ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
June 10, 2015

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, June 10, 2015. The meeting was called to order by President James Salopek. Willie Koenig motioned to open the meeting and Mike McNamee seconds the motion. Bobby Kuykendall, Bobby Sloan, Robert Faubion and Tom Simpson were absent

Roll Call

EBID personnel present were Gary Esslinger, Treasurer-Manager; Gail Norvell, Controller; Zack Libbin, Operations Engineer; Erek 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 Hangin, OSE; Dennis Page, Johnny Coble, Timothy McKimmie, EBID members; Karen Rey, Rico Gonzalez, EP Electric; Daniel Tirres.

Pledge of Allegiance & Invocation

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

Minutes

Willie Koenig motioned and Mike McNamee second to approve the May 13, 2015 board minutes. Motion carried.

Resolution of Condolence 2015-05 for Robert Martinez was read by Gary Esslinger. Marty Franzoy motioned and Jerry Franzoy second to adopted 2015-05 Resolution of Condolence. Motion carried.

Calendar of Events

The calendar was discussed:

- June 11th- DASWCD Meeting
- June 18th- Stormwater Coalition Meeting
- July 3rd- Independence Day Observance Office will be closed
- July 8th –EBID monthly meeting
- July 9th- DASWCD meeting
- July 14th-Reclamation Meeting
- July 16th- Stormwater Coalition meeting

EP Electric Rate Increase

Rico Gonzalez of the EL Paso Electric discussed to the board and staff the rate increase and provided a copy of the El Paso Company's Proposed Notice to Customers. A 4.5 percent will affect irrigation services. The City of Las Cruces, Dona Ana County, and OSE are just a few who have filed to intervene.

Flat Rat Concern Timothy McKimmie

EBID Flat Rate member Timothy McKimmie came before the board again to request modifying the 2015 water season announcement. Mr. McKimmie was provided board minutes for the past 7 years along with a spreadsheet that was developed in 2007 by the Hydrology Department regarding flat rate watering for that year and the changes that were made. He stated he felt he did not get all the records he requested and the spreadsheet in his opinion showed that a flat rater uses 4 inches. Gary advised him he was provided what was available and if he sat with Dr. King and James Narvaez they would be able to explain how to read and understand the 2007 spreadsheet. It was also explained to Mr. McKimmie that Dr. King, James Narvaez are currently working on the data obtained from the last small tract irrigation weekend on May 30th and 31st 2015 to determine and compare the 2007 data to 2015 data to calculate what the average flat rater used. Tim noted to Gary and the board he did not want to know what the current findings are he would like the board to make changes from 6 inches to 4 inches based on the 2007 reports as he feels this is what the 2015 irrigation announcement was based on. Gary stated again that the minutes reflect that the allotment could increase from the initial 8 inch to something higher if weather conditions change and more water showed up in the storage at Elephant Butte. If so the Board could consider another irrigation weekend to small tracts. Dennis McCarville, EBID GIS Specialist, asked Mr. McKimmie how he decided which acres were outliers. Mr. Mckimmie responded the four users using two feet of water on calculations those users were being treated equal to the rest of the 4 groups. He also stated he was using two groups one of 109 users and the other of 181 users combined total of 290 users with an average of 4.75 inches the other three groups he was not using because he felt they were inaccurate. Dennis then stated to Timothy that he was selectively using the data to which he responded yes he was selectively using the data. It was decided by the board to have Timothy McKimmie meet with Dr. King and James and anyone else in the room was welcomed to explain the spreadsheet and answer his technical questions. If at that time he feels he would like to come before the board again he will have the opportunity to do so. Staff was instructed to set up a meeting with Mr. McKimmie before the next board meeting.

EB Dam 100 Year

Mr. Daniel Tirres with EB BOR came before the board to advise that next year, October 2016, will mark 100 years the Elephant Butte Dam was built. A 100 year celebration will take place and he hopes that the District

will be active participants as well as attend.

Special Use Permits

Non-Moratorium			
License List for Special-Use-Permits for June 10, 2015 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2015-L-032 JOE HERMAN Request to permit existing wood pile on the right bank of the Bouggy Spur Drain at approximate station #24+00 through station #25+00	$719.53	10 Year	Yes Farm Use
2015-L-037 GLENN A. HERMAN request to permit existing wood pile and five (5) farm implements on the right bank of the Bouggy Spur Drain at approximate station #28+00	$719.53	10 Year	Yes Farm Use
2015-L-038 LUIS HOLGUIN To construct, operate and maintain a harvest gate on the right bank of the La Mesa Drain at approximate station # 529+50	$1,566.67	10 Year	Yes Farm Use
2015-L-039 EL PASO ELECTRIC COMPANY To construct, operate and maintain a new 3 phase powerline paralleling the Arguelles Lateral 1,572' at station # 1+50 through station 17+50	$8,818.78	25 Year	
2015-L-040 CENTURY LINK To construct, operate and maintain a new aerial service wire paralleling the right bank of the Mesilla Lateral for 356' at station # 90+53 throught station #94+09	$1,330.00	10 Year	Request service drop $50.00
2015-L-041 NMDOT To replace, operate and maintain two new bridges one crossing the La Union Main Canal at sta# 905+40 & one crossing the Upper Chamberino Lateral at sta #14+00	Contract Agreement	25 Year (Perpetual)	Yes Per agreement
2015-L-042 WPA PARTNERS To operate and maintain an existing storm water run off discharge pipe crossing the right bank of the Mesilla Drain at approximate station #349+10	$1,666.67	10 Year	
2015-L-043 TRIPLE D FARMS To operate and maintain three (3) existing harvest gates on the Little La Union Lateral at station#'s 130+0 / 143+30 / 144+10	$4,700.00	10 Year	Yes Farm Use
2015-L-044 EL PASO ELECTRIC COMPANY To operate and maintain an existing single phase powerline and improve utility clearance crossing the Rincon Lateral at station # 1+50	$3,166.67	25 Year	
2014-L-101 EL PASO ELECTRIC COMPANY To operate and maintain an existing 3 phase powerline at two crossings one on the Eastside Canal at station # 423+50 and one crossing the Mesquite Drain approximate station # 339+50	$6,583.33	25 Year	

Water Resource Report

Zachary Libbin presented the Special Use Permit applications for the month of June to the Board. Zack requested guidance on Special Use Permit 2015-L-037 Glenn A Herman Robert. They currently encroaching by piling their wood on EBID property. James Salopek added that he had spoken with the family and they advised him that when needed they would remove the wood. Steve Hernandez advised that a time frame be noted on the permit setting a maximum time to remove the wood. Board also advised that permit 2015-L-040 Century Link pay the calculated the fee as calculated by Staff. Marty Franzoy motioned and Jerry Franzoy

seconds to approve permits presented with the above noted additions and fees charged. Motion carried.

Zack presented to the board the potential sale of a portion of the Leasburg Drain near Valley Dr. and requested guidance on whether to continue the potential sale of the property and to include a provision that Mr. Trujillo pay for replacement of improvements as needed. It was discussed whether it in the best interest of the District and members in the area of Valley Dr. to proceed with the sale of the Leasburg Drain. Willie Koenig motioned and Marty Franzoy second to not sell portions of the Leasburg Drain to Mr. Trujillo. Motion carried.

Zack also presented the sale of part of the Arkansas Lateral to David Salopek. Mr. Salopek would like to realign the Lateral because it bisects his field and he can water more efficiently if he replaces the lateral. The area is 2.146 acres and has been appraised and surveyed. There are two members at the tail end of the lateral who will still be able to be served. Mr. Salopek guarantees access to the new structure for their access to water. Mike McNamee motioned and Willie Koenig second to approve the portion of the Arkansas Lateral to be sold to David Salopek. Motion carried.

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

Storage Status

June 9, 2015	Acre-Feet
Elephant Butte Reservoir	384,661
Caballo Reservoir	34,203
Total Storage	418,864
RGC Credit	(16,278)
San Juan-Chama	(3,511)
Usable Storage	399,075
Released from Caballo	70,960
Inflow/day	1,557

June 1 Allocation, based on May 31 conditions

May 31, 2015		% US
Usable Storage	424,906	
Water Released from Caballo	34053	
Releasable for Season	458,959	
Carryover	15,530	
Current Year Water	443,429	
Drought Factor	0.83	
Diversion Ratio	0.730	
Mexico	29,542	
EBID	130,029	45%
EPCWID	160,868	55%
Total Allocation	320,440	

June 2015 Allotment Outlook

June 1 Allocation		
Allocation	130,029	AF
Acreage	90,640	AF
Diversion/acre	1.43	ft
Conveyance Efficiency	53%	
Delivery/acre	0.76	ft
	9.12	in

River Performance

June 8, 2015	
EBID	30,675
Mexico	1,500
EP1 Upper	2,560
EP1 Lower	7,000
Total Diversion	41,735
Caballo Release	70,888
Raw Diversion Ratio	0.59
Channel Storage	4,500
DR Excl. Storage	0.65

Managers Update

Dr. King adds the current diversion ratio is around 60 percent and El Nino Pacific hurricanes can make a good monsoon season. A small increase in the allotment may be possible but recommends waiting until the July board meeting; no change in the allotment at this time. Jerry Franzoy expressed concern waiting until the July board meeting or a special board meeting and suggested having a meeting sooner to review the allotment. A Special meeting before the July 8th board meeting may occur as needed.

James Narvaez and Dr. King advised the board they are currently investigating and analyzing flat rate usage and small parcels along with the assistance of Dennis McCarville, Engineering department. There are several metering types used for flat rate, the hydraulic calibration and the current meters/meter note method. Preliminary results and a data summary are expected to be ready by the July 8th board meeting. Dr. King mentioned turning the study into a peer-reviewed paper which will be published.

Gary Esslinger advised the board of the 2015 NWRA Western Water Seminar is in Monterey, CA and requests permission to send himself, Steve Hernandez, James Salopek and Dr. Phil King who will be presenting. Jerry Franzoy motioned and Marty Franzoy second to send all four requested. Motion carried.

Gail Norvell presented to the Board the financial reports for the Month of May 2015. Cash in the bank was $524,757; assessments receivable was $713,776 and investments $7,572,923 for a total decrease of $789,256 over May 2014.

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 440- Clean Water Act-SLH-Open
LRR 447 – Operating Agreement EIS – SLH/LH
CID Update-SLH

LRR Report

Jerry Franzoy moved and Marty Franzoy 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
- 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)
5. LRR 449-LRG-3725-3 Ortiz Application Protest-LEP
E. Boyd Motion to Lift Stay in Quiet Title litigation
F. Copper Flats Corporation Inter Se on Water Rights

Following closed session, Mike McNamee motioned and Jerry Franzoy 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 Jerry Franzoy seconds to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday, July 8, 2015. Adjourn

JAMES SALOPEK, President WILLIE KOENIG, Secretary