

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
May 13, 2015**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, May 13, 2015. The meeting was called to order by President James Salopek. Jerry Franzoy motioned to open the meeting and Willie Koenig seconds the motion. Marty Franzoy was absent.

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; Naomi Ontiveros, Executive Secretary.

Also present was attorney Steve Hernandez and Dr. Lisa Henne, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant ; Greg Daviet, Dixie Ranch; Diana Alba, LC Sun-News; Jim Hagen, OSE; Steve Wilmeth, Joe Delk, DASWCD; Lynn and Lonnie Bryant, EBID members, Dennis Page, Johnny Coble, Lenny Silverman, Katheryn Hannan, Timothy McKimmie, EBID members; Bill Gomez, State Representative; Teresa Garcia, Richard Trujillo, RTD Hardware; Sammy Singh, JR.; EBID member.

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

Willie Koenig motioned and Robert Faubion second to approve the April 1, 2015 board minutes. Tom Simpson motioned and Robert Faubion second to approve the April 10, 2015 Special Board meeting minutes. Willie Koenig and Mike McNamee second to approve the April 23, 2015 Special Board meeting minutes. All motions carried.

The calendar was discussed:

- May 14th – DASWCD Meeting
- May 17th -20th- Zack is attending the National watershed Coalition Watershed Conf.; Ft. Worth, TX
- May 20th- Water Trailer presentation at Mesilla Park Elementary
- May 25th- Memorial Day Office will be closed
- May 30th & 31st- Flat rate weekend
- June 10th- EBID board meeting
- June 11th- DASWCD Meeting

EBID Flat Rate member Timothy McKimmie came before the board to request modifying the 2015 water season announcement. He expressed his concern regarding the notice stating flat raters would only receive one irrigation this season. He expressed his frustration with the recent actions of the board and feels that the flat rate members are not getting adequate surface watering. In 2014 farm rates were allotted an 8 inch allotment while flat raters received 6 inches. He also feels flat raters are using less than the 6 inches and should be able to have an additional watering. James Salopek and the board advised they would take his concerns and comments under advisement.

Non-Moratorium			
License List for Special-Use-Permits for May 13, 2015 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2015-L-030 BUDDY ACHEN	Farm Use	10 Year	Yes
To operate, and maintain a discharge pipe for pump in/ out on the Kelso Lateral at station # 7+00			Farm Use
2015-L-031 CENTURY LINK	\$3,416.67	25 Year	
To construct, operate, and maintain an aerial copper cable crossing the Picacho main at station # 271+00			
2015-L-016 EL PASO ELECTRIC COMPANY	Farm Use	25 Year	Yes
To construct, operate, and maintain a 3 phase 24 kv powerline crossing the San Miguel Lateral at station # 116+00			Farm Use
2015-L-033 ZIA NATURAL GAS COMPANY	Blanket Agreement	25 Year	
To construct, operate, and maintain a new 2" HDPE gas			

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

Special Use Permits

line crossing the Rincon Drain at approximate station number 195+00			
2015-L-034 ZIA NATURAL GAS COMPANY	Blanket Agreement	25 Year	
To construct, operate, and maintain a new 2" HDPE gas line crossing the Picacho "A" Lateral at approximate station number 62+50			
2015-L-035 EL PASO ELECTRIC	\$13,695.31	25 Year	
To construct, operate and maintain a new single phase powerline paralleling the Rincon Lateral at station # 90+30 -115+30 and to operate and maintain an existing single phase powerline crossing the Rincon "M" Lateral at station # 5+00 & the Rincon Drain at station #235+00			
2015-L-036 GLENN & KRISTIE MCREYNOLDS	Farm Use	10 Year	Yes
To operate and maintain an existing vehicle crossing on the Lower Chamberino Lateral at station # 202+08			Farm Use

Water Resource Report

Zachary Libbin presented the Special Use Permit applications for the month of May to the Board. Robert Faubion motioned and Jerry Franzoy seconds to approve permits presented. Motion carried.

Zack presented to the board the potential sale of a small portion of the Leasburg Drain near Valley Dr. Steve Hernandez drafted an easement giving EBID access to the improvements. Any replacement of the improvements will be the responsibility of the grantee (buyer). Mr. Trujillo owner of RTD Hardware has no concerns with granting EBID an easement to the property and has no plans to build on said area. However, he said he does not want the responsibility of having to replace the improvements when they need replacing in the future. Dennis Page, a concerned resident, presented the board with slides of the area and his issues regarding the area and the proposed sale. The board will continue to look at the potential sale and Zack and Legal will wait to hear comments from Mr. Trujillo regarding the draft easement.

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

Storage Status

May 2015 Allotment Outlook

Allocation to Allotment	
Allocation, AF	120,175
Acreage	90,640
Allocation/acre, AF/acre	1.33
Conveyance Efficiency	0.53
Delivery/acre, ft	0.70
Delivery/acre, in	8.43

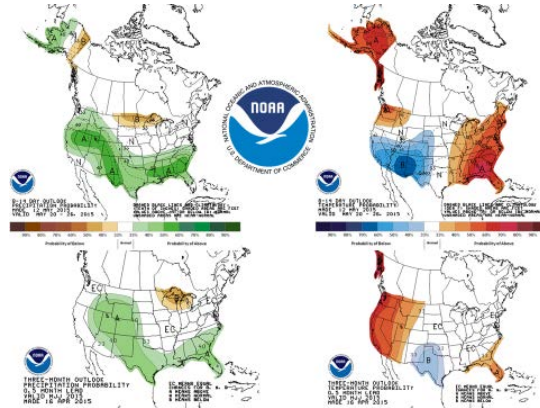
May 12, 2015	Acre-feet
Elephant Butte Reservoir	393,165
Caballo Reservoir	38,028
Total Storage	431,193
Est. RGC Credit	(15,922)
Est. San Juan-Chama	(3,742)
Total Usable Storage	411,529
Computed Inflow/day	460
Released from Storage	735



March-July Runoff, May 2015

March - July Runoff Forecast, 1,000 acre-feet						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	400	350	320	295	260	720
Rio Grande at San Marcial	265	181	125	68	-14	510

March - July Runoff Forecast, percent of average						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	56%	49%	44%	41%	36%	720
Rio Grande at San Marcial	52%	35%	25%	13%	-3%	510



Bottom Line:

- 8 inch allotment still appropriate
- Runoff forecast predictably weakens
- El Niño generating lots of talk, maybe a little precipitation

Gary Esslinger advised the board there are new BOR Regional Director and Area Managers. The new Regional Director is Brent Rhees who is familiar with the area. The Albuquerque area manager position is Jennifer Faler who is also familiar with the area and with current projects and ongoing issues.

Managers Update

Gary attended the River Rally in Santa Ana Pueblo. This was a nationwide event in which Gary was asked to explain how the district was able to collaborate with NM Audubon and was able to provide water to restorations. Gary also advised himself, James Salopek, Robert Faubion and a few staff members were able to give Tom Blaine a tour of the district. Mr. Blaine seemed very opened and receptive to the area and the issues discussed.

Gary presented a proposal of goat herding to help with the watershed problem. He learned that goats can help keep the dams maintained and are able to reseed them as well. He requested a motion to allow a presentation from professional goat hoarders to come to the board and present the benefits of goat herding. Robert Faubion motioned and Mike McNamee motioned to allow a presentation on goat hoarding.

Gail Norvell presented to the Board the following contracts for renewal:

Contract Approvals

- LE-Electric, Inc.
- D & H Pump, Inc.
- Precision Heating & Cooling
- Central Fire & Safety
- Dr. James Covey
- Cadena and Associates LLC
- King Engineering and Associates Inc. (2)
- Dr. Thomas Maddock III
- Law Office of Steven L Hernandez PC
- Peters Law Firm LLC
- Kennedy, Moulton & Wells PC
- Deer Oaks EAP Services LLC

Steve Hernandez advised the board that Dr. Maddock's contract has been amended to add to his services being an expert witness as needed for the litigation in Texas v NM. Robert Faubion motioned and Tom Simpson second to approve all renewal contracts presented with the change requested for Dr. Maddock's contract. Motion carried.

Gail presented a proposal for uniforms. Robert Faubion motioned and Jerry Franzoy second to provide clothing and laundry for employees who will need enhanced visibility work shirts. Robert Faubion motioned and Tom Simpson second to approve the district to purchase office personal including EAC members. All motions carried.

Uniforms

2014 Audit

Gail Norvell introduced Debbie Gray of Kriegel / Gray / Shaw & Co., P.C. for the presentation of the fiscal year

2014 audit. Debbie presented the Board with the financial statements and supplementary information for the fiscal year ending October 31, 2014. 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. Tom Simpson motioned and Robert Faubion second to approve the 2014 Fiscal Year audit. Motion carried.

Steve Hernandez, Dr. Lisa Henne and Lee Peters reported on legal matters.

- 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
- LRR 449- LRG-372-3 Ortiz Application Protest-LEP
- CID Update-SLH

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

Willie Koenig moved and Mike McNamee 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
- G. LRR 449- LRG-372-3 Ortiz Application Protest-LEP

Following closed session, Tom Simpson motioned and Willie Koenig seconds 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 Robert Faubion seconds to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday, June 10, 2015.