

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
December 14, 2015**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Tuesday, December 14, 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. Bobby Sloan, Jerry Franzoy and Marty Franzoy were absent.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Zack Libbin, Operations Engineer; 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.

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

Mike McNamee motioned and Bobby Kuykendall second to approve the November 10, 2015 board minutes. Motion carried.

The calendar was discussed:

- December 24<sup>th</sup> – January 1<sup>st</sup> EBID offices will be closed for Winter shutdown
- January 11-13 NWRA Leadership Forum
- January 27-28<sup>th</sup> Irrigation Leader Workshop

Robert Faubion motioned Mike McNamee second to move the January 13<sup>th</sup> board meeting to January 20<sup>th</sup> due Gary and Steve Hernandez attending the NWRA Leadership Forum. Motion carried.

Canvas of votes was completed for the December 8<sup>th</sup> board of director election. The official tally sheet will be attached to the minutes.

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

**EBID Final Charges at Shutdown**

Component	AF
June 30 Final Allocation	142,233
EBID Charge	143,404
Shut-down Balance	(1,171)

**2015 Season Recap**

Component	Charge, AF	Allocation, AF	Unused, AF
Caballo Release	435,483	515,996	80,513
EBID	143,404	170,592	27,188
EPCWID	165,872	188,663	22,791
Mexico	33,772	35,355	1,583
Total	343,048	394,610	51,562

Actual Diversion Ratio = 0.7877

Caballo Release adjusted to 434,202 AF  
New Diversion Ratio = 0.7901

**Current Storage**

December 14, 2015	Acre-feet
Elephant Butte Reservoir	270,374
Caballo Reservoir	27,016
Total Storage	297,390
Est. RGC Credit	(15,391)
Est. San Juan-Chama	(3,258)
Total Usable Storage	278,741
Computed Inflow/day	3,200

Dr. King at this time does not recommend an allotment be made.

Roll Call

Pledge of Allegiance & Invocation

Minutes Approval

Calendar of Events

Water Resource Report

License List for Special-Use-Permits for December 14, 2015 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
<b>2015-L-068 SCOTT BANNISTER</b>	\$1,766.67	10 Year	Yes
To operate, and maintain an existing vehicle crossing on the Picacho Drain at approximate station # 162+99			Farm use
<b>2015-L-069 MICHAEL DUTTON</b>	\$2,233.33	10 Year	Yes
To operate, and maintain two existing harvest gates on the right bank of the Nemexas Drain at approximate station # 595+00 and station # 581+00			Farm use
<b>2015-L-070 Lower Rio Grande Public Water Works</b>	\$3,166.67	25 Year	
To construct, operate, and maintain (three) 1" waterlines in a 4" steel casing crossing the Three Saints West Lateral at station # 9+80			
<b>2015-L-071 LA UNION MDSWA</b>	\$6,333.33	25 Year	
To construct, operate, and maintain a 12" waterline crossing the Central Drain at approximate station # 53+60 and crossing the Baker Lateral at station # 71+90			

Special Use Permits

Zachary Libbin presented the Special Use Permit application for the month of December to the Board. Zack recommended approval on the presented permits. Robert Faubion motion Willie Koenig second to approve the presented permits. Motion carried.

Zack presented the revised EBID Boundary Expansion map and description for approval. Robert Faubion motioned Tom Simpson second to accept the EBID Boundary Expansion map and description.. Motion carried. The EBID Boundary Expansion map and description will be attached to these minutes.

Zack presented Triple A Farms, LLC and Buena Vista Farms request to enlarge the EBID boundaries to include additional lands. Robert Faubion motioned and Willie Koenig second approved the request to allow staff to proceed with the steps of enlarging the EBID boundaries. Motion carried.

Gary requested approval to attend the NWRA Leadership Forum in Las Vegas January 11<sup>th</sup> -13<sup>th</sup> along with Steve Hernandez. Robert Faubion motioned and Bobby Kuykendall second to approve. Motioned carried.

Managers Update

Gary advised the board that the NWRA requested the district's top 5 priorities to be presented at the NWRA Leadership conference. After discussion between legal and the board it was determined the following issues be sent to NWRA as the district's top 5 priorities.

- Limit implementation of the definition of WOTUS
- Limit major changes in the new Food Safety Act rules and regs
- NWRA participation in the new regulations involving Excess Capacity in BOR reservoirs
- Nullify EPA Climate Rules that would affect agriculture
- Support BOR funding of Aging Infrastructure

Financial Report

Gary, Staff and legal discussed future DROP Policy Growers meetings to be held. It was determined that Growers meetings and DROP Policy meetings be held separately. It was determined DROP Policy meetings should begin in early February.

Gail presented to the board the financial fact sheet for the November 2015. Cash in the bank was \$1,944,566; assessments receivable was \$5,900,712 and investments \$4,826,650 for a total decrease of \$212,311 over November 2014.No financial report was available.

December 14, 2015

Gail requested approval for Gallagher Benefit Services, Inc. contract. These services are as needed services regarding the Affordable Care Act regulations. Robert Faubion motioned and Bobby Kuykendall second to approve the presented contract. Motion carried. David S. Nelson contract was presented for approval. Mr. Nelson assists with Fusion and a few other databases that have not been converted to TruePoint. Robert Faubion motioned and Willie Koenig second to approve the presented contract. Motion carried.

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

LRR 369- Leasburg Dam Easement-LEP-Open  
LRR 406 - Drainage MOU with IBWC-LEP-Open  
LRR 440 - Clean Water Act-SLH-Open  
LRR 447 – Operating Agreement EIS – SLH/LH-Open  
LRR 452- NMSU Library Agreement-LEP-Open  
LRR 453 – North Salem Dam Issues – LEP – Open  
CID Update-SLH  
Litigation Status Updates – LH/SLH

Bobby Kuykendall moved and Robert Faubion seconds to break for lunch. Motion carried. Following lunch, Willie Koenig 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
  - 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
- E. Boyd Motion to Tenth Circuit U.S. Court of Appeals in Quiet Title litigation
- F. Copper Flats Corporation Inter Se on Water Rights
- H. Pending Lawsuits/ Tort Claims
  1. Calderon v EBID
  2. Carrillo v. EBID
  3. Tony Perea

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, Robert Faubion moved and Mike McNamee seconds to adjourn the meeting. Motion carried.

The next meeting of the Board of Directors will be held on Wednesday, January 20, 2016.

Legal  
Update

LRR  
Report

Adjourn

JAMES SALOPEK, President

WILLIE KOENIG, Secretary