

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
July 10, 2013**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, July 10, 2013. The meeting was called to order by President James Salopek on a motion by Ramon Alvarez, seconded by Jerry Franzoy. Motion carried. Tom Simpson, Willie Koenig and Robert Sloan were absent.

EBID personnel present were Gary Esslinger, Treasure-Manager; Gail Norvell, Controller; Zachary Libbin, Junior Engineer; Chuy Morales, Engineer Tech; AJ Carlson, Land Water Analyst; Jim Covey, EBID Consultant; Dennis McCarville, EBID Intern; Patrick Lopez, SCADA Supervisor; Richard Bejarano, Watermaster; Raymond Barela, Assistant Watermaster; Roman Ramos, Assistant Watermaster; Sammy Gonzalez, Assistant Watermaster; Armando Jacquez, Assistant Watermaster; Leo Barrett, Maintenance Director; Naomi Ontiveros Executive Secretary; Erech Fuchs, Groundwater Resource Manager; .

Also present were Steven Hernandez, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Jim Hangen, OSE; Ken Rice, BOR; Marvin Tessner, LC Bulletin; Chrystal Enoch, Zia Natural Gas, Dave Dubois, NMSU.

The Pledge of Allegiance was read by President James Salopek followed by an Invocation given by Jerry Franzoy.

Robert Faubion moved and Scott Adams second to accept the June board minutes. Motion carried. Robert Faubion moved and Scott Adams second to accept the June Water Transfer Minutes. Motion carried.

The calendar was discussed. Gary advised the Board the Stormwater Coalition meeting had been cancelled for this month and will resume on July 11th. On July 11th there will be a Irrigation Leader Workshop in Denver, CO and board approval to send Gail and Zack was requested. Jerry Franzoy motioned and Robert Faubion second to send Gary Esslinger and Zachary Libbin. Motion carried. Gary also advised there will be a 2013 Small Hydro Conference in Denver on July 23rd but he will not be attending that event this year.

Roll Call

Pledge of Allegiance & Invocation
Minutes Approval

Calendar of Events

Special Use Permits

Non-Moratorium				
License List for Special-Use-Permits for July 10, 2013 Board Meeting				
Licensee	Assessment	Term	Fees Requested to be Waived?	Approved - Denied EBID BOD
2013-L-054 Doak Farms	Pump-in	10 years		Approved
To pump-in take out using the Dona Ana Lateral at Sta# 124+47			Farm Use	Fees Waived
2013-L-055 Zia Natural Gas			Blanket Agreement	25 years
To construct, operate, and maintain a 1" gas utility pipe crossing the Chamberion East Lateral at Approx. Sta# 117+20				
2013-L-056 Zia Natural Gas	Blanket Agreement	25 years		
To construct, operate, and maintain a 1" gas utility pipe crossing the Upper Chamberino				

Lateral at Sta# 90+75				
2013-L-057 New Mexico Gas Company	\$3,416.67	25 years		Approved
To construct, operate, and maintain a 4" gas utility pipe crossing the West Drain at Approx. Sta# 279+00				
2013-L-058 Conterra Ultra Broadband	\$75,500.00	25 years		Approved
To construct, operate and maintain a fiber optic utility network crossing the Anthony Lateral, East Drain, Three Saints East Lateral, Mitchell Lateral, Three Saints Main, Wasteway #18, Newsom Lateral, Brazito River Lateral, Del Rio Drain, Lake Lateral, La Mesa Drain, Upper Chamberino Lateral, Anthony Drain, La Union East Lateral, Nemexas Drain, Alta Vista Lateral, La Union West Lateral, Paxton Lateral, Talbot Lateral, Little La Union Lateral, and West Drain, at various Station numbers.				

Zachary Libbin presented the Special Use Permit applications for the month of June to the Board. Robert Faubion motion and Scott Adams second to approve the permits list and allowing permit 2013-L-058 use a plastic pipe casing. Motion carried.

Leo Barrett gave the Board an update on the ongoing projects. Flood control structure maintenance will start canal weed control will continue. There is one constituent funded project being completed. Ditchriders will begin to come on to the maintenance crews to continue cross training. Maintenance will concentrate the first part of the season on equipment for canal and drain maintenance and working with the hydrology department on building meters and updating check structures. Leo noted that staff is working on prioritizing projects for budgeting before and after the new fiscal year. Leo advises the board there will be a pre-bid meeting for the fabrication shop at the end of the month (July). The Diez Lagos project will continue once the maintenance season is under way. Zack advises the board the he is currently working on an extension letter regarding the Mesquite Water Treatment Plat; he assures the board the design has come along way and will be ready to break ground soon.

Maintenance/
Projects
Update

Zack presented to the board NMED's response to spill/release concerns. It was noted that they believe they did communicate with the district regarding any spills that occurred; which the staff disagrees with. Gary and Zack both note they will be setting up a meeting/tour with Mr. Cannovan and Mr. Yurdin so they may have a better understanding of our system and facilities.

Dr. Jim Covey and Dennis McCarville presented the Emergency Action Plan (EAP) for ABM #1 that will be presented to the OSE Dam Safety for approval. FEMA requires EAP's and are needed to address the potential hazard of a dam failure. Even though the District's flood control dams are currently dry it does not relieve the District of providing an EAP plan for each Flood Dam. EAP steps required are: model the watershed, calculate inflow hydrograph, model Dam & Reservoir, breach analysis of the dam, calculate outflow hydrograph, generate inundation map and create evacuation plan.

EAP

Dr. King presented the Board with the current water outlook report.

As of July 9

Loss rate as of 6/10

Component	Acre-feet
Elephant Butte Reservoir	60,507
Caballo Reservoir	19,151
Total Project Storage	79,658
Compact Credit	-24,267
San Juan-Chama	-33,337
Non-usable Water	-57,604
Project Usable Water	22,054
Dead Storage/Evap/Stranded	-14,000
Net Usable	8,054
June Release	128,852
July Release (July 8)	25,178
Total Released (July 8)	154,030
Total Seasonal Usable	162,084

Station	Diversion	Flow
Caballo		2381
Arrey Canal	157	
Leasburg Canal	169	
Leasburg Cable		1713
Reach Loss		342
Eastside Canal	134	
Westside Canal	394	
Below Mesilla		821
Reach Loss		364
American Canal	481	
Mexico	0	
Reach Loss	LOSS	340
Total Loss		1046
Diversion Ratio		56%

End Game

Day	Release	EBID	EPCWID	Mexico	Loss (cfs)
Previous AF	132,690	44,610	28,770	3,665	55,645
Tue 7/2	1,820	620	611		390
Wed 7/3	1,728	620	611		385
Thu 7/4	1,550	600	550		380
Fri 7/5	1,320	600	550		375
Sat 7/6	1,200	400	550		370
Sun 7/7	1,200	300	550		365
Mon 7/8	1,000	300	550		360
Tue 7/9	1,000	300	550		355
Wed 7/10	1,000	300	550		350
Thu 7/11	900	200	550		345
Fri 7/12	900		500		340
Fri 1/13	900		500		335
Sat 1/14	300		500		330
Sun 1/15					325
Mon 1/16					
Acre-feet	162,082	53,020	42,896	3,665	65,572
End Loss			990		
			43,886		
Allocation		52,006	43,233	3,665	

James Narvaez adds communication was important this season. Meetings with assistant watermasters would occur every morning to discuss the strategies for the day; he commends the men for doing such a great job. James presented the board with the current water allotment charges.

	GROSS DIVERSIONS	(AC-FT)	DIVERTED TO TEXAS	(AC-FT)	NET DIVERSIONS	(AC-FT)
		TO DATE		TO DATE		TO DATE
ARREY CANAL	2,745	12,100			2,745	12,100
PERCHA LATERAL	0	0			0	0
LEASBURG CANAL	2,451	11,385			2,451	11,385
CALIFORNIA EXTENTION	0	0			0	0

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EASTSIDE						
CANAL	1,225	9,203	0	-234	1,225	8,969
DEL RIO						
LATERAL	79	436			79	436
WESTSIDE		25,89				19,10
CANAL	5,215	5	-1,544	-6,791	3,670	5
PUMPED						
FROM						
RIVER**	0	0			0	0
GROSS		59,02				51,99
TOTAL	11,715	0	-1,544	-7,025	10,171	5

Patrick Lopez advised the Board late February he visited the Pima Irrigation District as they were putting in a tip gate and was able to borrow the new flow meter device for one season to see how well it functions and compare to our system and software. Patrick acknowledges that the flow meter is easy to use. He demonstrated to the Board how data can be easily accessed from anywhere and how it could function for the district. Although it is an easy to use and a functional device, he feels the high cost of the device is not warranted. The District can function without it and the Districts own telemetry system seems to provide a more accurate meter reading overall.

Rubicon
Instrument
Update

Erek Fuchs advised the Board that a letter was sent from Gary to the USGS regarding termination of funding from the District and related participation in the Mesilla Groundwater Monitoring Cooperators Program. Erek did receive a call from the new project chief, Andrew Robertson, asking for reconsideration. Mr. Robertson also requested to continue to have access to EBID wells and data information. Robert Faubion motion and Scott Adams second to not provide data to the USGS under the Cooperator's Program and termination of funding will remain. Motion carried.

USGS
Cooperators
Program

Gail Norvell presented to the Board the financial reports for the Month of June. Cash in the bank is \$574,666, assessments receivable is \$644,624 and investments \$7,306,586 for a total increase of \$696,054 over June 2012. Grant projects are on going and in process.

Controller
Report
Financial
Fact Sheet

Gary presented the Board of Directors a letter from Representative Steve Pearce sent to BLM regarding Lookout Point. BLM's Resource Management Plan for the 3 adjacent counties presents a problem regarding access to watersheds and the critical areas that have been accessible for many years. Lookout Point, at the top of the Robledo Mountains, is currently housing our radio transmission which so if we are no longer able to use it, it is a concern of for our future communication needs.

Managers
Update

Steve Hernandez, Samantha Barncastle and Lee Peters reported on legal matters.

Legal
Update

LRR #	Legal Assignment	Legal	Open	Closed	Comments
per BOD					
LRR 303	Hatch Easements for Work on Placitas Arroyo	SRB	x		Legal has requested to remain open
LRR 345	Lack/EBID Land Exchange and Flow Easement	LEP	x		Legal has requested to remain open
LRR 387	Drain Right of Way Use	SRB	x		Legal has requested this LRR remain open indefinitely
LRR 394	Review BLM Letter Regarding Copper Flat Mines	SRB	x		Legal is continuing to monitor and has requested LRR to remain open
LRR 399	Amend and Revise Original Document with Zia Natural Gas	LEP	x		Legal has requested this LRR remain

LRR
Report

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LRR 406	IBWC O & M Flood Gate MOU	LEP	x		Legal has requested this LRR to remain open
LRR 409	Transfer of Tortugas #2 Dam	LEP	x		Legal has requested this LRR to remain open
LRR 410	Kit Carson Road Permit	LEP		x	Legal has requested to remain open
LRR 414	Tort Claims - City of Las Cruces sewage release	LEP		x	Legal has advised to remain open
LRR 415	Hatch High School Walk Over Bridge	LEP		x	Legal has advised to remain open
LRR 419	Defective Equipment-Roll Bender Model R-H45	SRB	x		Legal advised a response has been received and will close at the next board meeting.
LRR 421	LCHS Special Conditions Permit	LEP	x		Legal has advised to remain open
LRR 422	Illegal Dumping behind Tortugas Dam	SRB	x		Legal has requested to remain open
LRR 423	EBID General Data & Info Brochure	SRB/SLH		x	Legal has provided their responses and has requested to close
LRR 424	1920 Conversion Act for change of use, water rights and the rules associate with the SWUA process	SLH	x		Legal has requested to remain open
LRR 425	JPA and Transfer of Loan to LRGPWVA	LEP	x		Legal has requested to remain open

Scott Adams moved and Ramon Alvarez seconded to break for lunch. Motion carried. Following lunch, Scott Adams moved and Bobby Kuykendall seconded to reconvene the meeting. Motion carried.

Scott Adams moved and Robert Faubion 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 102-EBID Claims to Groundwater
- SSI 103-Domestic Wells
- SSI 104-US Project Water Right
- Expedited Inter Se-Boyd Claims and Boyd Appeal to NM court of Appeals
- Motion to Designate SSI 106

State of New Mexico vs United States of America, et al.; no. CV 11-00691 JB-WDS

Texas v. NM (USSC)

LRR 342/ Matter 150 & 155-CRRUA

Bounds Appeal to Supreme Court

Following closed session, Scott Adams motioned and Jerry Franzoy seconded to return to open session

There being no further business, Scott Adams moved and Robert Faubion seconded to adjourn

Open/
 Closed
 Session

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the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday August 14, 2013.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary