

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
February 18, 2014**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Tuesday, February 18, 2014. The meeting was called to order by President James Salopek on a motion by Robert Sloan, seconded by Marty Franzoy. Motion carried. Tom Simpson, Willie Koenig and Michael McNamee 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; Erech Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/Safety Director; Richard Bejarano, Watermaster; James Narvaez, Hydrology Director; Martin Vasquez, Field Tech II .

Also present were Steve Hernandez, Samantha Barncastle, Bob Heyser, Heyser Pecan Farm; Dr. Phil King, Hydrology Consultant; Greg Daviet, Dixie Ranch; Raul Rojas, Time Warner Cable; Michael Riley, OSE.

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

January minutes were tabled for approval and will be reviewed and approved at the March board meeting.

The calendar was discussed. Gary advised the Board from February 19th through 21st himself, James and Steve will be attending the 26th Annual Family Farm Alliance Conference in Las Vegas. He will then be speaking in Albuquerque at the National Groundwater Association conference. He will be discussing the effects the drought has had on the district. Growers meetings have been set to discuss the ongoing litigations and to give constituents an introduction on the new Truepoint software; the schedule is as follows: Thursday, Feb. 27th 8-10 am at the Hatch Community Center, Friday, Feb. 28th 8-10 1:30-3:30 at the Grapevine Event Center and Wednesday, March 5th 8-10 at the Anthony Country Club. On March 1st Gary will be discussing the history of the district to a class at NMSU and then will be providing a brief tour of some of the areas. Gary advised the board the Rio Grande Compact Commission has released its annual meeting date for March 19th and 20th in Santa Fe.

2014-02 Resolution of Condolence for Ross Erwin who passed away on January 22, 2014 was read by Delyce Maciel, EBID HR/Safety Director. Jerry Franzoy motioned and Robert Faubion second to adopt the resolution. Motion carried.

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

2014-02 Resolution Of Condolence

License List for Special-Use-Permits for February 18, 2014 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2014-L-001 TIME WARNER/RAUL ROJAS	\$12,666.67	25 Years	
To construct, operate, and maintain an aerial fiber optic utility crossing the Baker Lateral, Central Drain, La Union West Lateral, and the West Drain at various stations.			
2014-L-003 DONA ANA MUTUAL DWCA	\$21,916.61	25 Years	
To construct, operate, and maintain an 18" waterline crossing the Dona Ana Lateral, Dona Ana Arroyo, Barrio Lateral & the Dona Ana Drain at various stations.			
2014-L-004 JOSEFA & JUAN ACOSTA	\$2,252.58	10 Years	Yes
To use a piped portion of the Anthony Drain to access residence from Approx. Sta# 102+00 thru 92+00			\$2,252.58
			Farm use
2014-L-005 ZIA NATURAL GAS CO.	Blanket Agreement	25 Years	
To construct, operate, and maintain a gas utility line crossing the La Union Main Lateral at Approx. Sta# 55+50			
2014-L-006 ZIA NATURAL GAS CO.	Blanket Agreement	25 Years	

Special Use Permits

To construct, operate, and maintain a gas utility line crossing the Picacho Drain at Approx. Sta# 109+50			
2014-L-007 ZIA NATURAL GAS CO.			
To construct, operate, and maintain a gas utility crossing the Newmexas Drain at Approx. Sta# 954+00	Blanket Agreement	25 Years	
2014-L-008 STEVEN LYLES FARM, INC.			Yes
To construct, operate, and maintain an irrigation pipe crossing the Del Rio Drain at Approx. Sta# 1031+00 and to pump in to the Picacho Main Canal at Approx. Sta# 258+00	\$1,766.67	10 Years	\$1,766.67
			Farm use

Zachary Libbin and Martin Vasquez presented the Special Use Permit applications for the month of February to the Board. Robert Faubion motioned and Bobby Kuykendall second to approve the permit as presented. Motion carried. Zack introduced Martin Vasquez who has been preparing permits for monthly approvals and will begin presenting at the March board meeting.

Zack presented the board with the encroachment list and advised at this time the process of reviewing and verifying the list is still ongoing and will be brought to the board for review at the March meeting.

Encroachment Review

Zack presented a written request from Chris Franzoy, EBID member, to purchase a portion of the Hatch Drain. EBID will retain a flow easement through the property. Zack advises the board that under the policy a property owner must first request the district to sell the desired property. Upon board approval the property is then surveyed and appraised. The results will then be presented to the board for further direction and or approval. Robert Faubion motion and Bobby Kuykendall approved the written request for consideration to sell the Hatch Drain by Chris Franzoy. Motion carried.

Consideration to sell EBID Hatch Drain

Leo Barrett updated the Board on maintenance projects. The pipeline project on the Derry has been completed and Gonzales lateral has 1600 ft. left and is expected to be completed by mid-March. The Anthony Drain project has begun and will be completed with only 1200 ft. of pipe to be done for the Gadsden School District. Leo adds general maintenance continues throughout the district.

Maintenance Update

Storage Status

February 16, 2014	Acre-feet
Elephant Butte Reservoir	327,696
Caballo Reservoir	40,453
Total Storage	368,149
Est. Rio Grande Compact	-80,000
Est. San Juan-Chama	-17,521
Total Usable Storage	270,628
Computed Inflow/day	930

SNOTEL Update

February 18, 2014	SWE, % mean	SWE, % peak	Precip, % avg
Upper Rio Grande	84	59	80
Sangre de Cristos	60	43	73
Rio Chama	60	43	58
Jemez	32	26	52

Hydrology Report

NRCS February Runoff Forecast

March - July Runoff Forecast, 1,000 acre-feet						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	615	455	360	280	176	720
Rio Grande at San Marcial	455	275	154	33	-147	510

March - July Runoff Forecast, percent of average						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	85%	63%	50%	39%	24%	720
Rio Grande at San Marcial	89%	54%	30%	6%	-29%	510

Dr. King advised the board there will be a short release for the season and with an allotment (at this point) of 6 inches with uncertainties on the river loss and perhaps a start-up date of June 1st. "Not good, but not as bad as 2013."

James presented a brief demonstration on TruePoint, the new irrigation management system, for the board members that were not able to attend last month's meeting. He advised he will be working with board members on a one on one basis to help them better understand the new software. He also advised he will be getting with the larger farmers to help set up their accounts to make the process much faster and easier.

Gail Norvell advised the board there is no January financial report for this month and it will be presented along with the February report at the next board meeting.

Gail advised the board parcel combinations are complete with about 10 parcels not meeting the specified requirements. There are a few questions still regarding parcels and how they should be handled. Robert Faubion advises that a Water Resource Committee meeting should be held to discuss in detail what the policies and procedures are in those cases. Gail also advised delinquent accounts reviews are ongoing. Amended liens are being recorded and are about ninety percent complete.

Gail introduced a one year soil excavation contract to remove soil from the Diez Lagos site for CF Jordan Construction. Jerry Franzoy motioned and Bobby Kuykendall second to approve the presented contract. Motion carried.

Gary Esslinger advised the Board NWRA will be having its 2014 Federal Water Issues Conference in Washington March 31st through the April 2nd. Gary, Steve Hernandez and James Salopek requested approval to attend the yearly conference. Jerry Franzoy motioned and Robert Faubion second to send all three gentlemen. Motion carried. He reminded the Board of Directors a few changes that have occurred with NWRA. One being there is a management team instead of one director. Kris Polly's Water Strategies team had been chosen to manage NWRA. Kris Polly has been a great help to the District. He has been able and will continue to help set up meetings while in Washington with Congressman to discuss the many concerns EBID has. Gary presented to the board a letter that was sent to Secretary Jewell in an attempt to advise her of the danger the watershed will be in if the proposed Organ Mountain Monument is designated by the President. If the watersheds are unreachable due to restrictions set because of the monument designation, then this will cause major problems for storm water capture and flood control. He favors a balanced approach of legislation instead of designation. Pictures were handed out to the Board showing the Hatch flooding to show the devastation that could be caused.

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

- LRR 303- Hatch Easements for Work on Placitas Arroyo- SRB-OPEN
- LRR 345 – Lack/EBID Land Exchange and Flow Easement-LEP-OPEN
- LRR 386- Lien Form and Process for Delinquent Farm Accounts- SRB-OPEN
- LRR 387- Drain Right of Way Use- SRB-OPEN
- LRR 394- Review BLM Letter Regarding Copper Flat Mines- LEP-OPEN
- LRR 399- Amend and Revise Original Document with Zia Natural Gas-LEP-OPEN
- LRR 406- IBWC O& M Flood Gate MOU-LEP-OPEN
- LRR 409- Transfer of Tortugas #2 Dam-LEP-OPEN
- LRR 410- Kit Carson Rd Permit-LEP-OPEN
- LRR 424- 1920 Conversion Act for Change of use, water rights
- LRR 425- JPA and Transfer of Loan to LRGPWWA-LEP-OPEN
- LRR 426- Acosta Land Lock-SRB-OPEN
- LRR 428- Haddad v. Picado, et. al- SRB-CLOSE
- LRR 429- Petition for Writ of Mandamus against SE-SRB-OPEN
- LRR 430- NM Government Conduct Act-LEP-OPEN
- LRR 432- Chamberino Well Protest-LEP-OPEN
- LRR 433- Hot Springs Basin Protest-LEP-OPEN
- LRR 434- BLM Issues Re: Sibley Green Site 4, Sibley Green Site 5
and Crow Broad Placitas Dams-LEP-OPEN
- LRR 435- NMED-SWQB Seeks Public Input: WQS ins MRG-SRB-OPEN
- LRR 436- NMED-SWQB Draft NPS Management Plan-SRB-OPEN

Financial
Fact Sheet

Parcel
Combinations

Delinquent
Accounts

Contract
Renewal

Managers
Update

Legal
Update

LRR
Report

LRR 437- NM General Services Dept.-Risk Mgmt Division-SRB-OPEN
CID Update-SLH/SRB-

Robert Faubion moved and Bobby Sloan seconded to break for lunch. Motion carried. Following lunch, Bobby Kuykendall moved and Robert Faubion seconded to reconvene the meeting. Motion carried.

Bobby Kuykendall 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

Chamberino Well Protest

Hot Springs Basin Protest

Following closed session, Jerry Franzoy motioned and Marty Franzoy seconded to return to open.

Following closed session, Jerry Franzoy motioned and Robert Faubion seconded to send four board members on March 19, 2014 to the Rio Grande Compact Commission meeting in Santa Fe, NM. Motion carried.

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

The next meeting of the Board of Directors will be held on Wednesday, March 12, 2014.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary