION 10-15-1-H (see legal update 5A-5G if necessary)

**ADJOURNMENT**

In accordance with the Elephant Butte Irrigation District resolution directing compliance with Open Meetings Act, a final version of the agenda will be available 72 hours in advance of the meeting at the EBID office at 530 S Melendres, Las Cruces, NM; and will be emailed to persons making a specific request for the final agenda by calling EBID's office 575-526-6671 ext. 402.

2009-ADMIN 9

POLICY SUBJECT: Implementation of Rules of Conduct for Public Meeting and Participation Policy

DATE APPROVED: SEPTEMBER 9, 2009

POLICY:

WHEREAS Elephant Butte Irrigation District (District) has adopted Resolution 2009-1 pursuant to Section 10-15-1(D) of the Open Meetings Act where the Board of Directors annually determines what constitutes reasonable notice of its public meetings;

WHEREAS paragraph 9 of said Resolution sets forth that requests to place items on the agenda from the constituency or public must be made in writing to the manager at least five days prior to a regularly scheduled meeting. Said requests shall specify the topic to be discussed in detail and identify the person and/or group requesting time on the agenda;

WHEREAS paragraph 9 of said Resolution also limits presentations to five minutes unless further time is allowed by a majority vote of the Board;

WHEREAS paragraph 10 of said Resolution allows the Board to adopt at each meeting, depending on the circumstances, rules necessary to conduct said meeting in a way to maintain public order, including but not limited to the removal of persons who are disruptive; and

WHEREAS paragraph 10 of said Resolution also allows the Board to limit or not allow public debate and may take whatever steps are necessary to maintain public order.

NOW THEREFORE, the Board adopts these rules pursuant to paragraph 10 of its Open Meetings Act Public Meeting and Participation Policy.

1. There is no right to comment by the constituency or public on any agenda item at regularly scheduled board meetings. At the discretion of the majority of the Board, members of the constituency or public may comment on a specific agenda item subject to the following rules:
  - A. A three minute comment time shall be imposed unless further time is allowed by a majority vote of the Board.
  - B. A member of the constituency or the public that is allowed to speak shall limit the remarks to that issue specifically identified or shall forfeit their time to address the Board.
  - C. A member of the constituency or the public that is allowed to speak shall treat all persons present with dignity and respect and may provide factual information and recommendations in verbal and/or written form.
  - D. The Board President shall have authority to ask the Manager to remove persons who are disruptive at the meeting.
2. Requests to place items on the agenda for regularly scheduled board meetings from the constituency or public are subject to the following rules:
  - A. The request must be made in writing to the Manager at least five days prior to a regularly scheduled meeting.
  - B. Said requests shall specify the topic to be discussed in detail and identify the person and/or group requesting time on the agenda.
  - C. Presentations shall be limited to five minutes unless further time is allowed by a majority vote of the Board.
  - D. A member of the constituency or the public that is allowed to speak shall limit the remarks to that issue specifically identified or shall forfeit their time to address the Board.
  - E. A member of the constituency or the public that is allowed to speak shall treat all persons present with dignity and respect and may provide factual information and recommendations in verbal and/or written form.
  - F. The Board President shall have authority to ask the Manager to remove persons who are disruptive at the meeting.
3. If a member of the constituency or the public has failed to make a request to place an item(s) on the agenda in writing to the Manager at least five days prior to a regularly scheduled meeting, the following rules apply:
  - A. The Board shall not grant the request at a regular board meeting unless said request is allowed by a majority vote of the Board.
  - B. In making a request to place an item on the agenda, the requestor shall specify the topic to be discussed in detail and identify the person and/or group requesting time on the agenda.
  - C. If the request is granted, presentations shall be limited to five minutes unless further time is allowed by a majority vote of the Board.
  - D. A member of the constituency or the public that is allowed to speak shall limit the remarks to that issue specifically identified or shall forfeit their time to address the Board.
  - E. A member of the constituency or the public that is allowed to speak shall treat all persons present with dignity and respect and may provide factual information and recommendations in verbal and/or written form.
  - F. The Board President shall have authority to ask the Manager to remove persons who are disruptive at the meeting.
4. This policy shall apply to all subsequent renewals of the District's Public Meeting and Participation Policy.