ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
October 9, 2013

Roll Call

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, October 9, 2013. The meeting was called to order by President James Salopek on a motion by Willie Koenig, seconded by Scott Adams. Motion carried. Bobby Kuykendall, Robert Sloan and Robert Faubion 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; 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; Ryan Ward, NMDA ; Chrystal Enoch, Zia Natural Gas,

Pledge of Allegiance & Invocation

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

Opens Meeting Act Resolution

Gary Esslinger presented to the board the amended Opens Meeting Act Resolution 2013 for approval. Willie Koenig motioned and Robert Faubion second to approve the amended Resolution.

Calendar of Events

The calendar was discussed. Gary advised the Board there will be an Interim water committee meeting at NMSU on Tuesday, October 15th and 16th. November 8th will be the Annual NM Coalition of Conservation Meeting in Socorro. The NWRA Annual Conference meeting will be held from November 13th through the 15th. Gary requested the November board meeting be moved till the 20th of November due to schedule conflicts. Robert Faubion motion and Scott Adams second to move the November 13th board meeting to November 20th.

Special Use Permits

Non-Moratorium			
License List for Special-Use-Permits for October 9, 2013 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2013-L-079 Miller Pecans, LLC	$1,566.67	10 Years	Yes
To construct, operate and maintain a new private bridge crossing the La Union East Lateral at Approx. Sta# 288+00			
			Farm Use
2013-L-080 Paola Farms	$6,266.67	10 Years	Yes
To construct, operate and maintain five (5) well discharge pipes into the Mitchell Lateral at various stations			
			Farm Use
2013-L-081 El Paso Electric Co.	$3,166.67	25 Years	
To operate, and maintain an existing over head utility crossing the Picacho Main Canal at Approx. Sta# 419+80			
2013-L-082 U.S. Geological Survey	$2,916.67	25	Yes

To construct, operate, and maintain a High-Frequency Water-Level & Water-Quality Data Monitor on the east bank of the Rincon Drain at Approx. Sta# 156+50		Years	
2013-L-083 Zia Natural Gas Co. To construct, operate, and maintain a (2") utility crossing the Mesilla Lateral at Approx. Sta# 202+80	Blanket Agreement	25 Years	
2013-L-084 Zia Natural Gas Co. To construct, operate, and maintain a (2") utility crossing the Picacho "C" Lateral at Approx. Sta# 81+80	Blanket Agreement	25 Years	
2013-L-085 Zia Natural Gas Co. To construct, operate, and maintain a (2") utility crossing the Park Drain at Approx. Sta# 130+50	Blanket Agreement	25 Years	
2013-L-086 City of Las Cruces, Public Works To add 3,620 sq. ft. of asphalt to exisitng parking lot to exand it for extra parking for the Fire Department on the Las Cruces Lateral at Approx. Sta# 166+00	$11,006.92	25 Years	Yes

Zachary Libbin presented the Special Use Permit applications for the month of October to the Board . Motion carried.

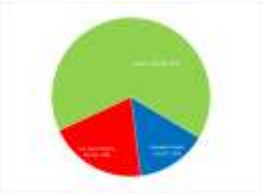
Zack presented a proposed amendment 2003-ENG12. The proposed amendment will be changing the minimum land reclassification of one acre to two acres and existing EBID land acres must now have two or more acres to be reclassified as recommended by Vice President Robert Faubion. Jerry Franzoy motion and Scott Adams second to approve the amended policy presented. Motion carried.

Policy Amendment

Dr. King gave the weather outlook for the month of October.

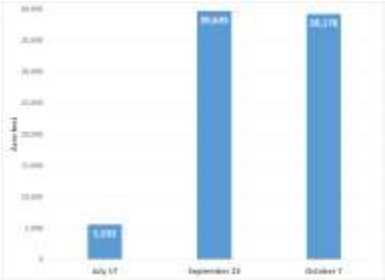
Hydrology Report

Elephant Butte Storage, October 7
166,890 AF



October 7, 2013 Storage Status

Caballo Storage



Component	Acre-feet
Elephant Butte	166,890
Caballo	39,178
Total Storage	206,068
RGC Credit	(24,267)
San Juan-Chama	(33,337)
Usable Storage	148,464

Dr. King concluded that 2014 will not be as bad as 2013. High river losses will continue and the very dry watershed will make snowmelt runoff disappointing.

Controller Report Financial Fact Sheet

Gail Norvell presented to the Board the financial reports for the Month of September. Cash in the bank is $309,511, assessments receivable is $490,972 and investments $5,808,304 for a total increase of $600,921 over September 2012. Grant projects are on going and in process.

Contract Renewals

Gail presented Kris Polly Lobbyist Services contract for renewal with no changes. Willie Koenig motioned and Dosie Alvarez second to approve the renewal contract. Gail presented a soil excavation contract with Renegade Construction the contract will be until December 31st, 2013. Jerry Franzoy motioned and Scott Adams second to approve the presented contract. Gail presented a contract for Control Design l to provide RTU equipment and services. Dosie Alvarez motioned and Scott Adams second to approve the contract presented. All motions carried.

Managers Update

Gary advised the Board of Directors he is scheduled on the Interm Water Comm meeting for Tuesday at 2:30 pm. He advised legal and staff to attend the Viva Dona Ana meetings. Luis Marmijo with Viva Dona Ana advised the board of directors he would like to get the agriculture committee involved and inputs on the planning of Viva Dona Ana. Gary presented the Dona Ana County All Hazard Mitigation Plan Resolution for approval. Jerry Franzoy motioned and Dosie Alvarez second to approve the presented resolution. Motion carried.

Legal Update

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

LRR Report

LRR 303	Hatch Easements for Work on Placitas Arroyo	SRB	x		Legal has requsted to reamin 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 indefinatly
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		Zachary Libbin has requested to close this LRR
LRR 406	IBWC O & M Flood Gate MOU	LEP	x		Legal has requested this LRR to remian open
LRR 409	Transfer of Tortugas #2 Dam	LEP	x		Legal has requsted this LRR to remain open
LRR 410	Kit Carson Road Permit	LEP			Legal has requested to remain open

			x		
LRR 422	Illegal Dumping behind Tortugas Dam	SR B		x	Legal hasadvised to close
LRR 424	1920 Conversion Act for change of use, water rights and the rules associate with the SWUA process	SL H	X		Legal has requested to reamin open
LRR 425	JPA and Transfer of Loan to LRGPWWA	LE P	X		Legal has requested to reamin open
LRR 426	Acosta Land Lock	LE P	x		Legal has advised to remain open
LRR 428	Haddad v. Picado, et.al	SR B	x		Legal has provided their responses and has requested to close
LRR 429	Petition for Writ of Mandamus against SE	SR B	X		Legal has requested to reamin open
LRR 430	NM Government Conduct Act	LE P	X		Legal has requested to reamin open
LRR 431	BOR EIS Written Response	SL H		x	Legal has advised to close
LRR 432	Chamberino Well Protest	LE P	X		Legal has requested to reamin open
LRR 433	Hot Springs Basin Protest	LE P	X		Legal has requested to reamin open

Jerry Franzoy moved and Scott Adams seconded to break for lunch. Motion carried. Following lunch, Scott Adams moved and Willie Koeng seconded to reconvene the meeting. Motion carried.

Open/ Closed Session

Willie Koenig moved and Ramon Alvarez 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

LRR 426- Acosta Land Lock
Chamberino Well Protest

Following closed session, Willie Koenig motioned and Jerry Franzoy 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 Scott Adams seconded to adjourn the meeting. Motion carried.

Adjourn

The next meeting of the Board of Directors will be held on Wednesday November 20, 2013.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary