

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
February 9, 2015**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Monday, February 9, 2015. The meeting was called to order by President James Salopek. Bobby Kuykendall motioned to open the meeting and Mike McNamee seconds the motion. .

EBID personnel present were Gary Esslinger, Treasurer-Manager; Gail Norvell, Controller; Zack Libbin, Operations Engineer; Erech Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/Safety Director; Leo Barrett, Maintenance Director; Patrick Lopez, Technology Director; James Narvaez, Irrigation System Director; Stephen Howie, Land Tech I; Sammy Gonzalez, Assistant Water Master-Hatch.

Also present was attorney Steve Hernandez and Dr. Lisa Henne, Law Office of Steven L. Hernandez; Lee Peters, Peters Law Firm; Dr. Phil King, Hydrology Consultant ; Greg Daviet, Dixie Ranch; Hector Franco, EBID Customer.

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

Marty Franzoy motioned and Robert Faubion second to approve the January 19, 2015 board minutes. Motion carried.

The calendar was discussed:

- February 12<sup>th</sup> DASWCD
- February 17<sup>th</sup> Legislative Ag Fest in Santa Fe
- February 19<sup>th</sup> BLM Coordination meeting
- February 19-20<sup>th</sup> FFA annual meeting
- March 5-6 Law of the Rio Grande
- March 11<sup>th</sup> EBID Board Meeting
- March 21<sup>st</sup> legislative session ends
- March 23<sup>rd</sup> 24<sup>th</sup> Rio Grande Compact Meeting, Austin TX

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

Special Use Permits

Non-Moratorium			
License List for Special-Use-Permits for February 9, 2015 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
<b>2015-L-001 EL PASO ELECTRIC COMPANY</b>	\$3,416.67	25 Year	
To replace, operate, and maintain an existing pole in an existing 13.8 KV single phase powerline crossing the Garfield Canal at approx sta# 350+00			
<b>2015-L-002 MAGDALENO VELA</b>	\$1,766.67	10 Year	Yes
To construct, operate, and maintain an 8" metal pipe to de-water orchard of excess irrigation water into the Nemexas drain approx sta# 935+00 to 934+00			Farm Use
<b>2015-L-003 ROSS PROVENCIO</b>	\$1,566.67	10 Year	Yes
To operate, and maintain an existing well pipe crossing the Three Saints West Lateral at approx. sta# 89+90			Farm Use
<b>2015-L-004 EL PASO ELECTRIC</b>	\$3,416.67	25 Year	
To raise, operate, and maintain an existing electric circuit reposition x-arm for Century Link existing crossing the Hatch Main Canal approx. sta# 331+50			
<b>2015-L-005 COMCAST</b>	\$2,916.67	25 Year	
To construct, operate, and maintain a buried fiber optic			

cable in conduit crossing the Etajo Lateral approx. sta# 50+0			
<b>2015-L-006 EL PASO ELECTRIC</b>			
To construct, operate, and maintain a three (3) phase 24kv power line crossing the Angostura Lateral approx. sta# 172+50	\$2,916.67	25 Year	
<b>2015-L-007 EL PASO ELECTRIC</b>			
To replace, operate, and maintain an existing pole in an existing three (3) phase 24kv power line crossing the Dona Ana Lateral approx. sta# 238+50	\$3,166.67	25 Year	
<b>2015-L-008 MOISES &amp; ANITA MARTINEZ</b>			Yes
To operate, and maintain an existing culvert crossing the Nemexas Drain approx. sta# 925+00	\$1,866.67	10 Year	Farm Use
<b>2015-L-009 AMBROCIO GUTIERREZ</b>			Yes
To construct, operate, and maintain an irrigation well pipe crossing the Mitchell Lateral approx. sta# 51+00	\$1,566.67	10 Year	Farm Use
<b>2015-L-010 FLORES &amp; PAVIA</b>			Yes
To operate, and maintain an existing vehicle crossing the Nemexas Drain approx. sta# 646+65	\$1,766.67	10 Year	Farm Use
<b>2015-L-011 DEANE M. KELLEY</b>			Yes
To operate, and maintain an existing driveway encroaching parallel to the Chamberino Drain approx. sta# 227+50	\$1,602.35	10 Year	Farm Use

Zachary Libbin presented the Special Use Permit applications for the month of February to the Board. Staff recommended approval on permits presented. Robert Faubion motioned and Marty Franzoy seconds to approve permits presented. Motion carried.

February 2<sup>nd</sup> Zack held an Executive Committee meeting to discuss EBID Land Issues. A discussion took place regarding the sale of drains to CLC (City of Las Cruces). Park Drain, Mesilla Drain and Dona Ana Drain. The total acres to be sold for the 3 drains would be 163 acres. The benefits to EBID include; reduce concerns of storm water reaching the river and violating the Clean Water Act, less suburban water issues, prevent conflict between EBID and CLC from sewage line breakage and storm water discharge. A few negatives noted are less permit revenue, it would be necessary to transfer all permits and interests to Las Cruces subsurface drainage, less input with CLC storm water management and flowage easements. Benefits to CLC include improved storm water management, increased ponding opportunities, MSF permitting options, road and subdivision drainage improvement opportunities, parks, trails and dam outfall will not affect EBID until after it reaches Ro Grande. It was decided by the Board that a trade will not benefit the District and a sale of the drains is an option to be presented to the CLC. Legal advises Zack that the city would have to get an appraisal for the 163 acres. The Board gives direction to Zack to present the option of selling the drains to CLC without the estimated appraisal prices on his presentation. Zack also made a presentation regarding the sale of a portion of the Leasburg Drain to Richard Trujillo owner of RTD Hardware. The board gave direction to Zack to obtain an appraisal of the drain in question. Sale of Park Drain to NMSU was discussed and Zack advised that it is up to NMSU to obtain a survey and appraisal on the drain and at which time he will present to the board for review.

Dr. Phil King presented the weather forecast and irrigation season update.

Storage Status

February 8, 2015	Acre-feet
Elephant Butte Reservoir	300,934
Caballo Reservoir	34,597
Total Storage	335,531
Est. NM RGC Credit	(25,000)
Est. CO RGC Credit	(4,000)
Est. San Juan-Chama	(11,500)
Total Usable Storage	295,031
ΔV since Jan 15	29,427
Computed Inflow/day	1,300

USDA-NRCS SNOTEL

February 9, 2015	SWE, % median	SWE, % peak	Precip, % avg
Upper Rio Grande	58	37	57
Sangre de Cristos	84	53	86
Rio Chama	71	46	73
Jemez	69	51	87

Seasonal Performance

2014 Release, AF	302,251
2014 Charges, AF	214,686
Diversion Ratio	71.0%
D2 Diversion, AF	314381
D2 Diversion Ratio	104.0%
Deviation, AF	-99,695
Drought Factor D2, AF	235,786
DF D2 Diversion Ratio	78.0%
Deviation, AF	-21,100

Final EOY 2014

	Charge	Allocation	Carryover
EBID	99,007	107,659	8,652
EPCWID	97,418	100,103	2,685
Mexico	18,261	18,216	
Total	214,686		11,337
Caballo Release	302,251		
Diversion Ratio	71.029%		

How it is looking:

- 2014 accounting complete
- Current supply sufficient for 5 inch EBID allotment, no formal allocation yet
- Snowpack is weak, runoff will be weak too
- Seasonal allotment will likely be under one foot
- January 30 Binational Meeting: EP1, Mexico planning on June 1 release, deliveries in El Paso/Juarez June 6-7

Gary Esslinger and several board members attended the Irrigation leader workshop in Phoenix, AZ. Board members advised a lot was discussed Especially regarding encroachments and handling media issues. Jerry expressed this is a workshop that he enjoys attending and being able to meet other irrigation district members. Gary and James will be attending the FFA conference February 19<sup>th</sup> and 20<sup>th</sup> in Las Vegas, NV. Gary and legal advised the board that employing a current legislator to lobby on its behalf was a close call and there had been a lot of press lately on transparency for lobbyists. No motion was made to hire a state lobbyist for EBID this year for Andy Nunez. It was discussed that Gary Esslinger be authorized to speak on behalf of the Board in Santa Fe regarding bills introduced in the legislative session. Robert Faubion motioned and Bobby Sloan seconds to authorize Gary Esslinger to attend the legislative session in Santa Fe and speak on behalf of the EBID Board on state legislation. Motion carried.

Gail Norvell presented to the Board the financial reports for the Month of January. Cash in the bank was \$1,321,279; assessments receivable was \$1,784,797 and investments \$8,568,078 for a total decrease of \$160,355 over January 2014.

Gail presented the Environmental Engineering contract for Dr. Fernando Cadena and his request to amend the

Managers  
Update

Financial  
Fact Sheet

contract. The amended contract will add subcontractor Carlita Harvey to assist in grants. Robert Faubion motioned and Marty Franzoy second to approve the amended contract. Motion carried.

Contract Approvals

Steve Hernandez, Dr. Lisa Henne and Lee Peters 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 446- Dam Safety Bureau
- LRR 447 – Operating Agreement EIS – SLH/LH
- LRR 448- Drain sales and land swaps-LEP
- CID Update-SLH

LRR Report

Marty Franzoy moved and Robert Sloan seconds to break for lunch. Motion carried. Following lunch, Willie Koenig moved and Tom Simpson second to reconvene the meeting. Motion carried.

Bobby Kuykendall moved and Robert Sloan seconds 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:

- A. State ex. rel. Office of the State Engineer vs. EBID CV 96-888 (Stream Adj.)
  - 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
- B. State of New Mexico vs United States of America, et al.; no. CV 11-00691 JB-WDS
- C. Texas v. NM (USSC)
- D. EBID Protests
  - 1. CRRUA
  - 2. Chamberino Well Protest
  - 3. Attaway (Hot Springs Basin)
  - 4. Smith (Hot Springs Basin)
- E. Boyd Motion to Lift Stay in Quiet Title litigation
- F. Copper Flats Corporation Inter Se on Water Rights

Following closed session, Marty Franzoy motioned and Tom Simpson seconds to return to open session. Motion carried. During closed session only the above-noted topics were discussed.

There being no further business, Robert Sloan moved and Willie Koenig seconds to adjourn the meeting at 2:30 PM. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday, March 11, 2015.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary