

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
March 9, 2016**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, March 9, 2016. The meeting was called to order by President Willie Koenig. James Salopek was absent

EBID personnel present were Patrick Lopez, Hydrology Director; Gail Norvell, Controller; Naomi Ontiveros, Executive Secretary, Mike Gomez, Hatch Assistant Watermaster; Dennis McCarville; Albert Borunda, RTU Tech IV also representing EAC, Stephen Howie, Land Tech.

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 Mike McNamee followed by an Invocation given by Robert Faubion.

Robert Faubion motioned and Marty Franzoy second to approve the February 10, 2016 board minutes with corrections. Motion carried.

The calendar was discussed:

- March 10<sup>th</sup> EB 100<sup>th</sup> Anniversary Mtg @ EB Dam
- March 15<sup>th</sup> Growers meeting 8 am & 2 pm @ EBID
- March 17<sup>th</sup> Stormwater Coalition Mtg
- March 31<sup>st</sup> Rio Grande Compact Mtg in Alamosa, CO
- April 11-13<sup>th</sup> NWRA Washington, DC
- April 14<sup>th</sup> & 15<sup>th</sup> Law of the Rio Grande Conference
- April 15<sup>th</sup> Steve Hernandez Speaking at Law of the Rio Grande Conference

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

Current Storage	
March 9, 2016	AF
Elephant Butte	414,263
Caballo	31,281
Total Project Storage	445,544
Estimated RGCC	(15,242)
San Juan-Chama	0
Usable Project Storage	430,302
San Marcial Flow, AF/day	1,900

Current Snowpack Conditions			
March 9, 2016	SWE, % median	SWE, % Peak	Precip, % avg
Upper Rio Grande	95	78	92
Sangre de Cristos	87	73	104
Rio Chama	83	72	88
Jemez	59	58	105

NRCS March Forecast,  
March-July Runoff

March - July Runoff Forecast, 1,000 acre-feet						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	965	750	620	500	350	720
Rio Grande at San Marcial	735	540	410	280	85	510

March - July Runoff Forecast, percent of average						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	134%	104%	86%	69%	49%	720
Rio Grande at San Marcial	144%	106%	80%	55%	17%	510

Current Look at EBID Allotment Conditions	
Allotment Outlook	February 29, 2016
Seasonal Usable Storage	417,666
Estimated Diversion Ratio	79.0%
EBID Carryover	24,602
EBID Allocation 2016 water	99,345
EBID Total Allocation	132,832
EPCWID Carryover	32,473
EPCWID Allocation 2016 Water	133,624
EPCWID Total Allocation	166,097
Mexico Allocation	27,077
Total Allocation	326,006
Rough Avail. Allotment Est., inches:*	9.7

\*assumes 55% conveyance efficiency

Dr. King recommends at this time a 10 inch allotment to begin the 2016 irrigation season. Tom Simpson motioned and Robert Faubion second to set the allotment at 10 inches. Dispatch will open April 4<sup>th</sup> for all orders and Hatch Valley will release water on April 15<sup>th</sup> to begin irrigation. No release date was set for the Mesilla Valley.

James Narvaez presented the draft Flat Rate Policy 2016-OP 13. It was recommended at this time a workshop was needed to discuss flat rate schedule and the draft policy. It was also brought to James' attention that a Growers meeting needs to be conducted in the Hatch area separately from the growers

Roll Call

Pledge of Allegiance & Invocation

Minutes Approval

Calendar of Events

Water Resource Report

meetings set for March 15<sup>th</sup> in Las Cruces. James advised that due to last year's low attendance at all 3 locations North, South and Central that it was thought one central location would be better. Marty and Jerry suggested that due to the DROP Policy being discussed, a bigger crowd is expected to attend in Hatch. Naomi advised Marty that she will discuss with Gary and schedule a growers meeting in Hatch.

Licensee	Assessment	Term	Fees Requested to be Waived?
<b>2016-L-010 JAMES SALOPEK</b>	\$3,100.00	10 Year	Yes
To construct, operate and maintain four (4) harvest gates one (1) on the left bank of the Eastside Main Canal at station# 128+20 and three (3) on the Louisiana Lateral on the right bank at station # 92+35 , and two on the right and left bank at station # 93+10			Farm use
<b>2016-L-011 EL PASO ELECTRIC</b>	\$2,916.67	25 Year	
To construct, operate, and maintain a 24 KV powerline crossing the Vinton Lateral at station# 33+40			
<b>2016-L-013 DONA ANA MDWCA</b>	\$11,506.79	25 Year	
To construct, operate, and maintain a 12" waterline paralleling the School Lateral for 2,530 feet from station # 24+50 through station # 48+90			
<b>2016-L-014 LAS CRUCES PUBLIC SCHOOLS</b>	\$3,416.67	25 Year	
To construct, operate, and maintain a 4" waterline crossing the Mesilla Drain at approximate station # 447+30			

Special Use Permits

License List for Temporary Special-Use-Permits for February 10, 2016 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
<b>Soil Excavation Contract Agreement - Caliper Const.</b>	Sediment removal beneficial to District	1 Year	
Soil excavation contract agreement to remove a minimum of 10,000 cubic yards of sediment from the flood pool area of the Tortugas Dam #2			
<b>Fabrication Shop Easement to El Paso Electric</b>	N/A	Perpetual	
The perpetual, right, privilege, authority and easement to enter and erect, construct, operate, remove, inspect, access, and maintain a line of poles at any time with any and all necessary cables, line, Wires, cross-arms, guys, and anchors for an above ground electric distribution and / or transmission system together with an underground electric distribution system			

Managers Update

Stephen Howie presented the Special Use Permit applications for the month of March to the Board. Stephen recommended approval on the presented permits. Jerry Franzoy motion Marty Franzoy second to approve the presented permits. Motion carried. Stephen Howie presented the Temporary Special-Use-Permits for February. Marty Franzoy motion and Robert Faubion second to approve the presented temporary permits. Motion carried.

Financial Report

Naomi Ontiveros presented the Manager's Update. She asked the board to approve the Drainage Structures MOU between USBWC & EBID as presented. Robert Faubion motioned and Marty Franzoy second to approve the MOU. It was discussed that the next scheduled board meeting be moved due to Gary, Willie, Robert and Steve attending NWRA Federal Seminar in Washington, DC. The next scheduled board meeting was moved to April 6<sup>th</sup>. It was also decided to not amend the Open Meetings Act at this time and the new board agenda format will continue for the next board meeting with meeting beginning at 8:00 and then going into closed session which should finish at approximately 9:30 am at which time the public will be invited to attend. Steve and Lisa advised Naomi that due to Lisa being in Las Cruces on March 15<sup>th</sup> for the central growers meeting it would be best to set the Hatch meeting on the morning of the 16<sup>th</sup>. The board agreed and Naomi advised she will get with Gary and Gail on a location for the Hatch Growers meeting.

The request for quit claim deed for the Montoya/New Mexius drain by EP#1 was tabled until the April Board meeting.

Authorization to send Board, Staff and Legal to the Rio Grande Compact Mtg on March 30<sup>th</sup> & 31<sup>st</sup> was discussed. A motion by Robert Faubion second by Mike McNamee was made to send Willie, Robert, Mike, Gary, Phil, James, Erek, Steve and Lisa. Motion carried.

The Drop policy was discussed by Lisa and she reported that a subcommittee had been formed between the BOR and EBID. Lisa would be our contact person, Erek, Phil, Robert would also represent EBID. At this point there was nothing else to report.

Gail presented to the board the financial fact sheet for the month of February 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 February 2015.

March 9, 2016

Gail presented the painting contract for Las Cruces Exterior Pro Coatings LLC to paint the building hallway and offices. Marty Franzoy motioned and Robert Faubion second to approve the contract. A contract for Professional Electrical Services with LE Electric was presented and they will be updating the lighting in the building. Jerry Franzoy motioned and Robert Faubion second to approve the contract. Motion carried.

Gail presented the final Budget Approval for FY 2015/2016. Tom Simpson motioned and Robert Faubion second acknowledging receipt of the budge approval notice. Motion carried.

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

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  
LRR 455- Quit Claim Deed to EPCWID for Portion of Montoya drain  
LRR 456- Habitat Restoration Project  
CID Update-SLH  
Litigation Status Updates – LH/SLH

Robert Faubion moved and Tom Simpson 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
  - 4. Stella Sanchez
- I. OSE Permit Requirements
- J. LRR 455- Quit Claim Deed to EPCWID for Portion of Montoya Drain
- K. LRR 456- Habitat Restoration Project

Robert Faubion moved and Tom Simpson seconds to break for lunch. Motion carried. Following lunch, Robert Faubion moved and Tom Simpson second to reconvene the meeting in open session. Motion carried.

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, April 6, 2016 beginning at 8 AM.

Legal  
Update

LRR  
Report

Adjourn

WILLIE KOENIG, President

MICHAEL MCNAMEE, Secretary