

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
November 14, 2012**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, November 14, 2012. The meeting was called to order by President James Salopek on a motion by Scott Adams, seconded by Ramon Alvarez. Motion carried. Member Bobby Kuykendall was absent.

Roll Call

EBID personnel present were Gary Esslinger, Treasure/Manager; James Narvaez, Hydrology Director; Leo Barrett, Maintenance Director; Zachary Libbin, Junior Engineer; Jean Hinsley, Resource Engineering Specialist; AJ Carlson, Land Water Analyst; Chuy Morales, Eng Field Tech; Erek Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/ Safety Director; Naomi Ontiveros Executive Secretary.

Also present were Steven Hernandez and Samantha Barncastle, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Greg Daviet, Dixie Ranch; Jim Hangen, OSE, Richard; Chrystal Enoch, Zia Natural Gas; Bill Barnhouse, Cielo Dorado Homeowners Assoc.; Jorge Lopez, LC Bulletin; Joyce Montes, EBID member.

The calendar was discussed. Gary advised the Board the Stormwater Coalition meeting will be held on November 15th. Gary advised the Board he will be presenting on November 15th at the USCID Reno Conference in Reno, NV. The office will be closed for the Thanksgiving holiday on November 22nd and 23rd. The next scheduled Board meeting will be held on December 12th.

Calendar of Events

Jorge Lopez came before the Board of Directors requesting the District to participate once again in the annual Legislative Guide. He advised the Board the cost to participate in a half page and a full page article. Robert Sloan motioned and Willie Koenig second to participate in a full page of the upcoming Legislative Guide. Motion carried.

LC Bulletin

Erek Fuchs presented to the Board the Groundwater Policy 2012-GW-01 for approval. Erek advised the Board of months of working and reviewing the Policy it has been approved by staff and legal. After review and discussing Robert Faubion motioned and Scott Adams second to approve Policy 2012-GW-01. Motion carried.

Policy 201-GW-01

Non-Moratorium

License List for Special-Use-Permits for November 14, 2012 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2012-L-065 Lower Rio Grande PWWA		
To construct, operate and maintain a waterline crossing the Chamberino East Lateral at Approx. Sta# 274+50	\$2,916.67	\$2,916.67
Requested Waived		
2012-L-094 Colquitt Pecan Farms		
To construct, operate and maintain a 12" steel pipe crossing the Three Saints West Lateral at Sta. #174+51	\$1,666.67	\$1,666.67
Requested Waived		
Farm Use		
2012-L-095 Century Link		
To construct, operate and maintain a conduit and micro-fiber to be bored under the East Drain at Approx. Sta. #277+00.	\$1,570.06	
2012-L-096 City of Las Cruces		
	\$3,416.67	

Special Use Permits

To construct, operate and maintain a 4" low pressure gas line connecting to an existing gas line crossing the Mesilla Drain at Approx. Sta. #438+50

2012-L-097 Lower Rio Grande PWWA

To construct, operate and maintain an 8" waterline paralleling the La Mesa Drain at Approx. Sta# 502+00 thru 511+50. \$1,245.09

2012-L-098 Zia Natural Gas Co.

To construct, operate, and maintain a gas utility crossing the San Miguel Lateral at Approx. Sta.# 37+30 Blanket Agreement

2012-L-099 Zia Natural Gas Co.

To construct, operate, and maintain a gas utility crossing the San Miguel Lateral at Approx. Sta.# 159+70 Blanket Agreement

2012-L-100 Sombra Antigua Winery, LLC

To construct, operate, and maintain a new business sign to be put up on the outside edge of the Lower Chamberino Lateral at Approx. Sta.# 135+00 \$1,566.67

2012-L-101 Cielo Dorado Home Owners Assoc.

		Requested Waived
To construct, operate, and maintain a vehicle crossing the La Union West Lateral at Approx. Sta.# 360+75	\$1,666.67	\$1,666.67
	\$14,048.50	\$6,250.01

Total Assessments \$7,798.49

Zachary Libbin presented the Special Use Permit applications for the month of November to the Board. Zachary recommends approval on all permits presented. Robert Faubion motioned and Scott Adams second to approve the November permits. Motion carried.

Zachary gave the Board a brief update on a few projects. The Diez Lagos project is coming along the new pipe has been installed and debrushing has begun. Zack advised the Board the reclassification list will be presented at the December board meeting. Leo adds there has been work done in the local yard helping Quest put in fiber optic lines. Mowing is finished in the North and will now continue in the central areas with the three new mowers being utilized.

Dr. Phil King presented the current outlook for the month of November and indicated no change from the October outlook.

The current storage statues is:

As of November 9, 2012 (USBR)	Acre-feet	Source

Operations/
Hydrology
Report

Elephant Butte Reservoir	115,202	USBR
Caballo Reservoir	5,920	USBR
Total Rio Grande Project Storage	121,122	EB+Caballo
Rio Grande Compact Credit Water	65,189	USBR
San Juan-Chama Water	44,420	USBR
Rio Grande Project Usable Water	11,513	Total – Credit – SJC

The November RG Compact Credits are as follows:

Quantity	AF	
Otowi Total	562,865	USGS provisional
Adjustments	-100,000	Estimate **
Net Otowi	462,865	Total +/- Adjustments
EB Effective Index Supply	268,629	Compact
EB Computed Inflow	190,685	USBR*
Annual Credit/(Debit)	-77,944	Computed-Index
Remaining Accrued Credit:	-12,755	Balance - Debit
Rio Grande Project Usable Water	76,702	March 2013 (???)

Dr. King reminded the Board of the poor water supply outlook for the upcoming season and to prepare for an allotment less than one foot. Compact credit will yield some water in March but at this time inadequate water means no allotment at this time. He also adds that the district still needs to be concerned about a BOR early release to Mexico in 2013.

Dr. King advised the Board that USF&WL decision will be made in December regarding the designation of critical habitat of the SWFL IBWC canalization project from Caballo to El Paso. Feedback from all the agencies is positive for excluding that part of the reach. The District has been working with NM Audubon for many years and has developed a successful relationship for developing restoration sites for the Willow Flycatcher. If the USF&WL gets involved and forces restoration, it could erase all the hard work and dedication put in the last decade by EBID on a voluntary basis.

Critical
Habitat
Designation

Gary Esslinger presented to the Board the financial reports for the Month of October 2012. Cash in the bank is \$326,307, assessments receivable is \$480,643 and investments \$5,358,511 for a total increase of \$932,324 over October 2011. Grant projects are on going and in process.

Controller
Report
Financial
Fact Sheet

Gary Esslinger advised the Board of the NWRA Conference that was held in Coronado, California. The important discussion at the conference was what Federal appointments may be made by the winning party that affects EBID. The Fiscal Cliff and its impact on many EBID grants were also discussed. A positive meeting occurred with the BOR Commissioner as well as a meeting with Chuy Reyes and Johnny Stubbs from EP#1 at the conference regarding the Operating Agreement commitment by both district to stand together.

Managers
Update

Steve Hernandez and Samantha Barncastle reported on legal matters.

Items to remain open:

- LRR 302 – City of El Paso/Montoya Drain. Open- Pending reassignment.
- LRR 303 – Hatch Easements. Open -SRB
- LRR 345 – Lack/EBID Land Exchange and Flow Easement. Open-LEP
- LRR 387- Drain Right of Way Use-Open-SRB
- LRR 392- Rio Grande Enviromental Water Transfer Program-Open-LEP
- LRR 394- Review BLM Letter Regarding Copper Flat Mines-Open-LEP
- LRR 398- EBID Purchase Order Terms and Conditions-Open- LEP
- LRR 399- Amend and Revise Original Document with Zia Natural Gas-Open-LEP
- LRR 401- State of NM obligation to pay EBID Bill- Open SRB
- LRR 406- IBWC O&M Flood Gate MOU- Open LEP
- LRR 408- Anthony Drainage Project- Open- LEP
- LRR 409- Transfer of Tortugas #2 Dam- Open- LEP
- CID Update-SLH.

Items closed:

- LRR 405- Magellan Pipeline Co. Right of Use Permit-LEP
- LRR 407- Groundwater Policy 2012-GW-01-SLH

Samantha Barncastle suggested waiting on sending Farm Lien letters until after the Holiday break, January 3rd. This will give the members the opportunity to contact EBID Staff during office hours when the office opens up again.

Jerry Franzoy moved and Scott Adams seconded 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 shall be discussed in closed session:

State ex. rel. D'Antonio vs. EBID CV 96-888 (Stream Adj.)

- SSI 101-CIR/FDR
- SSI 103-Domestic Wells
- SSI 104-US Project Water Right
- SSI 105-Expedited Inter Se-Boyd Claims

LRR 342/ Matter 150-2nd EBID Protest to Verde Realty Operating Partnership Application

LRR 358/ Matter 151-EBID Protest to City of Las Cruces Well Application- LRG 430-S-36 and LRG 5818

Matter 155- EBID Protests to County of Dona Ana Applications LRG 3150 B and LRG 9356 AWRM Appeal to Supreme Court

Diez Lagos Properties

LRG-3150-D into LRG-12171-S-2 and LRG-3229 Protest to Application of Sunland Park and

Charles Johns

State of NM vs. US/EBID/EP#1. MP/ 11-CV-691/WDS

Following closed session, Scott Adams motioned and Robert Faubion seconded to return to open session

There being no further business, Scott Adams moved and Robert Faubion seconded to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday December 12, 2012.

Legal
Update

LRR
Report

Open/
Closed
Session

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary