

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
December 9, 2013**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, November 20, 2013. The meeting was called to order by President James Salopek on a motion by Willie Koenig, seconded by Jerry Franzoy. Motion carried. Bobby Kuykendall, Robert Sloan, Dosi Alvarez and Scotty Adams were absent.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Gail Norvell, Controller; Zachary Libbin, Junior Engineer; Leo Barrett, Maintenance Director; Naomi Ontiveros Executive Secretary; Erek Fuchs, Groundwater Resource Manager; .

Also present were Lee Peters, Lee Peters Law Firm; Dr. Phil King, Hydrology Consultant; Jim Hangen, OSE; Greg Daviet, Dixie Ranch; Ryan Ward, NMDA ; Fernie Ortiz, CLC; Jennifer Horton, DAMDWCA

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

Mr. and Mrs. Miller EBID members wanted to address the board regarding the new billing process but due to the available information provided before the meeting their questions were answered and resolved. The Board advised the members present and stated that they understood their frustration and will do what is necessary to help make the transition better. A new letter with instructions on how to reapply for combination of parcels was available. Staff will address those members who fill out the form for consideration of combination of parcels.

The calendar was discussed. Gary advised the Board he will be attending the NM WRRRI Conf in Albuquerque November 21st and 22nd. The District will be closed for the Thanksgiving holiday on November 28th and 29th. Gary reminded the board of the 2013 EBID Board of Directors Elections for precincts 2,4,6 and 8 to be held on December 3rd. Due to statues on the elections the next board meeting must be the first Monday after the elections; Robert Faubion motioned and Tom Simpson second to move the December 11th board meeting to December 9th. Motion carried. Gary also advised the board the District will be closed for it winter shutdown from December 24th through the January 1st.

Roll Call

Pledge of Allegiance & Invocation
Parcel Based Billing

Calendar of Events

Special Use Permits

Non-Moratorium			
License List for Special-Use-Permits for November 20, 2013 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2012-L-114 DAC Kit Carson Road	Deferred	1 year	
To operate and maintain approximately 27,423 feet of Kit Carson Road paralleling the Rincon Drain and Rincon Lateral, including widening 4 feet x 3,612 feet from approx. Sta# 170+88 thru 207+00 of the Rincon Drain			
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-082 U.S. Geological Survey	\$2,916.67	25 Years	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			
2013-L-087 Gadsden ISD	\$6,116.72	25 Years	Yes
To operate, and maintain 40 feet of the right bank of the Anthony Drain from Sta# 88+01 through 100+73			Coop. project
2013-L-088 City of Las Cruces (Utilities)	?	10 Years	
To discharge four (4) drinking water wells via existing storm water discharges into the Mesilla Drain and four (4) into the Park Drain at various stations during startup and testing of wells			

Zachary Libbin presented the Special Use Permit applications for the month of November to the Board. Willie Koenig motioned and Robert Faubion second to table permit 2013-L-082 U.S. Geological survey. BOD wanted more information about data sharing in lieu of charging fees. Motion carried. Permit 2013-L-088 City of Las Cruces (Utilities) will have an additional special condition on the ability to test the quality of water on a yearly basis. Robert Faubion motioned and Jerry Franzoy second to approval all the permits excluding the tabled permit with USGS and with the special condition for the noted CLC permit above. Motion carried.

Policy
Amendment

Zack presented Resolution 2013-06: Amendment to Water Trust Board project loan grant agreement for approved amendment. A two year extension was requested for the Mesquite Water Treatment Plant. The Water Trust Board has agreed to the extension with no additional costs added. Robert Faubion motioned Willie Koenig second the motion. Motion carried.

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

Hydrology
Report

November 19, 2013 Storage Status

Component	Acre-feet
Elephant Butte	215,029
Caballo	38,682
Total Storage	253,711
RGC Credit	(24,267)
San Juan-Chama	(33,337)
Usable Storage	196,107
Inflow/day	1,500

SNOTEL Status

Basin	% Avg	% Avg	%Peak
	SWE	Precip	
Upper Rio Grande	102	81	16
Sangre de Cristo	138	101	19
Rio Chama	106	66	13
Jemez	117*	76	9*

Rio Grande Compact:

- New Mexico and Colorado close to neutral (+/- 20 kAF) on accumulated credit balance.
- Bureau requested delay of releasing 12,000 AF of Prime and Paramount water from December to May for minnow spawning
- Offset effect with San Juan-Chama water debit
- Discussions ongoing on how the Compact will account on make trade out.
- "Phantom Water" below Elephant Butte unresolved with USGS until such time that recorder data can be retirement and analyzed.

Zachary Libbin and James Narvaez presented Policy 2003-OP10 for amendment. The policy will amend section II.D. If EBID Operations of Hydrology Director recommend that EBID RTU metering is not required and existing metering is adequate, for a specific permit request, EBID Board of Directors may waive the EBID metering requirement of Section II:C as a part of the Permit

approval.

Gail Norvell presented to the Board the financial reports for the Month of October. Cash in the bank is \$896,463, assessments receivable is \$478,909 and investments \$4,808,819 for a total increase of \$825,680 over September 2012. Grant projects are on going and in process.

Controller Report
 Financial Fact Sheet

Gail presented Lobbyist Contract for Andy Nunez for approval; fees are increased from previous contract for the 30 day NM Legislation session. Willie Koenig motioned and Robert Faubion second to approve the contract. Material Testing Contract for the footing of the fabrication shop was presented for approval. This contract will be a piggy back with the City of Las Cruces who already had a bid approved. Robert Faubion motioned and Jerry Franzoy second to approve. Soil Excavation contract for the South Dona Ana Dam was presented. David Barela a local contractor will be removing the dirt from the designated area behind the dam. Robert Faubion motioned and Jerry Franzoy second. All motioned carried.

Contract Renewals

Gary presented to the Board a MOU between U.S. Dept. of Interior, BOR and EBID to Act as a Cooperating Agency Regarding the 2008 OA. The purpose of the MOU is to define the relationships and duties of the lead and cooperating agencies in the EIS preparation process. The MOU will provide the framework to fulfill compliance requirements for NEPA and other applicable environmental laws and regulations. There is no funding needed to join this MOU. Robert Faubion motioned and Jerry Franzoy second. Motioned carried.

Managers Update

Gary updated the Board on the NWRA meeting that was held on Wednesday, Nov. 13th through the 15th. Tom Donnelly, Executive Director, had retired and Bob Johnson had taken the Interim position. There were two proposals for the Executive Director position. A Mr. Norman Samawco an attorney out of Idaho and Mr. Kris Polly with Water Strategies, a managing team out of Washington, DC. Kris Polly's management team was voted to become the new administrative leadership team. Gary advised with Kris Polly now on the board of the NWRA may not need to be an EBID consultant but it will be further looked at. Gary expresses his appreciating for all the work Kris has done for the District.

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
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			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			Zachary Libbin has requested to close this LRR
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			Legal has requested to remain open
LRR 419	Defective Equipment-Roll Bender Model R-H45	SRB	x		Legal has advised to close
LRR 421	LCHS Special Conditions Permit	LEP	x		Legal has advised to close
LRR 422	Illegal Dumping behind Tortugas Dam	SRB	x		Legal has requested to remain open

LRR Report

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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
LRR 426	Acosta Land Lock	LEP	X	Legal has advised to remain open
LRR 427	State Of NM Surface Water Quality Regulations	LEP	X	Legal has advised to close
LRR 428	DAC vs Haddad vs Rocio Picado	SRB	X	Legal has requested to remain open
LRR 429	Petition for Writ of Mandamus against SE	SRB	X	Legal has requested to remain open
LRR 430	NM Government Conduct Act	LEP	X	Legal has requested to remain open
LRR 431	BOR EIS Written Response	SLH	X	Legal has requested to remain open
LRR 432	Chamberino Well Protest	LEP	X	Legal has requested to remain open
LRR 433	Hot Springs Basin Protest	LEP	X	Legal has requested to remain open
LRR 434	BLM ISSUES RE: SIBLEY GREEN SITE 4, SIBLEY GREEN STIE 5 AND CROW BROAD PLACITAS DAMS	LEP	X	Legal has requested to remain open

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

Willie Koenig moved and Tom Simpson 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
 Chamberino Well Protest
 Hot Springs Basin Protest

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, Willie Koenig moved and Robert Faubion seconded to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Monday, December 9, 2013.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary