

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
November 10, 2015**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Tuesday, November 10, 2015. The meeting was called to order by President James Salopek. Mike McNamee motioned to open the meeting and Willie Koenig seconds the motion. Motion carried. All members present.

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; Patrick Lopez, Technology Director; James Narvaez, Irrigations Systems Director; Gail Norvell, Controller; Naomi Ontiveros, Executive Secretary.

Also present was attorneys Steve Hernandez, Dr. Lisa Henne, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Greg Daviet, Dixie Ranch; Keith Deputy, EBID member.

The Pledge of Allegiance was led by Gary Esslinger followed by an Invocation given by Jerry Franzoy.

Marty Franzoy motioned and Bobby Sloan second to approve Opens Meeting Act Resolution 2015-11. Motion carried.

The calendar was discussed:

- November 17th-20th USCID Management Conf.
- November 26th & 27th Thanksgiving Holiday
- December 3rd EBID General Meeting at Grapevine Event Ctr.
- December 8th EBID BOD Elections
- December 14th EBID Board Meeting
- December 24th – January 1st EBID offices will be closed for Holiday shutdown

Robert Faubion motioned Bobby Kuykendall second to move the December 9th board meeting to December 14th due to election statutes that require election canvas to be held December 14.

Wes Richens, Paul Wallace and Ken Fletcher presented a program that addressed remediation of salt build-up on farm land using gypsum. The gypsum helps get rid of salt and was suggested that EBID consider putting into the surface water system at our diversion dams. Samples of the gypsum were shown and they illustrated how the water looks with the correct amount and without the correct amount. The main concern was what the district would do if farmers objected to the gypsum being placed in their water supply. Unfortunately once the gypsum is put in the system it would be disbursed to all farmers. It was discussed that this did seem beneficial for EBID to place it into their system, but that each farmer should make that decision on their own.

Steve Collup with Arvin Edison Irrigation District in California presented their surface and ground water bank program. Arvin Edison's water bank has been very successful. Mr. Collup commented on how EBID's proposed DROP program was very impressive especially with all of the district's monitoring of water in the system.

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

"Current" Storage Status

10/14/2015	El.	Storage, AF
Elephant Butte	4307.33	170,915
Caballo	4138.23	24,377
Total Project Storage		195,292
Compact Credit		-15,910
San Juan-Chama		-3,258
Usable Project Storage		176,124
San Marcial, AF/d		300

Final Charges

	Charge	Allocation	Unused
EB Δstorage	(121,287)		
EB Release	412,684		
Compact Delivery	291,397		
Caballo Release	435,483	515,996	80,513
EBID	143,404	142,233	(1,171)
EPCWID		188,117	
Mexico	33,772	35,355	1,583
Total	177,176	365,705	412

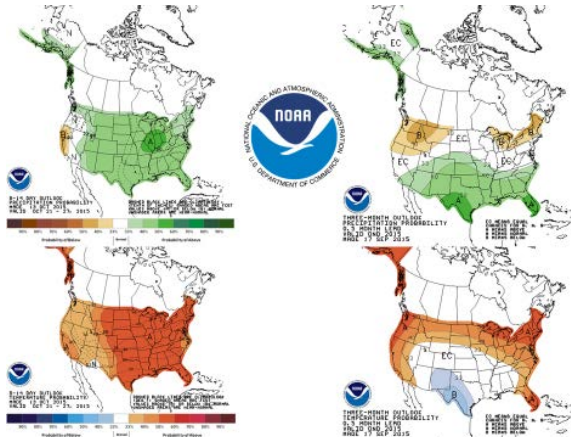
Roll Call

Pledge of Allegiance & Invocation

Opens Meeting Act

Calendar of Events

Water Resource Report



Bottom Line:

Final reconciliation pending EPCWID charges; Update after Allocation Committee meeting 21 October. River upstream of Elephant Butte slowing down. El Niño in place for snow season. Groundwater deficit will cause low Diversion Ratio next year, so expect EPCWID to get a significantly larger 2016 allocation than EBID.

License List for Special-Use-Permits for November 10, 2015 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2015-L-ZIA NATURAL GAS COMPANY	Blanket Agreement	25 Year	
To construct, operate, and maintain a 2" HDPE gas line paralleling the Angostura Lateral for approximately 600' and crossing at station # 52+33			

Special Use Permits

Zachary Libbin presented the Special Use Permit application for the month of November to the Board. Zack recommended approval on presented permit with the special condition that the pipe needs to run parallel to EBID property or be placed in metal casing. Jerry Franzoy motion Bobby Sloan second to approve the presented permit with the special condition requested. Motion carried.

Zack presented the proposed BOR Easement on the Leasburg Canal at the Electric Wasteway for approval. Robert Faubion motioned and Marty Franzoy second to approve the presented easement upon legal review. Motion carried.

Keith Deputy came before the board to discuss the end of season mowing. The past 4-5 years mowing has begun after Mr. Deputy has already cleaned out the ditches. Mr. Deputy was frustrated with the fact that this year's mowing began after Texas began running water and requested that mowing not begin 2 weeks before season ends. Leo Barrett addressed the board with Mr. Deputy's frustration and explained the mix up regarding this year's mowing and Texas watering. After further discussion between board and staff it was suggested that staff look into private contractors for mowing. Several board members expressed the need to make sure that the mowing gets done.

Managers Update

Gary Esslinger reminds the Board of the 2015 Board of Directors elections and encourages all eligible voters to vote. At the NWRA conference in Denver Gary and James were able to meet with the new Upper Rio Grande Director. Gary was elected as the new President of the NM-NWRA and will be the State of NM member to the State Executives Committee.

Jerry Franzoy moved and Marty Franzoy seconds to break for lunch. Motion carried. Following lunch, Jerry Franzoy moved and Bobby Sloan second to reconvene the meeting. Motion carried.

Gail presented to the board the financial reports for the month of October 2015. Cash in the bank was \$285,872; assessments receivable was \$526,011 and investments \$4,326,092 for a total decrease of \$1,382,935 over October 2014.

Gail requested approval from the board for the following contracts: soil removal contract at Filmore Dam #1 for Payan Construction. Willie Koenig motioned and Robert Faubion second to approve the presented contract. Soil removal contract at Diez Lagos for Crosstown Construction. Jerry Franzoy motioned and Marty Franzoy second to approve the presented contract. Contract renewal for heating and cooling with Stadjuhars Heating & Colling. Robert Faubion motioned and Bobby Sloan second to approve the presented contraction. Motion carried for all presented contracts.

Steve Hernandez and Dr. Lisa Henne reported on legal matters.

- LRR 406 - Drainage MOU with IBWC-LEP-Open
- LRR 440 - Clean Water Act-SLH-Open
- LRR 447 – Operating Agreement EIS – SLH/LH-Open
- LRR 453 – North Salem Dam Issues – LEP – Open
- LRR 454- county Flood Warning MOU-LEP
- CID Update-SLH
- Litigation Status Updates – LH/SLH

Willie Koenig moved and Bobby 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 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
 - Expedited Inter Se-EBID Pre Project Water Rights
- 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 MDWCA
- E. Boyd Motion to Tenth Circuit U.S. Court of Appeals in Quiet Title litigation
- F. Copper Flats Corporation Inter Se on Water Rights
- G. Pending Lawsuits
 - 1. Calderon v. EBID
 - 2. Carrillo v. EBID
- H. Pending Tort Claims
 - 1. Tony Perea
- J. OPEN SESSION: Resolution and Policy on Depletion Reduction and Offset Program

Following closed session, Willie Koenig motioned and Bobby Kuykendall seconds to return to open session. Motion carried. During closed session only the above-noted topics were discussed.

There being no further business, Marty Franzoy moved and Bobby Kuykendall seconds to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Monday, December 14, 2015.