

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
July 9, 2014**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, July 9 2014. The meeting was called to order by President James Salopek on a motion by Jerry Franzoy, seconded by Marty Franzoy. Motion carried. Bobby Kuykendall 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; James Narvaez, Irrigation Systems Director; Gail Norvell, Controller; Sammy Gonzalez, Hatch Assistant Watermaster; AJ Carlson, Land water Analyst.

Also present were attorneys Steve Hernandez, Samantha Barncastle; Lee Peters, Dr. Phil King, Hydrology Consultant ; Greg Daviet, , Dixie Ranch; Michael Riley, OSE; Ryan Ward, NMED; Diana Alba, Las Cruces Sun-News; Sammy Singh, Jr., EBID member.

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

Willie Koenig motioned and Mike McNamee second to approve the June 11, 2014 board minutes. Motion carried. Mike McNamee motioned and Marty Franzoy second to approve the June 4, 2014 Special Board Meeting minutes. Motion carried.

The calendar was discussed:

- July 10<sup>th</sup> -DASWCD Meets at 9 am
- July 17<sup>th</sup> @ 1:30 pm-Stormwater Coalition Meets
- July 28-30<sup>th</sup>- NWRA Annual meeting in Flagstaff, AZ
- August 13<sup>th</sup> – EBID Board meeting
- August 14<sup>th</sup> DASWCD Meets at 9 am
- August 21<sup>st</sup>- Stormwater Coalition meets at 1:30 pm

Greg Daviet presented the board with an irrigation tool by Dixie Ranch called iFarmPro. iFarmPro is an irrigation interval tool based on historic daily ET for Pecans in the Mesilla Valley. Development began in 2011 and was launched in 2013. It is a water budget based irrigation scheduling tool. This tool is a soil type basis, individual schedule per field and has current weather data. On the individual field schedule the field properties are stored in the database the soil type is defined by available water and each field's soil type. Soil types are available from Web Soil Survey and use the standard 1.5m available water report. NMSU weather stations are used for daily ET and current data is integrated daily. Historic averages are used to estimate future days. Staff recommended that the irrigation tool be posted on the EBID website with contact information for Greg Daviet

Non-Moratorium			
License List for Special-Use-Permits for July 9, 2014 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
<b>2014-L-055 EL PASO ELECTRIC COMPANY</b>	\$3,416.67	25 Years	Yes
To raise, operate and maintain an existing aerial power line to improve clearance over Hatch Main at Sta# 1011+44			Farm use
<b>2014-L-057 EL PASO ELECTRIC COMPANY</b>	\$2,916.67	25 Years	
Relocate, operate and maintain an existing aerial 240V secondary power line and single phase primary power line, to include 1- 40' and 1- 50' poles on the Montoya C Lateral at Sta# 79+22			

Zachary Libbin presented two Special Use Permit applications for the month of July to the Board. Jerry Franzoy motioned and Willie Koenig second to approve the presented permits. Motion carried.

Zack presented the board with a request for relinquishment of a portion of the Alamo Drain to reconcile right of

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

Special Use Permits

way with Stahmann Farms. The piece of property in question was originally deeded by Stahmann farms to BOR for the Alamo Intercepting Drain near the river levee. Currently, the Alamo Drain exists along the IBWC levee, and constructed not where it was originally intended. It is requested that the property in question be returned to Stahmann Farms, as it was planted with Pecan trees many years ago. Zack also presented the request that EBID accept realignment of California Lateral that also runs thru Stahmann Farms; as it exists today. Zack advised that with Gail checked with NMDFA and verified that both properties would have to be sold pursuant to New Mexico Department of Finance regulations. Legal advises EBID to obtain its own appraisal of the properties before moving forward. Staff will request appraisals be completed by EBID contracted appraiser. .

Relinquish-  
Ment  
Request  
Alamo  
Drain

Zack presented the board with a request for relinquishment of the Longwell Lateral and return it to the community ditch association. One of the property owners along the lateral, Ms. Virginia Beck, requests that this canal be returned to the property owners along the canal. There are currently 4 flat rate parcels and one irrigation check on the canal that is used. Zack informed the board that Ms. Beck indicated she could acquire signatures of the water right owners served by this lateral by petition to relinquish right of way. Leo Barrett noted that this lateral is rarely used and would be best to allow the property owners to maintain it. Tom Simpson motioned and Marty Franzoy second to move forward on the process of acquiring the petition to initiate action. Motion carried.

Relinquish-  
Ment  
Request  
Longwell  
Lateral

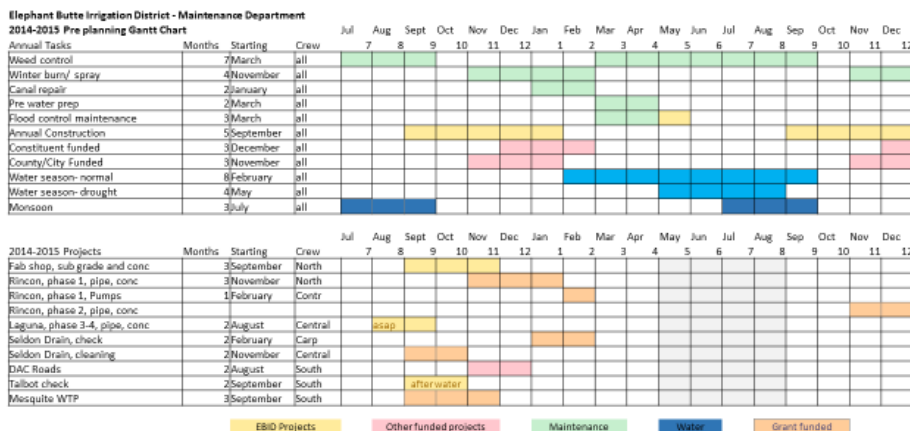
Zack presented the board with a request for a Levee Easement by the USIBWC along EBID's property at EBID's Diez Lagos project. A recent levee design could be detrimental to wetlands created by the original levee construction. Zack showed a drawing of the new design showing that the Montoya Siphon would need to be extended upstream with concrete box culverts and the new levee would cross the drain at the extended portion of the drain rather than across the older portion of the drain siphon. Zack indicated that there are advantages to allowing the easement such as; less impact to Montoya Siphon, eliminate the need for a floodwall and a better levee. The disadvantages are the 80ft wide easement at south end of Diez Lagos project and the property was donated to EBID by Greg Collins for the Diez Lagos project. Zack indicated that the proposed levee and easement is not detrimental the Diez Lagos project as currently designed. Zack does recommend to proceed forward with the easement. Lee Peters suggested IBWC consider buying the property or IBWC guarantees installation of trash rack and floodgate. Mike McNamee motioned and Marty Franzoy second to proceed forward to consider the easement/sale or installation. Motion carried.

IBWC  
Easement  
Levee

Zack presented to the board the issue of the Leasburg Canal Title dispute. Zack explained that the Bureau of Reclamation has recently asserted that is still owns the portion of the Leasburg Canal which lies within the Withdrawn land of the Leasburg dam area. It was explained that EBID had understood that it owned this property and that it is unfortunate that EBID was not made aware previously because this withdrawn land also includes the "Electric Wasteway" as well the new "first check" which was recently constructed in 2012 with funding from the Dona Ana MDWCA. Zack also indicated that other future projects were planned within this portion of the Leasburg Canal right of way. It was noted that this Leasburg Canal is critical to EBID operations. Lee Peters explained that the Quit Claim deed transferring land from the Bureau to EBID may have only transferred Acquired land and not Withdrawn land. Lee Peters explained briefly two options to obtain the land back from the Bureau. Staff was instructed to continue research with Legal staff.

Leo Barrett and Zack presented the board with a drafted planned schedule of maintenance work to be done. Marty Franzoy encouraged Leo to plan for weed management and prevention.

## Maintenance Gantt Chart

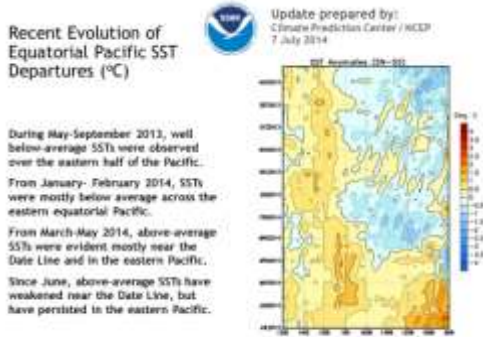
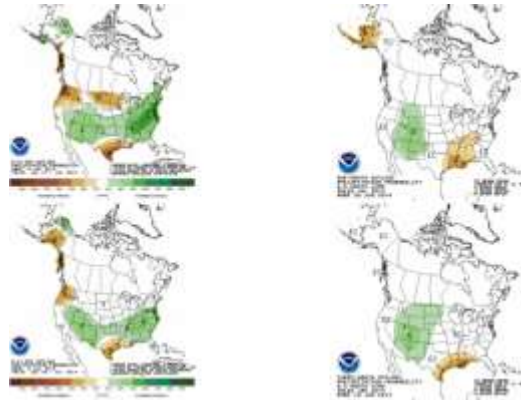


Hydrology  
Report

Dr. King presented the July hydrology report:

### Storage Status

July 8 2014	Acre-feet
Elephant Butte Reservoir	196,899
Caballo Reservoir	34,658
Total Storage	231,557
Est. Rio Grande Compact	(73,078)
Est. San Juan-Chama	(24,642)
Total Usable Storage	133,837
Released	191,810
Dead storage	(5,600)
Seasonal Usable Storage	320,047
Computed Inflow/day	90



### Allocation

- Final Allocation – Last allocation during operations to set target release, final allocation for Mexico, shut-down point for EBID, EP1.
- Year-end Reconciliation – Close out after all deliveries have ended, using actual release and charges for calculation of Diversion Ratio. Annual allocations to US districts will change.
- [July 2014 Final RGP Allocation.xlsx](#)

	ac-ft	June 23 2014	Allocation, AF	Charges, AF	Balance, AF
1 Rio Grande Project Final Annual Allocation (Data as of July 1, 2014)	ac-ft				
2 Elephant Butte Reservoir Storage	225,985				
3 Caballo Reservoir Storage	30,608	Caballo	287,660	131,213	156,447
4 Total Rio Grande Project Storage	256,593				
5 Estimated Rio Grande Compact Credit Waters	-73,078				
6 Estimated San Juan-Chama Water	-24,642				
7 Water Released from Storage	164,877				
8 Total Usable Water Available for Release	323,750				
9 Carryover Obligation using Estimated Diversion Ratio	5,013				
10 Estimate End-of-Season Adjustment of Project Water for Reservoir Evaporation/Dead storage	-5,600				
11 Total Usable Water Available for Current Year Allocation	313,137				
12 EBID Allocation Balance (Previous Year)	-3,008				
13 EPCWID Allocation Balance (Previous Year)	-6,487				
14 EBID Allocation Balance (End-of-Year)	0				
15 EPCWID Allocation Balance (End-of-Year)	0				
16 Storage for EBID and EPCWID Allocation Balance (End-of-Year)	0				
17 Current Usable Water	318,150				
18 End-of-Year Release for Diversion Ratio	318,150				
19 D1 Delivery	160,517				
20 Mexico's Current Diversion Allocation	18,216				
21 Multiyear Extreme Drought D2 Correction Factor	0.75				
22 Gross D2 Diversion Allocation	246,708				
23 EPCWID ACE Conservation Credit (evaluation postponed until EOY)	0				
24 Net D2 Current Year Diversion Allocation for EBID and EPCWID	228,492	Allocation	94,394 AF		
25 D2 Current Year Diversion Allocation for EPCWID	98,767	Land	90,640 acres		
26 Total EPCWID Diversion Allocation (w/o Conservation Credit)	92,280	Conveyance e	48%		
27 EPCWID Diversion (w/o Conservation Credit or 67/155ths of Row 30)	92,280	Allotment	6.0 inches		
28 Diversion Ratio	0.600				
29 Diversion Ratio Adjustment	-127,260				
30 Sum of Release and Diversion Ratio Adjustment	190,890				
31 EBID D2 Current Year Diversion Allocation	129,724				
32 Difference between EBID Diversion Ratio Allocation and D2 Diversion Allocation	0				
33 EBID Diversion Ratio Allocation	77,385				
34 EBID Diversion Allocation	77,385	Allocation	99,713 AF		
35 Total EBID Diversion Allocation (includes 88/155th of Value in Row 30)	80,393	Land	90,640 acres		
36 Total EPCWID Allocation (includes Row 21 and 67/155th of Value in Row 30)	92,280	Conveyance e	54%		
37 District to District Allocation Transfer (OA 1.11 Excess Carryover Balance)	0	Allotment	7.1 inches		
38 Total EBID Diversion Allocation (After Transfer)	80,393				
39 Total EPCWID Allocation (After Transfer)	92,280				
40 Total EBID, EPCWID, and Mexico Allocation	190,890				

James Narvaez presented the board with the 2014 water season report:

<b>Available Water</b>	<b>Consumed</b>	<b>Flatrate</b>
Total 8,027	Total 34,022	2600
Active 5,560	Diversion 67986	36,622
No orders 2,466	Conveyance 0.54	

Diversion	Total ACFT	1A	1B	3A	3B	Total Delivered	
Arrey	17,425.30	4105	4402			8507	49%
Leasburg	18,202.06	2296	2352	1650	3598	9896	54%
Eastside	11,728.47	2873	3092			5965	51%
Westside	20,630.00	3529	2544	1313	2780	10166	49%

CURRENT STATUS		
67986	JULY 6TH	USAGE
8555	Outstanding	ACTIVE
76541	DIVERSION	REQUIRED
3798	NO ORDERS	
80339	TRANSFERRED	
99700	ALLOCATION	
19361	REMAINING WATER	

Moving  
Forward

WRA

90640	POSSIBLE INCREASE	
1 INCH	1.5 INCH	2 INCH
7553	11330	15107

PRORATA PORTION			
ARREY	LEASBURG	EAST	WEST
0.20	0.32	0.16	0.32
Acre feet			
2266	3592	1807	3665
Acres to be irrigated			
3490	5532	2782	5644

New ACTIVE Allocation	14797
non active	7255

DISTRICT ALLOTMENT BALANCE 7/6/2014	31714
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MAX DELIVERY CFS/DAY	950	17
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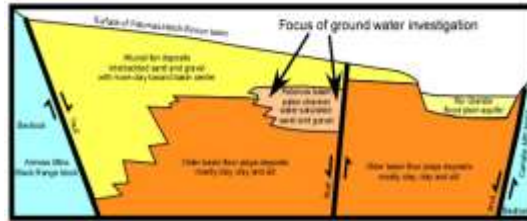
OUT OF WATER JULY 25TH	RECOMMEND LAST ORDER DATE JULY 18TH
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No Flatrate for 1.5 Inch increase
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James advised the board due to the increased efficiency in conveyance and the over calculation of evaporation loss there is an opportunity to have an allotment increase of 1.5 inches. James recommends the increase and getting it out to the members so they may be able to use the water needed. He notes that it is not a huge increase and would not be enough for the smaller farmers or small tracks to have another watering but it would help the bigger farmers who would be able to combine their acreage. There will not be any additional flatrate watering scheduled. James also adds that he feels it is better to use the additional water rather than let it "sit" there. Tom Simpson motioned and Robert Faubion second to increase the allotment by 1.5 inches. Motion carried.

Erek Fuchs presented an update concerning the Central Palomas Basin Aquifer (CPBA) Investigation which is the subject of his Ph.D. studies at NMSU. As background, Erek reminded the board that regional drought throughout the Southwest is showing little signs of abating and that some areas, like the Hatch-Rincon Valley within the EBID are being hit harder than others and are less prepared to cope. This problem is exacerbated in the Hatch-Rincon Valley because there is only about 80 ft. of saturated thickness to pump from (major clay lens about 2,500 ft. thick underlies the immediate alluvium), in contrast to the downstream Mesilla Valley where the aquifer is very deep and groundwater of generally good quality is readily available. Without surface water, there is no recharge and no appreciable "bank" of groundwater to fall back on in the Hatch-Rincon Valley. Water

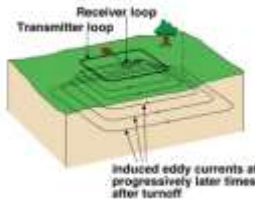
quality is rapidly deteriorating as salinity accumulates and yields of some crops (onions) are declining by as much as 30 percent. The current phase in the investigation is to drill a test/exploratory well this summer, collect subsurface geophysical logs and perform aquifer testing to better define the CPBA. If successful, the CPBA will be pursued as an alternative water source for the Hatch-Rincon Valley during severe drought. A well field may be developed in the CPBA to pump and transport water for discharge into the Arrey Canal to be used by EBID farmers in the area. Because discharge of this water would be into EBID facilities, the EBID Board may eventually be approached with an amendment to the existing pump policy to allow water produced from outside the District boundaries to be discharged directly into District facilities.



Location of TEM Soundings in Percha Creek



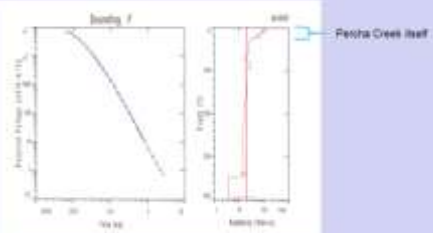
How do we know what we're doing?  
 Time Domain Electromagnetic Geophysics (TDEM)



TDEM (or TEM) employs a transmitter that drives an alternating current through a square loop of insulated electrical cable laid on the ground. The current consists of equal periods of time-on and time-off, with base frequencies that produce an electromagnetic field. The time-varying nature of the primary electromagnetic field induces a secondary electromagnetic field in the ground beneath the loop.

Geophysics results so far...

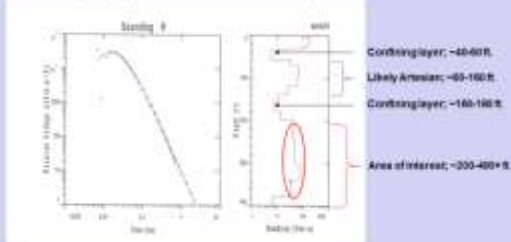
Resistivity outside of the formation is mostly less than 20 ohm-meter and represents silt and clay or poor water quality (high TDS) in sand and gravel aquifers.



Example TEM sounding and inversion for resistivity outside of aquifer zone (David Hyndman, Sunbelt Geophysics, 2013).

Geophysics results so far...

Resistivity clearly within the aquifer is generally between 30 and 80 ohm-m and represents porous water-saturated sand and gravel based on calibration with existing Copper Flats Mine wells to the very near north.



Example TEM sounding and inversion for resistivity within the aquifer zone (David Hyndman, Sunbelt Geophysics, 2013).

Gail Norvell presented to the Board the financial reports for the Month of June 2014. Cash in the bank was \$766,169, assessments receivable was \$617,786 and investments \$7,564,165 for a total increase of 422,245 over June 2013.

Gail presented contracts for Board review and approval:

- Rod Walston as subcontractor under Law Office of Steven L Hernandez Contract- Advisor for Supreme Court.
- Neal Ackerly as subcontractor under Law Office of Steven L. Hernandez Contract- Historian use in court. Robert Faubion motion and Jerry Franzoy second to approve the two subcontracts under Steven L Hernandez Contract. Motion carried.
- Kosh Solutions- Network monitoring. Marty Franzoy motioned and Mike McNamee second to approve the contract. Samantha Barncastle advises that Kosh is a client of hers and requests permission for Gary Esslinger to sign a conflict of waiver and that the indemnity provision be struck from the standard

contract. Mike McNamee motioned and Marty Franzoy second to approve the contract and to have Gary Esslinger sign the conflict of waiver. Motions carried.

Gail updated the board on the delinquent customer accounts. There are 25 new liens that will be filed and collection letters for delinquent customers. Gail advises this will be on ongoing process. Gail also advised the board of a few customer requests for alerts on their accounts. Several customers have had problems and want to manage their accounts for payments, orders or changes. She advises the board the new system has the capability to place alerts on the accounts. Lee Peters suggests that a policy be made on the matter and members designate who has access and only the designated person may access the account.

Gary advised the board there will be an NWRA Western Water Seminar in Flagstaff, AZ July 28<sup>th</sup> through the 30<sup>th</sup>. Gary requests approval for himself, James Salopek and Steve Hernandez to attend. Robert Faubion motioned and Willie Koenig second to send James Salopek, Gary Esslinger and Steve Hernandez to the NWRA Seminar. Motion carried. The New Mexico Water Law Conference will be held in Santa Fe September 11<sup>th</sup> and 12<sup>th</sup>. Gary advises any board members who would like to attend to let Naomi know. Gary advised the board the ISC Regional Water Plan process has formed a group to help form a steering committee. The committee will consist of anybody, whether you own water rights or not; whereas the Rio Grande Water Users was made of people that were involved in the supply and delivery of water and brought water rights to the table. Gary adds he will continue to monitor the process. He also advised the board on June 30<sup>th</sup> IBWC held a celebration ceremony regarding the successful water transfer and first eFarm watering on the flood plain between the river levee. The irrigation occurred off the Leasburg extension where the young cotton woods had been planted. The irrigation took 6" of allotment water successfully with a total of 5 acres watered.

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-CLOSED turned into a Matter  
LRR 399- Amend and Revise Original Document with Zia Natural Gas-LEP-OPEN  
LRR 409- Transfer of Tortugas #2 Dam-LEP-OPEN  
LRR 410- Kit Carson Rd Permit-LEP-OPEN  
LRR 425- JPA and Transfer of Loan to LRGPWWA-LEP-OPEN  
LRR 429- Petition for Writ of Mandamus against SE-SRB-CLOSED  
LRR 430- NM Government Conduct Act-LEP-OPEN  
LRR 432- Chamberino Well Protest-LEP-OPEN  
LRR 433- Hot Springs Basin Protest-LEP-OPEN-To be revised and renamed "Attaway"  
LRR 434- BLM Issues Re: Sibley Green Site 4, Sibley Green Site 5  
and Crow Broad Placitas Dams-LEP-OPEN  
LRR 440- Clean Water Act-SRB-SLH-Open  
LRR 442- John and Edna Barela-LEP-Open  
LRR 444-EBID Memorandum One Call-LEP-Open  
LRR 445- Dos Lagos Golf Course-NMED-Permit-AWSD-LEP-Open  
CID Update-SLH/SRB-

Samantha Barncastle advises the board Hatch is a client of hers and requests a conflict of interest waiver be signed by Gary Esslinger regarding LRR 303- Hatch Easements. Robert Faubion motioned and Marty Franzoy second to approve the conflict of interest waiver. Motion carried.

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

Willie Koenig moved and Marty Franzoy 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. Verhines 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

Managers  
Update

Legal  
Update

LRR  
Report

Hot Springs Basin Protest(Armijo)  
NMED Public Notice 3-27-14 (PN2)  
Potential litigation against DAC  
Hot Springs Basin Protest (Attaway)

Following closed session, Tom Simpson motioned and Willie Koenig seconded to return to open session. Motion carried. During closed session only the above-noted topics were discussed.

Following closed session, Tom Simpson motioned and Marty Franzoy seconded to send Samantha Barncastle to the invited meeting with OSE in Santa Fe. Motion carried.

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

The next meeting of the Board of Directors will be held on Wednesday, August 13, 2014.

Adjourn

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JAMES SALOPEK, President

WILLIE KOENIG, Secretary