

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
August 12, 2015**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, August 12, 2015. The meeting was called to order by President James Salopek. Bobby Kuykendall motioned to open the meeting and Bobby Sloan seconds the motion. Willie Koenig, Marty Franzoy and Jerry Franzoy were absent

EBID personnel present were Gary Esslinger, Treasurer-Manager; Zack Libbin, Operations Engineer; Ere Fuchs, Groundwater Resource Manager; Delyce Maciel, HR/Safety Director; Leo Barrett, Maintenance Director; Naomi Ontiveros, Executive Secretary; Patrick Lopez, Technology Director; James Narvaez, Irrigations Systems Director.

Also present was attorney Steve Hernandez, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant ; Lee Peters, Peters Law Firm LLC; Greg Daviet, Les Daviet, Dixie Ranch; Diana Alba, LC Sun-News; Sheryl Smith, OSE; Karen Ray, EBID Media Consultant.

The Pledge of Allegiance was read by President James Salopek followed by an Invocation given by Gary Esslinger.

Robert Faubion motioned and Bobby Kuykendall second to approve the July 8, 2015 board minutes. Robert Faubion motioned Bobby Sloan second to approve the July 21, 2015 Special Board Meeting. All motions carried.

The calendar was discussed:

- August 13th- DASWCD Meeting
- August 20th- Stormwater Coalition
- August 19th & 20th- Supreme Court Arguments
- August 31st- Water & Natural Resources Com. mtg. in Silver City, NM
- September 7th – Labor Day EBID Office Closed
- September 10th- Gary to tour Mancos Water Conservancy District; Durango, CO
- September 14&15- NM Water Law Conference; Santa Fe, NM
- September 16th- EBID Board Meeting
- September 17th Stormwater Coalition

It was requested the September 9th board meeting be moved to September 16th due to legal being in court hearings. Bobby Kuykendall motioned and Mike McNamee second to approve changing the September board meeting to September 16, 2015. Motion carried.

Non-Moratorium			
License List for Special-Use-Permits for August 12, 2015 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2015-L-050 CENTURY LINK CORPORATION	\$1,430.02	10 Year	
To construct, operate, and maintain a bored underground utility crossing the Anderson Lateral at station # 16+73			
2015-L-051 ANTHONY WATER & SANITATION DIST.	\$2,916.67	25 Year	
To construct, operate, and maintain a new sewer main within in a steel casing crossing the Anthony Lateral at station # 308+95			
2015-L-052 ANTHONY WATER & SANITATION DIST.	\$2,916.67	25 Year	
To construct, operate, and maintain a new 24" gravity sewer line crossing the Anthony Lateral at station # 353+55			
2015-L-54 KEITH DEPUTY / DEPUTY FARMS	\$1,766.67	10 Year	Yes
To construct, operate, and maintain two (2) new harvest gates one on the right bank and one on the left bank of the West Drain at approximate station # 820+00			Farm Use

Roll Call

Pledge of Allegiance & Invocation

Minutes

Calendar of Events

Special Use Permits

2015-L-056 CITY OF LAS CRUCES			
To operate, and maintain a short trail with xeriscaping with bubbler irrigation on the Las Cruces Lateral / Town Ditch at station # 220+30 through station # 222+00	\$1,047.29	10 Year	
2015-L-058 LA UNION MDW&SA			
To construct, operate, and maintain a new 6" waterline crossing the West Drain at approximate station # 368+80	\$3,416.67	25 Year	

Zachary Libbin presented the Special Use Permit applications for the month of August to the Board. Zack requested permit 2015-L-056 City of Las Cruces be tabled until next month's board meeting or any meeting thereafter when payment has been received; staff recommends approval on all remaining permits presented. Bobby Kuykendall motioned to approval of the presented permits excluding the tabled permit 2015-L-056 City of Las Cruces Robert Faubion second. Motions carried.

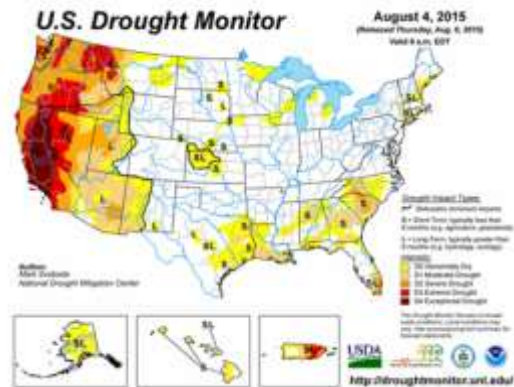
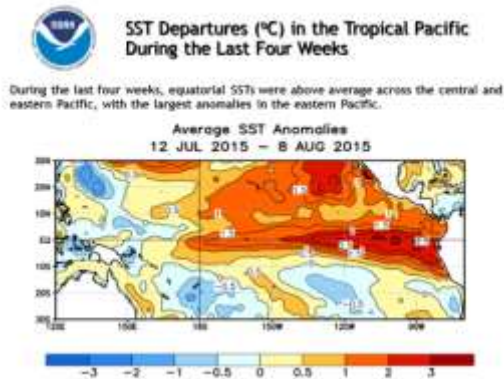
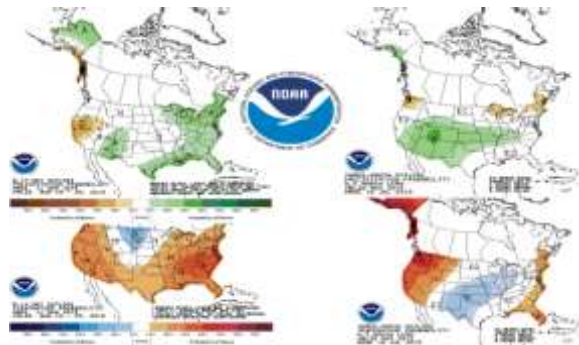
Zack provided the Board of Directors a copy of the letter drafted by Lee Peters to the Boy Scout Youth Lodge regarding their request to use the Tortugas Dam high ground that is owned by EBID. The Youth Lodge is a nonprofit organization looking for a permanent area to hold its events and activities. Lee advised the board due to anti-donation laws and the districts statues EBID is unable to assist the youth lodge in their request.

Zack gave the board an update on the Rincon WHEN Project. Currently the project is behind a year but work is being done. A plan to pipe half or all of the 12 thousand ft. of the Rincon Lateral should be done this year. NEPA approval was scheduled to be signed off on August 1st; receipt of approval has yet to be received. Zack advises he will follow up with NEPA and will provide another update at the September board meeting.

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

"Current" Storage Status

	12-Aug-15	El.	Acre-Feet
Caballo Stage	4136.17		19,682
Elephant Butte Stage	4318.44		257,176
Total Storage			276,858
Compact Credit			-15,515
San Juan - Chama			-3,403
Usable Storage			257,940
San Marcial Inflow/day			620



Bottom Line:

- Season winding down, Diversion ratio about where expected
- Late water will result in carryover balance to both districts

Water Resource Report

Managers Update

- El Niño, The Blob in place
- Forecasts are optimistic
- Groundwater drought will persist, affect allocations
- Larger allocations move up the D2 curve
- Higher 2016 allocation for EBID, but lower percentage of US allocation

James advised the board Hatch has shut down and all orders have been watered out. The target shut down date for central and down south is August 24th. The small track investigation report has been tabled for this meeting and will be given with the final irrigation report at September's board meeting. Tom Simpsons add that it is best that a report be given yearly on small tracks.

Ortiz
Protest

Gary Esslinger gave an update on the NWRA conference he and Steve Hernandez attended August 4th- 6th. Dr. King spoke at the conference on the drought panel along with California representatives. Dr. King gave a well speech and report on the drought in New Mexico and the Lower Rio Grande. The conference spoke on federal issues with a large concern on WOTUS. There are roughly 12 lawsuits currently against WOTUS since it does not clearly state the guidelines; NM is in one of the lawsuits with other states. Other issues discussed were the Clearwater Act and Endangered Species Act. Texas proposed a new caucus on brackish water the Desal Caucus. Steve Hernandez also brought up the idea of an Irrigation Caucus being formed to train upcoming managers. The idea came from Gary and was brought to the attention of the alliance as a training at the conference to help upcoming managers and staff. Gary adds that this would be a great way for new managers and staff members to start networking and getting their feet wet on what is happening with other irrigation districts.

Gary presented to the Board the financial reports for the Month of July 2015. Cash in the bank was \$497,141; assessments receivable was \$593,952 and investments \$6,074,402 for a total decrease of \$919,250 over July 2014.

Gary advised the board there are currently 100 liens field with at DAC for delinquent accounts. Letters to customers who are three or more years delinquent were mailed out on August 1st. EBID online payments are now available to customers who sign up on the EBID website. Partial or payment arraignments will still need to be made at the office and are not available online. Gary also advised the Water Trust Board- Mesquite Watr Treatment Plant Grant expired August 2, 2015. The final grant funds are in process for expenditure and a final report will be filed and work will still continue by EBID. An update on the disposal of assets discussed at the July board meeting was given. 24 vehicles and heave equipment were sold at the July auction through Charles Dickerson, Auctioneer. Other items to be sold that were discussed and approved of at the July board meeting will be put for sale on an online auction at www.govdeas.com.

Gary advised the board Gail will be requesting a Budget Committee Meeting in the month of September. Staff has been requested to turn in any budget needs by the end of August.

Steve Hernandez and Lee Peters reported on legal matters.

- LRR 303- Hatch Easements for Work on Placitas Arroyo- SLH-OPEN
- LRR 406- Drainage MOU with IBWC-LEP
- LRR 440- Clean Water Act-SLH-Open
- LRR 447 – Operating Agreement EIS – SLH/LH-OPEN
- LRR 449- Ortiz Protest- LEP- CLOSE
- LRR 452- NMSU Special Collections Agreement-OPEN
- CID Update-SLH

Legal
Update

LRR
Report

Bobby Kuykendall moved and Mike McNamee seconds to break for lunch. Motion carried. Following lunch, Tom Simpson moved and Bobby Kuykendall second to reconvene the meeting. Motion carried.

Bobby Kuykendall 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 were 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

August 12, 2015

1. CRRUA
 2. Chamberino Well Protest
 3. Attaway (Hot Springs Basin)
 4. Smith (Hot Springs Basin)
 5. Ortiz
- E. Boyd Motion to Lift Stay in Quiet Title litigation
F. Copper Flats Corporation Inter Se on Water Rights
G. BOR OA EIS Update

Following closed session, Robert Faubion 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, August 12, 2015.

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary