

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
March 12, 2014**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, March 12, 2014. The meeting was called to order by President James Salopek on a motion by Robert Faubion, seconded by Jerry Franzoy. Motion carried. Robert Sloan and Bobby Kuykendall were absent.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Zachary Libbin, Junior Engineer; Leo Barrett, Maintenance Director; Naomi Ontiveros Executive Secretary; EreK Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/Safety Director; Richard Bejarano, Watermaster; James Narvaez, Hydrology Director;.

Also present were Steve Hernandez, Samantha Barncastle, Lee Peters, Dr. Phil King, Hydrology Consultant; Greg Daviet, Dixie Ranch; Rosie Lack, Joe Paul Lack, EBID members; Steve Wilmeth, Joe Delk, DASWCD; Juan Gutierrez, KDBC; Shane Franzozy, EBID member, Sam Calchoun, DASWCD, Scott and Terry Adams, EBID members; Tim Hagen, OSE.

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

Marty Franzoy motioned and Robert Faubion second to approve January 15, 2014 board minutes Robert Faubion motioned and Willie Koenig second to approve the February 18, 2014 minutes. Jerry Franzoy motioned and Marty Franzoy second to approve the February 18, 2014 Water Transfer Hearing minutes. All motions carried.

The calendar was discussed. Gary advised the Board the RGCC meeting will be held in Santa Fe April 20th; scheduled to attend will be Gary, Steve Hernandez, Samantha Barncastle, Dr. King, James Salopek, Robert Faubion, Jerry Franzoy and EreK Fuchs. March 31st- April 2nd James Salopek, Gary and Steve Hernandez will be attending the Annual NWRA Washington Conference. IBWC will hold its Citizens Forum on Thursday, April 3rd 6:30 at the CLC Chamber.

Joe Delk presented the Mil Levy Referendum. Joe Delk advised the Board DASWCD is seeking to add more staff so it may start to create a solid foundation and continue to work on issues surrounding the district. Steve Willmuth requested a joint letter be sent to President Obama regarding the issues on the Organ Mountain Monument. Robert Faubion motioned and Jerry Franzoy second to create a joint letter. Motion carried.

Non-Moratorium			
License List for Special-Use-Permits for March 12, 2014 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2014-L-009 EL PASO ELECTRIC CO.	\$2,916.67	25 Years	
To operate, and maintain an existing aerial utility line crossing the La Union West Lateral at Approx. Sta# 340+70			
2014-L-010 EL PASO ELECTRIC CO.	\$6,333.33	25 Years	
To operate, and maintain two (2) existing aerial utility lines crossing the Baker Lateral at Approx. Sta# 71+70 and the Central Drain at Approx. Sta# 54+00			
2014-L-011 BRIAN MADDOX	\$3,133.33	10 Years	Yes
To construct, operate, and maintain two (2) harvest gates on the east bank of the West Drain at various stations.			\$3,133.33
			Farm use
2014-L-013 EL PASO ELECTRIC CO.	\$3,416.67	25	

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

MIL Levy Referendum

Special Use Permits

To upgrade poles to improve clearance on an existing aerial utility crossing the Chamberino Drain at Approx. Sta# 227+10		Years	
2014-L-014 GERARDO CIRIZA JR.			Yes
To construct, operate, and maintain a gas utility crossing the Three Saints East Lateral at Approx. Sta# 48+50	\$2,916.67	25 Years	\$2,916.67
			Farm use
2014-L-015 DILASO INC.			Yes
To construct, operate, and maintain two (2) harvest gates on the west bank of the Three Saints East Lateral one (1) at Approx. Sta# 238+00 and two (2) at Approx. Sta# 255+00 and permit one (1) existing harvest gate on the west bank of the Anthony Drain at Approx. Sta# 89+00	\$4,700.00	10 Years	\$4,700.00
			Farm use

Zachary Libbin presented the Special Use Permit applications for the month of March to the Board. Robert Faubion motioned and Willie Koenig second to table permit 2014-L-014 Gerardo Ciriza Jr until legal has reviewed. Motion carried. Robert Faubion motioned and Jerry Franzoy second to approve the remaining permit list as presented. Motion carried.

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 April meeting.

Zack advised the board on Kit Carson Rd. Since the Roads Act had not passed the legislature, the district has yet to hear from the County requesting a permit and/or accepting the one year permit offer. Jerry Franzoy suggested a letter be sent to Kit Carson updating them on the ongoing issues.

Storage Status

March 10, 2014	Acre-feet
Elephant Butte Reservoir	351,568
Caballo Reservoir	40,419
Total Storage	391,987
Est. Rio Grande Compact	(83,000)
Est. San Juan-Chama	(17,402)
Total Usable Storage	291,585
Computed Inflow/day	1,000

SNOTEL Update

March 12, 2014	SWE, % median	SWE, % Peak	Precip, % Avg
Upper Rio Grande	84	71	82
Sangre de Cristos	53	46	75
Rio Chama	63	56	61
Jemez	29	29	55

Encroach-
ment Review

Consideration
to sell
EBID
Hatch Drain

Hydrology
Report

NRCS March Runoff Forecast

March - July Runoff Forecast, 1,000 acre-feet						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	510	360	270	194	105	720
Rio Grande at San Marcial	390	197	66	-66	-150	510

March - July Runoff Forecast, percent of average						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	71%	50%	38%	27%	15%	720
Rio Grande at San Marcial	76%	39%	13%	-13%	-29%	510

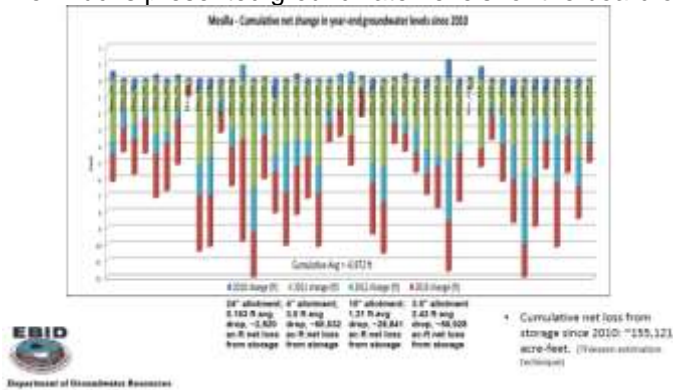
Take-home points

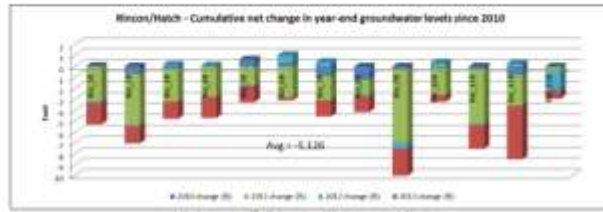
- Estimated allotment still in 6 inch range
- River losses key unknown, could bring EBID allocation down
- Short release certain: 9-11 weeks with no help from monsoon

James Narvaez and Zachary Libbin presented to the board Policy 2003-OP10. Zack asked for direction on how to handle current permits. It was previously discussed that it would be a case by case basis but the current policy requests all wells that directly discharge in the district facilities have a radio telemetry unit installed. James Narvaez adds that this is a policy that will need to be further reviewed and would take some field work to come back to the board with an amended policy that would work best for the district and members. The board agreed to have the field work done and the policy be brought back in front of the board with staffs recommended changes.

Rosie Lack an EBID member spoke to the board of the directors regarding the Hatch Valley. She expressed that with the water short this year again she would like to see a release when the water would be more beneficial to the Hatch area due to their crops. The best time for a Hatch release would be early May. She understands the district is working to help everyone but hopes that they will consider an early release in May to help the Hatch farmers. James Narvaez and Dr. King advise Mrs. Lack they will continue to monitor and will look at all possible scenarios to help the Hatch area.

Erek Fuchs presented groundwater levels for the board of directors.





- * Cumulative net loss from storage since 2010: ~27,786 acre-feet. (Thiessen estimation technique)
- * Stacking surface water in 2012 helped (a lot!).
- * Late monsoonal activity (September rains/flooding) in 2013 helped.

Gary advised the board Gail Norvell was absent due to attending a procurement conference and a financial fact sheet will be provided at the April board meeting.

Financial Fact Sheet

Gary Esslinger attended the FFA conference in February along with Steve Hernandez and James Salopek. Gary expresses that it was a worthwhile conference and the organization got a lot done mostly based upon Dan Keepn's ability to meet with congressional staff and push agricultural issues. Growers meetings were held on February 27th and 28th and on March 5th. The attendance was very slim but Gary advises there will be another set of meetings as the season gets closer and hopes that a better turn out will appear so members will be prepared for the new software and updated on what to expect.

Managers Update

Andy Nunez provided a legislation report. During the 30 day session only 91 bills were passed and 4 resolutions. Andy noted this may have been the most unproductive 30 day legislation he had seen. Attached to the minutes will be Mr. Nunez's full report on the bills related to water.

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

Legal Update

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

LRR Report

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

Willie Koenig moved and Mike McNamee 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.)

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- 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 session. Motion carried. During closed session only the above-noted topics were discussed.

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

The next meeting of the Board of Directors will be held on Wednesday, April 9, 2014.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary