

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
February 10, 2016**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, February 10, 2016. The meeting was called to order by President Willie Koenig. Tom Simpson motioned to open the meeting and Bobby Kuykendall seconds the motion. Motion carried. Jerry Franzoy and Bobby Sloan were absent.

EBID personnel present were Gary Esslinger, Treasurer-Manager; Zack Libbin, Operations Engineer; Delyce Maciel, HR/Safety Director; Patrick Lopez, Hydrology Director; Gail Norvell, Controller; Naomi Ontiveros, Executive Secretary; Leo Barrett, Maintenance Director; Mike Gomez, Hatch Assistant Watermaster; Dennis McCarville; Orlando Tierre, IS Data Manager.

Also present was attorneys Steve Hernandez, Dr. Lisa Henne, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Karen Ray, EBID Media Consultant; Jim Hangen, OSE; Dr. Conrad Keys; Ryan Serrano, OSE; Richard Llanez, Gregg Daviet, Dixie Ranch.

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

Robert Faubion motioned and Mike McNamee second to approve the January 20, 2016 board minutes. Motion

The calendar was discussed:

- February 18<sup>th</sup> & 19<sup>th</sup> FFA, Las Vegas, NV
- February 19<sup>th</sup> BiNational Water Mtg; El Paso, TX
- February 24<sup>th</sup> LRG Regional Water Plan Mtg
- February 29<sup>th</sup> BOR and EBID mtg discuss O&A and possible Drop Policy
- March 1<sup>st</sup> District Tour with Mike Hamman
- March 9<sup>th</sup> EBID BOD mtg

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

**Current Storage**

2/10/2016	AF
Elephant Butte	371,268
Caballo	29,919
Total Project Storage	401,187
Estimated RGCC	(15,242)
San Juan-Chama	0
Usable Project Storage	385,945
Change from last month	115,571
San Marcial Flow, AF/day	1,600

**Current Snowpack Conditions**

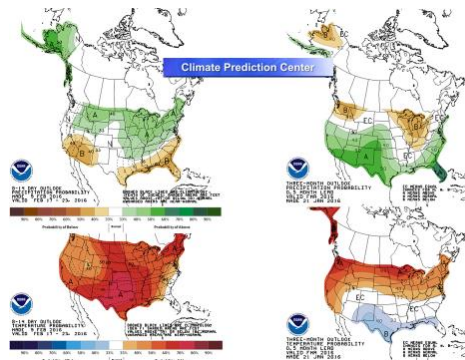


February 10, 2016	SWE, % median	SWE, % Peak	Precip, % avg
Upper Rio Grande	114	76	110
Sangre de Cristos	131	80	127
Rio Chama	110	73	106
Jemez	115	86	133

**Current Look at EBID Allotment Conditions**

Allotment Outlook	1-Feb-16
Seasonal Usable Storage	370,057
Estimated Diversion Ratio	79.0%
EBID Carryover	24,602
EBID Allocation 2016 water	99,345
EBID Total Allocation	123,947
EPCWID Carryover	32,473
EPCWID Allocation 2016 Water	112,658
EPCWID Total Allocation	145,131
Mexico Allocation	23,083
Total Allocation	292,161
Rough Avail. Allotment Est., inches:*	9.0

\*assumes 55% conveyance efficiency



Dr. King advises at this time there could be a 9 inch allotment with the year possibly ending with a foot and a half. There is still the question on when the start date will be set. EP#1 is likely to begin March 21<sup>st</sup>. EP#1 has stated if Mexico does not start at the same time they will wait and begin with the District. Dr. King is considering the District begin on its own schedule if Mexico and EP #1 start in March. Marty Franzoy advises Dr. King and the board Hatch would like to begin mid-April, April 15<sup>th</sup>. Dr. King agrees that would be a good time for Hatch to begin and that Hatch can come on separate than the Mesilla Valley, which he is looking at to begin late May early June. Marty Franzoy motioned and Robert Faubion second to open Water Records and begin taking orders on Monday, April 4<sup>th</sup>. Motion carried. Dates scheduled for Growers meetings to discuss the water season are set for March 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup>.

License List for Special-Use-Permits for February 10, 2016 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
<b>2016-L-003 ANTHONY PECAN</b>	\$1,666.67	10 Year	Yes
To construct, operate, and maintain a vehicle and irrigation flume crossing the Anthony Drain at approximate station # 79+60 .			Farm use
<b>2016-L-004 DILASO FARMS INC.</b>	\$2,233.33	10 Year	Yes

Roll Call

Pledge of Allegiance & Invocation

Minutes Approval

Calendar of Events

Water Resource Report

To construct, operate and maintain two harvest gates on the right bank of the Anthony Drain at approximate station #'s 85+00 and 75+00			Farm use
<b>2016-L-005 ALFREDO HOLGUIN</b>			Yes
To construct, operate and maintain two harvest gates on the right bank of the Eastside Canal at station #'s 600+00 and 615+00	\$2,233.33	10 Year	Farm use
<b>2016-L-006 U.S. GEOLOGICAL SERVICE</b>			Yes
To construct, operate, and maintain 5 monitoring wells one on the right bank of the Rodey Lateral at station # 398+00 and one on the left bank of the Garfield Lateral at station # 117+50 and three on the Garfield Drain at approximate station #'s 516+50 and 454+00 and 390+00	\$2,762.93	25 Year	
<b>2016-L-008 PLAYA ESCONDIDA</b>			Yes
To construct, operate, and maintain a vehicle crossing and irrigation flume crossing the La Mesa Drain at approximate station # 47+65 and to operate, and maintain two existing vehicle crossings on the La Mesa Drain at approximate station #'s 16+50 & 60+60	\$3,200.00	10 Year	Farm use
<b>2016-L-009 DIXIE RANCH</b>			Yes
To construct, operate, and maintain a harvest gate on the right bank of the Mesilla Lateral at station # 414+70	\$1,566.67	10 Year	Farm use

Special Use Permits

Zachary Libbin presented the Special Use Permit applications for the month of February to the Board. Permit 2016-L-006 U.S. Geological Service was discussed and determined that a special condition will be added to the permit allowing the district to utilize as we do all other wells. Zack recommended approval on the presented permits with the special condition noted. Robert Faubion motion Marty Franzoy second to approve the presented permits with the special condition. Motion carried.

Zach presented the board with Resolution 2016-003: Authorizing Signatory Authority to Manager for Soil Removal contracts. Robert Faubion motioned and James Salopek second to approve the presented resolution. Motion carried.

Gary advised the board of the April 14<sup>th</sup> and 15<sup>th</sup> Law of the Rio Grande Conference held in Santa Fe. Any board members interested in attending are advised to let Naomi know. Robert Faubion motioned and Marty Franzoy second to send Mike McNamee to the conference. Motion carried. Gary also requested approval to send himself, Willie Koenig and Steve Hernandez to attend the annual NWRA Washington conference to be held April 11-13<sup>th</sup>. James Salopek motioned and Mike McNamee second to send Gary, Steve and Willie to Washington. Motion Carried.

Managers Update

Discussion regarding the time change for future meetings took place. It was presented to begin the meeting at 8 am with legal closed session to begin and regular open session to begin at 9 am with (if any) water transfer hearing to follow before lunch. It was decided that at this time the board will do a test of the new time and format at the March meeting and then discuss it at that time. Tom Simpson motioned and Robert Faubion second to approve the March 9<sup>th</sup> board meeting to begin at 8 am. Motion carried.

Financial Report

Gail presented to the board the financial fact sheet for the month of January 2016. Cash in the bank was \$1,128,106; assessments receivable was \$1,687,784 and investments \$ 7,829,421 for a total decrease of \$1,028,843 over January 2015.

Steve Hernandez and Dr. Lisa Henne reported on legal matters. All LRR's remain open.

Legal Update

- 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

LRR Report

Steve advised Laurie Knowles reported on the status of the LRG adjudication on January 28. Her projection date for the end of the stream adjudication is the year 2045. She bases that figure on an average of 250 individual sub-files being completed a year. With respect to the 5.5 acre feet FDR filings made by EBID members, the state has decided not to deal with them all at once. Instead, the state will look at the 5.5 applications as they get to each individual sub-file. This is good news because it means the state will allow the EBID members the 5.5 AF until they get to their individual sub-file. So no letters of compliance should be issued to those EBID members that have not had their application denied on the basis of 4.5 AF. Until you get your application denied you can assume you get the 5.5 acre feet per acre. To date, there have been no 5.5 acre feet filings that have been approved. Judge Wechsler asked if any of those members had appealed the decision. Laurie stated that no one has appealed the state engineer's decision. That leads me to believe the claim for 5.5 AF was not substantiated. Laurie also said that their calculated average use of water for the entire district is about 4.0 acre feet per acre.

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

Robert Faubion moved and Bobby Kuykendall 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.)

January 20, 2016

- 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, Robert Faubion 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, March 9, 2016.

Adjourn

WILLIE KOENIG, President

MICHAEL MCNAMEE, Secretary