

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
August 14, 2013**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, August 14, 2013. The meeting was called to order by President James Salopek on a motion by Willie Koenig, seconded by Scott Adams. Motion carried. Ramon Alvarez and Bobby Kuykendall 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; Richard Bejarano, Watermaster; Leo Barrett, Maintenance Director; Naomi Ontiveros Executive Secretary; Erek Fuchs, Groundwater Resource Manager; .

Also present were Steven Hernandez, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Jim Hangen, OSE; Greg Daviet, Dixie Ranch; Steve Wilmeth, DASWCD; Ryan Ward, NMDA ; Marvin Tessneer, LC Bulletin; Chrystal Enoch, Zia Natural Gas, Tiffany Rivera, NMDA; Sammy Singh Jr, EBID member; Chris Carameros, L&M Asset Mgt; Ronald King, Skyline Engineers.

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

The calendar was discussed. Gary advised the Board the next scheduled board meeting will be held September 11th followed by the Stormwater Coalition meeting on the 11th at 1 pm.

Roll Call

Pledge of Allegiance & Invocation
Calendar of Events

Special Use Permits

Non-Moratorium License List for Special-Use-Permits for August 14, 2013 Board Meeting				
Licensee	Assessment	Term	Fees Requested to be Waived?	Approved/ Denied
2013-L-053 DAC Facilities & Parks	\$5,833.33	25 years	Yes	Tabled
Two storm water discharges into the Las Cruces Lateral at Approx. Sta# 384+00 and Approx. Sta# 390+00				
2013-L-060 L&M Asset Management, Inc	\$1,566.67	10 years		Approved with conditions
To install a 24" corrugated pipe with a gate to drain storm water into the West Drain from "The Grove" subdivision in Sunland Park at Approx. Sta# 15+60				
2013-L-061 El Paso Electric Co.	\$3,416.67	25 years	Yes	Approved Fees Waived
To construct, operate and maintain an aerial utility crossing the Nemexas Drain at Approx. Sta# 612+00			Farm Use	
2013-L-062 Century Link	\$1,570.06	10 years		Approved
To add a fiber optic utility to an existing aerial utility crossing the Picacho Drain at Approx. Sta# 109+50				
2013-L-063 Zia Natural Gas Co.	Blanket Agreement	25 years		Approved
To construct, operate and maintain a 2" gas utility crossing the Picacho Drain at Approx. Sta# 197+50				
2013-L-064 Tellez Farms	\$1,666.67	10 years	Yes	Approved Fees Waived
To construct, operate and maintain an irrigation pipe crossing the La Union West Lateral and also pumping in to the La Union West Lateral at Approx. Sta# 165+00			Farm Use	
2013-L-065 Tellez Farms	\$1,566.67	10 years	Yes	Approved Fees Waived
To construct, operate and maintain an irrigation pipe crossing the Central Lateral and also pumping in to the Central Lateral at Approx. Sta# 26+30			Farm Use	
2013-L-066 Franklin Mountain Polo, LLC	\$3,133.33	10 years	Yes	Approved Fees Waived
To construct, operate and maintain two (2) harvest gates on the right (West) bank of the Central Drain at Approx. Sta# 116+90 and Approx. Sta# 130+00			Farm Use	

To construct, operate and maintain a harvest gate on the right (West) bank of the Dona Ana Drain at Approx. Sta# 165+30			Farm Use	
2013-L-069 El Paso Electric Co.				
To construct, operate and maintain an aerial utility line crossing the Las Cruces Lateral at Approx. Sta# 129+25	\$2,916.67	25 years		Approved

Zachary Libbin presented the Special Use Permit applications for the month of August to the Board. Tom Simpson motion and Bobby Sloan seconded to table permit 2013-L-053 DAC Facilities & Parks until legal has reviewed. Robert Faubion motioned and Willie Koenig second to approve the remainder of the permits. Motion carried.

Leo updated the board on ongoing project. Diez Lagos is still underway there is still another month of rental equipment to be used. Leo advised the board two new bulldozers and one new backhoe have arrived along with nine vehicles. One dozer will be used in Hatch and the other for the central area. The backhoe will go the Chamberino yard.

Maintenance/
Projects
Update

Zack presented the board with a Soil Contract Agreement that will be used in the future for all companies that have interest in removing soil from EBID property. Zack adds that due to the unsuccessful approach with the previous contractors this agreement will set guidelines to when soil shall be picked up and how. A soil contract was presented to the board for approval regarding Tortugas 2 and the removal of silt from behind the dam. Robert Faubion motioned and Scott Adams second to approve the contract agreement. Motion carried.

Soil
Contract

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

Seasonal Water Use:

Hydrology
Report

	Allocation	Used	+/-
EBID	53,713	54,002	-289
EPCWID	43,223	51,561	8,338
Mexico	3,665	3,709	-44
Totals	100,601	109,272	8,671

Reservoir Storage Status as of 8/13/13:

	AF
Elephant Butte Reservoir	85,396
Caballo Reservoir	10,191
Total Project Storage	95,587
Rio Grande Compact Credit	-24,267
San Juan-Chama	-33,337
Usable Water in Storage	37,983

Compact status – Rough numbers, 8/13/13:

Quantity	AF
Otowi Total	331,353
Adjustments	-102,000
Net Otowi	229,353
EB Effective Index Supply	129,025
Elephant Butte Release	168,600
Elephant Butte Δstorage	-75,976
EB Computed Inflow	92,624
Annual Credit/(Debit)	-36,401

Erek Fuchs and Steve Wilmuth of DASWCD requested contribution to the Tri-County RMP EFS for the purposes of joint preparation by the parties that will be impacted. Comments to BLM for the Tri-County RMP=EIS. The RMP-EIS was largely created without input from local governance. As a result, the formulation of comments is extensive based upon the magnitude and the scope of the document. The parties to the effort include Dona Ana SWCD, Sierra SWCD, Otero SWCD, the Otero County Grazing Advisory Board and other parties that will be materially impacted on the basis of access or Customs and Culture restrictions. Tom Simpson motioned to contribute two thousand dollars (\$2,000) Scott Adams second. Motion carried.

USGS
Cooperators
Program

Gail Norvell presented to the Board the financial reports for the Month of July. Cash in the bank is \$461,359, assessments receivable is \$619,359 and investments \$7,887,942 for a total increase of \$703,991 over July 2012. Grant projects are on going and in process.

Controller
Report
Financial
Fact Sheet

Gail presented several contracts for renewal; all contracts have no increase in fees. Robert Faubion motioned Jerry Franzoy second to renew Appraisal services. Jerry Franzoy motioned and Robert Faubion second to renew TruePoint Solutions. Two new contracts were presented to the board for approval: Robert Faubion motioned and Robert Sloan seconded to approve the Environmental Landscape Design Services contract that will be used for the Diez Lagos site. Robert Faubion motioned and Jerry Franzoy second to approve the Microfilm and Imaging contract. Motion carried on all contracts.

Contract Renewals

Gary advised the Board of Directors that Tom Donnelly will be retiring from NWRA after 28 years of service. Mr. Bob Johnson is acting as Interim Director. Gary also advised the board the NM Water Law Conference will be held in Santa Fe September 23rd and 24th; Gary notes he will not be able to attend. Erech Fuchs suggests he may attend along with Jerry Franzoy, Robert Faubion and James Salopek. Gary presented to the board the 2013 Low-Head Hydro Working Group Fee's to continue to work with FERC and streamline the guidelines. He advised the board of the success the group has made over the year with FERC and the win in legislation to exempt 5 mw or less or irrigation districts. Robert Faubion motioned and Scott Adams second to contribute five thousand dollars (\$5,000). Motion carried. Gary also presented to the Board the "NM Farm and Ranch: The Resource Guide Edition" and advised if they would like to participate in the issue guide with a cost rate of three hundred dollars (\$300) for a sixteenth-page section. The board unanimously declined to participate at this time.

Managers Update

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

Legal Update

LRR #	Legal Assignment	Legal	Open	Closed per BOD	Comments
LRR 303	Hatch Easements for Work on Placitas Arroyo	SRB	x		Legal has requested to remain open. Final surveys are being done
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 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 419	Defective Equipment-Roll Bender Model R-H45	SRB	x		Legal advised it will be closed once replace has been recieved 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 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 LRGPWWA	LEP	x		Legal has requested to remain open
LRR 426	Acosta Land Lock	SRB	x		Legal has requested to remain open
LRR 427	State of New Mexico Surface Water Quality Regulations on Manure	LEP	x		Legal has requested to remain open

LRR Report

Tom Simpson moved and Jerry Franzoy seconded to break for lunch. Motion carried. Following lunch, Willie Koenig moved and Robert Sloan seconded to reconvene the meeting. Motion carried.

Robert Sloan moved and Willie Koenig 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, Willie Koenig motioned and Robert Faubion seconded to return to open session. No topics other than those set forth above were discussed at the closed session.

There being no further business, Jerry Franzoy moved and Willie Koenig seconded to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday September 11, 2013.

Open/
Closed
Session

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary