

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
October 8, 2014**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, October 8, 2014. The meeting was called to order by President James Salopek on a motion by Marty Franzoy, seconded by Jerry Franzoy. Motion carried. All members were present.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Zachary Libbin, Engineer; Naomi Ontiveros Executive Secretary; Erek Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/Safety Director; Gail Norvell, Controller; AJ Carlson, Land water Analyst; Dennis McCarville, GIS Analyst; Stephen Howie, Land Tech I; Leo Barrett, Maintenance Director.

Also present was attorney Steve Hernandez and Dr. Lisa Henne, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant ; Jim Hangen, OSE; Greg Daviet, Dixie Ranch; Ron Reynolds, Susan Maness Hoyt Graham, Zia Natural Gas; Pat Banegas, Village of Hatch, Neal Hooks, State Representative candidate, Andy Nunez.

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

Bobby Sloan motioned and Marty Franzoy second to approve the September 10, 2014 board minutes. Motion carried. Willie Koenig motioned and Bobby Kuykendall second to approve the September 25, 2014 Special Board meeting minutes. Motion carried.

The calendar was discussed:

- October 9th DASWCD Meeting
- October 9th and 10th
- October 20th-22nd Staff members to attend TruePoint User Group meeting in Reno, NV
- November 11th Veterans Day EBID office closed
- November 11th -14th Gary, Steve, James and Mike to attend NWRA in Coronado, CA
- November 27th and 28th EBID office closed Thanksgiving Holiday

Tom Simpson motioned and Robert Faubion second to approve moving the November 12th scheduled board meeting to be held November 10th. Motion carried.

Non-Moratorium			
License List for Special-Use-Permits for October 8, 2014 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2014-L-070 EL PASO ELECTRIC COMPANY	\$3,166.67	25 Years	
To construct, operate and maintain an electrical utility crossing the Picacho Lateral at Sta# 254+83			
2014-L-071 NEW MEXICO GAS COMPANY	\$2,916.61	25 Years	Yes
To replace, operate and maintain a natural gas utility crossing the Salem Lateral at Sta# 59+80			Farm Use
2014-L-072 CENTURY LINK	\$350.00	25 Years	\$50 Application each, per Settlement Agreement
To operate and maintain seven (7) existing aerial telecom utilities crossing the Hatch Canal at Sta#s 1091+42, 1026+80,1064+18,1119+44,1141+70, 1155+55, 1183+53			
2014-L-073 JAMES & RHONDA GIMLER	\$3,416.67	10 years	Yes
To operate and maintain existing vehicle culvert at Approx. Sta# 18+89 and two (2) existing harvest gates at Approx. Sta# 14+00 and 18+89 on the Colorado Spur Drain			Farm Use

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

Special Use Permits

2014-L-074 ZIA NATURAL GAS	Blanket Agreement	25 Years	
To construct, operate, and maintain 1900 feet of 4 inch natural gas utility paralleling the Leasburg Main from Sta# 157+00 to 176+00 and the Seldon Drain from Approx Sta# 180+00 to 162+00, and along Dona Ana Road including a 6 inch thick concrete cap except at crossings			
2014-L-075 ZIA NATURAL GAS	Blanket Agreement	25 Years	
To construct, operate and maintain two (2) natural gas utilities crossing the "Leasburg Flume #2 Arroyo" at Sta#s 0+60 and 4+50			
2014-L-076 ZIA NATURAL GAS	Blanket Agreement	25 Years	
To construct, operate and maintain a natural gas utility crossing the Kerr Lateral at Sta# 0+60			
2014-L-077 ZIA NATURAL GAS	Blanket Agreement	25 Years	
To construct, operate and maintain a natural gas utility crossing the American Bend Lateral at Sta# 0+10			
2014-L-078 EL PASO ELECTRIC	\$3,416.67	25 Years	Yes
To construct, operate and maintain an aerial electrical utility crossing the Brazito Spur Drain at Approx. Sta# 52+00 and Eastside Canal at Approx. Sta# 319+00			Farm Use
2014-L-079 JOBE MATERIALS	\$2,916.67	25 Years	Yes
To construct, operate and maintain two (2) harvest gates on the left bank of the East Drain at Approx. Sta#s 333+00 and 296+00			Farm Use

Zachary Libbin presented the Special Use Permit applications for the month of October to the Board. Jerry Franzoy motioned and Bobby Kuykendall second to approve the permits as presented. Motion carried.

Zack advised the board a letter was sent to IBWC regarding the Channel Maintenance Plan. EBID had sent in extensive comments and proposed sediment alternatives. Although no response was received regarding the comments IBWC did come back with a suggestion to form a group to do a sediment transport study. Dr. King and Zack both expressed frustration regarding the approach and feel it is another wasted study.

Storage Status

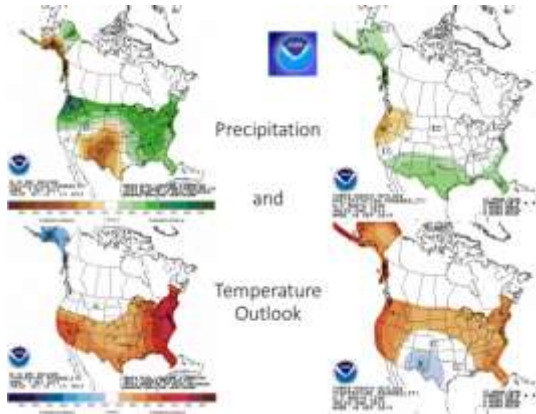
October 7, 2014	Acre-feet	ΔV since 9/9, AF
Elephant Butte Reservoir	174,237	17,526
Caballo Reservoir	30,999	8,675
Total Storage	205,236	26,201
CO Compact Credit	(4,350)	
NM Compact Credit	(63,769)	
Est. Rio Grande Compact*	(68,119)	9,804
Est. San Juan-Chama	(23,793)	(6,846)
Total Usable Storage	113,324	29,159
Computed Inflow/day	240	
*Not current on 9/9/14		

Compact Delivery Status

As of 9/30/2014	AF
Otowi Actual	521,603
Adjustment	(81,274)
Otowi Index	440,329
EB Effective Supply	251,374
EB Computed Inflow	192,616
Seasonal Credit (Debit)	(58,758)
Cumulative Balance 2014	63,769
2015 Starting Balance est.	5,011

Hydrology Report

2014 Water Season



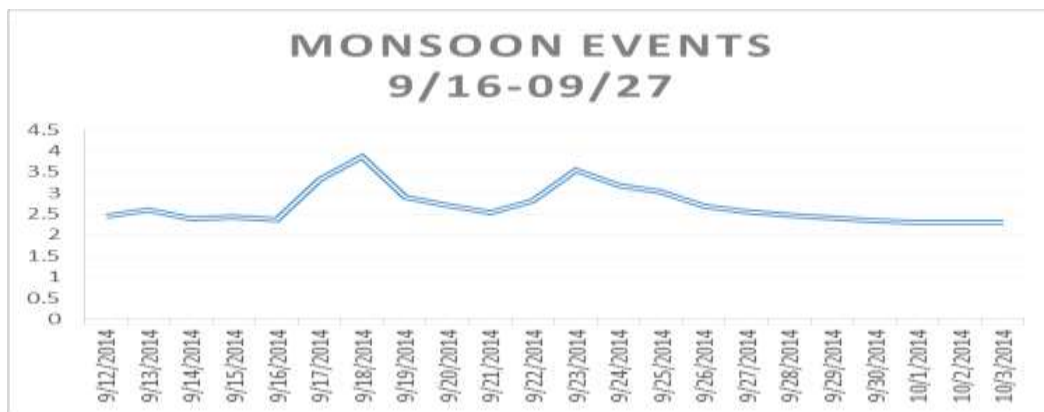
Coming out of Drought (Release > 400 kAF)

Year < 400 kAF	DCF	First year > 400 kAF
1	1	1
2	0.88	0.94
3	0.78	0.89
4	0.75	0.875
Subsequent	0.75	0.875

How it is looking:

- Early in Water Year 2015 (began October 1)
- General forecast is for better winter precipitation than last few years
- Watershed will likely produce less runoff for the given level precipitation that it did over the past 30 years
- Should have a release greater than 400 kAF
- Working on drought adjustment for first year out of drought

James Narvaez presented the 2014 Monsoon Irrigations



Maximum est. peak 800 cfs.

Arroyo combined for est. 2000 cfs however it spread out as it moved down the valley. Most water held up at a Leasburg dam. Canals were opened during the three day event: Arguelles, Seldon, American Bend, Hill, Rio Rancho. Three Irrigations off the Main and the Leasburg system irrigated 10 farms for an estimated 1300 acres. The Del Rio Lateral was opened for four days. Sammy Singh was able to water an estimated 60 acres. James adds if they are able to use the Stormwater within the system they will do it.

Moonsoon Irrigation

Gail Norvell presented to the Board the financial reports for the Month of September. Cash in the bank was \$305,151, assessments receivable was \$531,242 and investments \$6,066,237 for a total increase of 293,844 over September 2013.

Financial
Fact Sheet

Gail presented the following contracts for renewal: Marty Franzoy motioned and Willie Koenig second to approve the presented RTU contract for renewal. Contract Renewal for lobbyist services with Water Strategies LLC was tabled. Board members advised Gary to speak with Mr. to negotiate new terms. Willie Koenig motioned and Robert Faubion second to approve the renewal contract for janitorial services. Marty Franzoy motioned and Robert Faubion second to approve the Flex Spending Account contract renewal. All motions carried.

Contract
Approvals

Gail presented the Disposition of Assets List for approval. Jerry Franzoy motioned and Robert Faubion second to approve the disposition of assets. Motion carried.

Disposition
Of Assets

Gail presented the board FY 2015 Budget Resolution 2014-15 for approval. Marty Franzoy motioned and Robert Faubion second to approve the presented FY 2015 Budget. Motion carried.

Gail presented the 2014 Budget Amendment Resolution 2014-06. Willie Koenig motioned and Robert Faubion second to approve the amended resolution as presented. Motion carried.

Gary advised the Board he attended the BOR RG Operation Agreement Environmental Input meeting on September 24th.

Gary also advised the Board the NWRA Annual Conference will be held from November 12th through the 14th. He requests approval for himself, Steve Hernandez, Mike McNamee and James Salopek to attend. Jerry Franzoy motioned and Marty Franzoy second to send all requested to the conference. Motion carried.

Managers
Update

Lee Peters gives a brief summary of the Governmental Conduct Act. The outline presented in the board books is specifically an outline for Board members a different outline will be done for EBID employees. The more obvious point is that an EBID board member cannot take bribes or make any decisions as a board member that will benefit himself or any family members. Family members includes your spouse, parents, children and siblings, by blood or by marriage. Board members must disclose any business interests that do business with EBID; this does not include financial interests. Violation of the act is a felony. Lee suggests a disclosure form for board members to fill out may be an easier process. He adds if there are any questions or issues to bring them to Gary or Counsel.

Steve Hernandez reported on legal matters.

legal
Update

LRR 303- Hatch Easements for Work on Placitas Arroyo- SLH-OPEN
LRR 345 – Lack/EBID Land Exchange and Flow Easement-LEP-OPEN
LRR 399- Amend and Revise Original Document with Zia Natural Gas-LEP-OPEN
LRR 410- Kit Carson Rd Permit-LEP-OPEN
LRR 425- JPA and Transfer of Loan to LRGPWWA-LEP-OPEN
LRR 432- Chamberino Well Protest-LEP-OPEN
LRR 433- Attaway 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 440- Clean Water Act-SLH-Open
LRR 445- Dos Lagos Golf Course-NMED-Permit-AWSD-LEP-Open
CID Update-SLH

LRR
Report

Marty Franzoy moved Willie Koenig seconded to break for lunch. Motion carried. Following lunch, Bobby Kuykendall moved and Jerry Franzoy seconded to reconvene the meeting. Motion carried.

Tom Simpson moved and Willie Koenig 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
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 Marty Franzoy 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 approve the Irrigation District Tours sending all board members, Gary Esslinger, Legal, Dr. Phil King and Erech Fuchs. Motion carried.

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

The next meeting of the Board of Directors will be held on Wednesday, November 10, 2014.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary

Adjourn