

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
May 14, 2014**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, May 14 2014. The meeting was called to order by President James Salopek on a motion by Tom Simpson, seconded by Robert Faubion. Motion carried. Robert Sloan was 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; Gail Norvell, Controller; Jean Hinsley, Engineering; Sammy Gonzalez, Watermaster; Dennis McCarville; GIS Analyst.

Also present were attorneys Steve Hernandez, Samantha Barncastle; Dr. Phil King, Hydrology Consultant ; Greg Daviet, Dixie Ranch; Billy Finn and Delbert Humberson, USIBWC; Lacy Levine , NMED; Max P. Bleiweiss, NMSU; Jamie Marquez, NM Resident; Gilbert Anaya and Elizabeth Verdecchia, USIBWC; Crystal Enoch, Zia Natural Gas; Beth Bardwell, NM Audubon; Blair Stringman, NMSU; Lucy Dominguez, Kevin Bixby, EBID members; James Powell, BOR; Diana Alba, LC Sun-News; Jim Hanger, OSE.

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

Marty Franzoy motioned and Jerry Franzoy second to approve the April 9, 2014 board minutes. Motion carried. Willie Koenig motioned and Michael McNamee second to approve the April 9, 2014 Water Transfer Hearing minutes. All motions carried.

Gary Esslinger advised the Board and guests Richard Bejarano, EBID Watermaster, will be retiring in July. Richard has been with the District for 35 years; years when there were great water seasons and the years like now where we are in a drought. Gary expresses his appreciation for all the hard work and dedication Richard has given the District. The Board and staff gave a congratulations and round of applause to Richard.

The calendar was discussed:

- May 15th @ 8:30 am- EBID Board of Directors Workshop
- May 19th- Texas A&M Grad students tour of the District
- May 20th @ 1:30- EBID/DAC Meeting Re: Road Issues
- May 25th @8 am- Release from Caballo
- May 26th- Memorial Day Office Closed
- June 11th EBID Board Mtg
- June 12th @ 1 pm- Stormwater Coalition Meeting

Non-Moratorium			
License List for Special-Use-Permits for May 14, 2014 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2014-L-025 EL PASO ELECTRIC CO.	\$6,333.33	25 Years	
To construct, operate, and maintain two (2) underground electric utilities crossing the Las Cruces Lateral one (1) at Approx. Sta# 166+50 and (1) at Approx. Sta# 168+30			
2014-L-026 ISIDRO ALVAREZ	\$1,666.67	10 Years	Yes
To construct, operate, and maintain an irrigation well pipe crossing the Garfield Main Canal at Approx. Sta# 459+75			\$1,666.67 Farm use
2014-L-027 EL PASO ELECTRIC CO.	\$2,916.67	25 Years	Yes
To construct, operate, and maintain an aerial electric utility crossing the McCall Lateral at Approx. Sta# 52+00			\$2,916.67 Farm use
2014-L-028 LA UNION FARMS, INC.	\$1,766.67	10	Yes

Roll Call

Pledge of Allegiance & Invocation

Minutes

Retirement Announcements

Calendar of Events

Special Use Permits

To construct, operate, and maintain an irrigation well pipe crossing the Newmexas Drain at Approx. Sta# 633+00		Years	\$1,766.67	Farm use
2014-L-029 EL PASO ELECTRIC CO.				
To construct, operate, and maintain an aerial electric utility crossing the Garfield Canal at Approx. Sta# 200+00	\$3,166.67	25 Years	\$3,166.67	Farm use
2014-L-030 CONDE INC.				
To operate, and maintain three (3) vehicle crossings on the Montoya "C" Lateral at WW #37	\$3,133.33	10 Years		
2014-L-031 NEW MEXICO GAS CO.				
To construct, operate, and maintain a gas utility crossing the Three Saints East Lateral at Approx. Sta# 149+00	\$2,916.67	25 Years		
2014-L-032 ANGOSTURA DRAIN				
To fill in and farm a portion of the Angostura Drain from Approx. Sta# 44+00 thru 86+00.	\$5,107.22	10 Years	\$5,107.22	Farm use
2014-L-033 ZIA NATURAL GAS CO.				
To operate, and maintain a recently installed gas utility crossing the Westside Canal at Approx. Sta# 721+00	Blanket Agreement	25 Years		
2014-L-034 ZIA NATURAL GAS CO.				
To construct, operate, and maintain a gas utility crossing the McCall Lateral at Approx. Sta# 52+00	Blanket Agreement	25 Years		

Zachary Libbin presented the Special Use Permit applications for the month of May to the Board. Zack noted that permit 2014-L-033 Zia Natural Gas Co. was to correct an illegal crossing that Zia had already completed before the permit had been requested. Zack adds Zia Natural Gas was reminded of the terms and conditions and they must notify and retain a permit before any work is to be done. Jerry Franzoy motioned and Robert Faubion second to approve the permit list as presented. Motion carried.

Zack advised that the Encroachment List is still on going and will brought to the Board for review and the June Board meeting.

Zack advised the Board on the Garfield rehab project. Garfield Dam #6 has been looked at to rehab for 10 years. The DAC Flood control, Soil Water Conservation (SWCD) and EBID were going to share in the sponsor's portion of the cost. The original design presented could have been for \$500 thousand. The design cost is now 2.8 million dollars based on new design standards required by NRCS. It will not be feasible for SWCD, DAC flood control and EBID to continue this project. SWCD and the DAC flood control have decided to no longer take part in the project for economic reasons. Robert Faubion motioned and Jerry Franzoy second that EBID no longer take part in the Garfield Dam rehab project. Motion carried. A letter will be sent to NRCS stating that EBID will withdraw from the Garfield rehab project.

Jamie Marques, EBID member, had been placed on the reclassification list since 2006. He came in to the office to do a follow up on where he was on the list at that time he was notified by EBID Engineering department that he no longer qualified to be on the list due to a policy change in 2013. Mr. Marques requested the board to reconsider his removal on the list since he was on before the changes went into effect. He adds he may not be a big farm but needs water rights just as much. President James Salopek asked Mr. Marques why he has not tried to purchase water rights that are for sale. Zack Libbin, EBID Engineer, advised James and the Board that due to the policy change Mr. Marques could not purchase water rights since he is under 2 acres. Samantha Barncastle, legal, requested to see the policy. Zack pulled up the policy on the overhead projector and pointed out the

Encroach-
ment
List

Garfield
Dam
Rehab
Project

Reclassification
Appeal

section on reclassification. Legal questions the statement in the policy that this may apply to reclassification, but there may be a different policy where any member can contact another member and purchase water rights. Board and legal agree that the policy needs to be fully reviewed. President James Salopek and the board advise Mr. Marques to locate water rights on his own to purchase and transfer them to his land. This would be his only option to obtain rights, not through the reclassification list that has been ended.

Storage Status

May 1, 2014	Acre-feet
Elephant Butte Reservoir	363,818
Caballo Reservoir	38,715
Total Storage	402,533
Est. Rio Grande Compact	(77,923)
Est. San Juan-Chama	(16,950)
Total Usable Storage	307,660
Estimated gains/losses	(20,000)
Seasonal Usable Storage	287,660
Computed Inflow/day	50

Allotment Outlook	1-May-14	
Seasonal Usable Storage	287,660	
Estimated Diversion Ratio	66.1%	
EBID Carryover	3,008	
EBID Allocation 2014 water	91,386	51.2%
EBID Total Allocation	94,394	54.0% 56.8%
EPCWID Carryover	(6,487)	
EPCWID Allocation 2014 Water	86,981	48.8%
EPCWID Total Allocation	80,494	46.0% 43.2%
Mexico Allocation	15,039	
Total Allocation	189,927	

Rough Allotment Est., inches:* 6.2

*assumes 50% conveyance efficiency

Hydrology
 Report



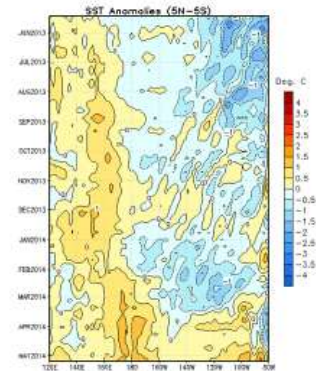
Recent Evolution of
 Equatorial Pacific SST
 Departures (°C)



During May-September 2013, well below-average SSTs were observed over the eastern half of the Pacific.

From January- February 2014, SSTs were mostly below average across the eastern equatorial Pacific.

Recently, SST anomalies have increased and are above average across the Pacific Ocean.



Take-home points

- Estimated allotment still in 6 inch range
- River losses key unknown, could bring EBID allocation down
- Short release certain: 8-11 weeks with no help from monsoon
- El Niño could make it interesting.

Dr. King adds that if El Nino comes it can improve our precipitation; Dr. King gives a fifty percent chance of that happening at the end of the summer. Gary asked if our area storms come from the Atlantic or Pacific. Dr. King's stated that the 2006 rainfall was the result of a storm from the Gulf. Dr. King suggested anyone interested in learning more about El Nino visit www.science.org.

James Narvaez advised the board that grower data were sent out to members to register online for the 2014 irrigation season under the new irrigation management system called "TruePoint". The Rincon valley will come on May 27th after the initial release on May 25th. The Mesilla Valley will begin receiving water on June 1st at Leasburg and Mesilla diversions. The allocation committee; made up of EBID, EP#1 and BOR; set the 2014 Water Budget at 750 cfs for EBID and the cfs flows will swap between units as needed. It is uncertain at this time what the river losses will be. James adds "Truepoint" Farmer Services is up and running on the website and all members will need to set up a new account eventually to order water online and review their accounts. The members may also place orders the old fashion way calling into water records. He presented the steps needed to apply for an account and how the service will work.

Gary expressed a frustration and concern on how the public is given inaccurate weather information due to the weather station being at the El Paso International Airport. He asked Dr. King if it could be request to have a

weather station put in at the Santa Teresa area for a more accurate report. Dr. King responded that though he does not put too much effort into rain gauges it is something that might be worth looking into.

Dr. King advised the Board, The Republic of Mexico will run for 44 days beginning June 9th; EPCWID #1 will run for 90 days beginning June 1st and EBID will run 64 days beginning June 1st in Mesilla Valley and May 27th in Rincon Valley. At this time Dr. King recommends a 6 inch allotment and the board can determine the final allocation at the July 8 the board meeting. Robert Faubion motioned and Tom Simpson second to set the allotment for the 2014 Irrigation season at 6 inches. Robert Faubion Motioned and Marty Franzoy second to set the allotment at 6 inches and to set the small track irrigations for June 28th and 29th. Motions carried.

Jay Powell with BOR at the Elephant Butte Power Plant presented the board with a few slides describing the working that has been done to correct several hazards on the Caballo River Gauge. Release from Elephant Butte will be scheduled for Sunday, May 27th Noon with a start release of 2200 cfs and then dropping down to 800 cfs. There will be a meeting next week to make sure power units will be up and running. He will be requesting 100 cfs for 2 hours to do a test run. All gates are operational and some fine tuning will be done on the generators at that time.

Jay adds that he and his team have put together a plan to move the gauging system to the west side of the river. He feels this is a safer area for the gauge and the workers. Gary asked if there would be any changes in flow if the gauge were to be moved. Jay advised there would be no change. He does add that it would take all entities to agree to the change in location. Gary suggested that a letter be sent expressing the safety concerns of the current location and the request to move the gauging system.

Dennis McCarville presented to the board the new EBID website he has been working on for several months. Dennis presented the functions of the different tabs. He has been able to make the website mobile friendly and easily accessible with no more than 3 clicks to any area needed. Dennis asked the board if they have any suggestions on how to continue to improve the website to please let him know.

Gail Norvell presented to the Board the financial reports for the Month of April 2014. Cash in the bank was \$517,637, assessments receivable was \$1,013,974 and investments \$8,562,660 for a total increase of \$174,910 over April 2013.

Financial
Fact Sheet

Gail presented King Engineering & Associates, Inc. contract for amendment. A subcontract will be added to include Joshua Richardson. Mr. Richardson is a graduate student out of Ohio University. He will be assisting Dr. King to study the groundwater development in the Southern Mesilla Aquifer. Marty Franzoy Motioned and Willie Koenig second to approve King Engineering & Associates, Inc. contract. Motion carried.

Contract
Amendment/
Renewal

Gail Norvell introduced Debbie Gray of Kriegel / Gray / Shaw & Co., P.C. for the presentation of the fiscal year 2013 audit. Debbie presented the Board with the financial statements and supplementary information for the fiscal year ending October 31, 2013. Audit findings as a part of the annual audit are included as a part of the report to the NM State Auditor and are continued in detail in the report on file. Willie Koenig motioned and Marty Franzoy second to approve the 2013 Fiscal Year audit. Motion carried.

Fiscal
Audit 2013

Gary advised the board he attended the NM First Town Hall Meeting. It was an interesting meeting with the first day seeming to be productive and the following and final day turning into a day with nothing getting done. There were 8 groups with state engineer employees in each group. Most of the consensus was to continue the funding to the OSE office.

Managers
Update

Gary advised the board the district received a letter from IBWC in regards to the comments sent on the draft river management plan. The comments provided by Dr. King, Zack and staff were so detailed and factual IBWC has decided to organize a special committee to look further into the issues. Gary adds there is a small hope that something will get done.

Steve Hernandez and Samantha Barncastle 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 LRGPWVA-LEP-OPEN

Legal
Update

LRR
Report

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
LRR 438- Fincham Mobile Storage-SRB-OPEN
LRR 439- Division of surface water from RG by EBID-SLH- Closed
LRR 440- Clean Water Act-SRB-SLH-Open
LRR 441- IBWC Issues-SRB-Open
CID Update-SLH/SRB-

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

Bobby Kuykendall 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
- Pre 1906 Claimants' Motion for SSI and appeal
- Motion to designate SSI regarding Copper Flats Corporation

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

NMED Public Notice 3-27-14 (PN2)

Potential litigation against DAC

Following closed session, Bobby Kuykendall motioned and Mike McNamee seconded to return to open session. Motion carried. During closed session only the above-noted topics were discussed.

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

The next meeting of the Board of Directors will be held on Wednesday, June 11, 2014.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary