

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
April 6, 2016**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, April 6, 2016. The meeting was called to order by Vice-President Robert Faubion. James Salopek. Willie Koenig and Bobby Kuykendall were absent

EBID personnel present were Gary Esslinger, Manager; Patrick Lopez, Hydrology Director; Naomi Ontiveros, Executive Secretary, Juan Jimenez, representing EAC, Erek Fuchs, Groundwater Resources; James Narvaez, Irrigation Systems Director; Zachary Libbin, Engineer; Delyce Maciel, Safety/HR Director; Leo Barrett, Maintenance Director.

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 Hagen, OSE; Ryan Serrano, OSE; Gregg Daviet, Dixie Ranch.

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

Jerry Franzoy motioned and Tom Simpson second to approve the February 10, 2016 board minutes with corrections. Motion carried.

The calendar was discussed:

- April 11-13th NWRA Washington, DC
- April 14th & 15th Law of the Rio Grande Conference
- April 15th Steve Hernandez Speaking at Law of the Rio Grande Conference
- April 19th Gary presenting at Farm & Ranch for the Prime Timers meeting
- May 5th & 6th NM Dam Owners Coalition Conference
- May 11th EBID monthly meeting

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

Current Storage

| April 6, 2016 | AF |
|----------------------------|----------|
| Elephant Butte | 392,827 |
| Caballo | 41,376 |
| Total Project Storage | 434,203 |
| Estimated RGCC | (16,102) |
| San Juan-Chama | 0 |
| Usable Project Storage | 418,101 |
| Released from Storage 2016 | 36,445 |
| Seasonal Project Supply | 454,546 |
| Last Month | 430,302 |
| Change in Seasonal Supply | 24,244 |
| San Marcial Flow, AF/day | 1,000 |

Current Snowpack Conditions

| April 6, 2016 | SWE, % median | SWE, % Peak | Precip, % avg |
|-------------------|------------------|----------------|------------------|
| Upper Rio Grande | 87 | 82 | 86 |
| Sangre de Cristos | 75 | 65 | 92 |
| Rio Chama | 62 | 58 | 77 |
| Jemez | 14 | 9 | 96 |

**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 |

Roll Call

Pledge of Allegiance & Invocation

Minutes Approval

Calendar of Events

Water Resource Report

April 6, 2016

Current EBID Allocation

| Allotment Outlook | April 1, 2016 |
|---------------------------------------|---------------|
| Seasonal Usable Storage | 450,608 |
| Estimated Diversion Ratio | 79.0% |
| EBID Carryover | 24,602 |
| EBID Allocation 2016 water | 114,975 |
| EBID Total Allocation | 139,577 |
| EPCWID Carryover | 32,473 |
| EPCWID Allocation 2016 Water | 149,815 |
| EPCWID Total Allocation | 182,288 |
| Mexico Allocation | 30,166 |
| Total Allocation | 352,031 |
| Rough Avail. Allotment Est., inches:* | 10.2 |

*assumes 55% conveyance efficiency

Dr. King recommends at this time a no change in allotment. James Narvaez recommends a release date of late May for the Mesilla Valley and South area and opening dispatch for orders mid-May. Bobby Sloan motioned and Tom Simpson second to open dispatch for Mesilla Valley and South area on May 16th and release on May 30th with the condition of enough orders placed. Flat rate will be set at the next scheduled board meeting.

| License List for Special-Use-Permits for April 6, 2016 Board Meeting | | | |
|---|------------|---------|------------------------------|
| Licensee | Assessment | Term | Fees Requested to be Waived? |
| 2016-L-007 WAREEN & JOAN WOODWARD | \$1,766.67 | 10 Year | Yes |
| To operate and maintain an existing vehicle crossing on the Del Rio Drain at approximate station # 107+400 | | | Farm use |
| 2016-L-015 EL PASO ELECTRIC COMPANY | \$2,916.67 | 25 Year | Yes |
| To construct, operate, and maintain a 3 phase 24 KV powerline crossing the Arrington Lateral at station # 10+50 | | | Farm use |
| 2016-L-018 LAS CRUCES PUBLIC SCHOOLS | \$3,833.33 | 25 Year | |
| To construct, operate, and maintain a 4" sewer line in a 8" steel casing that ties into an existing sewer line at approximate station # 447+00 and concrete capped electrical conduit that parallels on the outside 10' of the Mesilla Drain from approximate station # 447+00 through station # 443+00 | | | |

Special Use Permits

| License List for Temporary Special-Use-Permits for April 6, 2016 Board Meeting | | | |
|---|---|--------|------------------------------|
| Licensee | Assessment | Term | Fees Requested to be Waived? |
| Soil Excavation Contract Agreement - Caliper Const. | 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 Filmore Dam #1 | | | |
| Soil Excavation Contract Agreement - Saab Site Contr. | Sediment removal beneficial to District | 1 Year | |
| Soil excavation contract agreement to remove a minimum of 1,000 cubic yards of sediment from the flood pool area of the Tortugas Dam #2 | | | |

Zachary Libbin presented the Special Use Permit applications for the month of March to the Board. The board tabled permit 2016-L-007 Warren & Joan Woodward. Zack recommended approval of the remaining presented permits. Marty Franzoy motion Mike McNamee second to approve the presented permits. Motion carried.

Zack advised the soil excavation contract agreements are going well. Caliper Construction will continue to remove sediment from the Filmore Dam. Saab Site Construction has finished removing sediment from the Tortugas Dam #2.

Zack presented for consideration EP#1's request of land sale of a portion of Montoya Drain. Gary recommends adding the Spur Drain to the portion of land for sale. Zack advises the board EBID will request to retain a flowage easement. Robert Faubion recommends adding the request for consideration on the May agenda and providing more details regarding the proposed sale.

EP#1 request
Purchase
Montoya
Drain

Zack presented for approval the BOR Leasburg Main Canal and Wasteway 1A Rio Grande Project contract and grant of perpetual nonexclusive easement. Zack advises that a correction on page 2 is needed to add an additional exhibit of a survey description. He also requests approval allowing Gary to make any needed changes. Tom Simpson motioned and Bobby Sloan second to approve the presented contract with the correction advised by Zack and approving Gary to make any changes as needed. Motion carried.

BOR
Leasburg
Main
WW1A
RG Project
Contract

Zack requested approval for himself, Dennis McCarville and Gary to attend the NM Watershed & Dam Owners Coalition (NMWDOC) 2016 conference in Angel Fire, NM on May 5th and 6th. Tom Simpson motioned and Jerry Franzoy second to send Gary, Zack and Dennis to the NMWDOC conference. Motion carried.

NMWDOC
conference

Gary Esslinger presented the NWRA Federal Water Issues Conference sponsorship offer. The sponsorship range from a coffee break to reception lunch. Bobby Sloan motioned and Marty Franzoy second to sponsor a morning coffee break for \$250.00. Motion carried. 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 9:15 am at which time the public will be invited to attend. Gary and Steve updated the board on the March 31st RG Compact meeting. MRGCD manager informed EBID that if it had not released 65 thousand acre feet to Elephant Butte Reservoir late in the year, NM would have been short under its compact delivery requirements to Texas.

Managers
Update

Joe Delk presented BLM's proposed Planning Rule 2.0. BLM is wanting to rewrite regulations and policies that apply to the use of public lands. The problem with the proposed rule is it would reduce and undermines the role of State and local governments in land use planning and management. There has been minimal public discussion and limited notice to local governments. American Stewards of Liberty has been working with Kane County, Utah and other Counties and Special Districts to develop a prepare comments that will give the reasons these rules cannot be approved. The project budget is \$50 thousand and coalition partners include Conservation Districts and other Special Districts that are impacted by the proposed rules. Joe Delk encouraged the District to participate in the coalition and advising the board in order to participate the board must pass a resolution to participate in the coalition and authorize a participation fee, no set amount is required, provide a written paragraph describing your entity that can be inserted into the prepared comments and send both to American Stewards of Liberty by April 15, 2016. Robert Faubion also suggests that it is important EBID participated at some minimal effort, Tom Simpson agrees. Tom Simpson motioned and Marty Franzoy second to authorize a participation fee of \$500. Motion carried.

BLM
Planning
2.0

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
LRR 455- Quit Claim Deed to EPCWID for Portion of Montoya drain
LRR 456- Habitat Restoration Project
LRR 457- Wasteway 18 Permit Issue with OSE-SLH-Open
CID Update-SLH
Litigation Status Updates – LH/SLH

LRR
Report

Mike McNamee moved and Marty Franzoy 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 Rio Grande Project – Priority date of Project Water
 - Expedited Inter Se-Pre-1906 Claimants
 - Stream System Issue for Pre Project Water rights
 - Boyd and Pre-1906 Claimants' multiple motions for new Stream System Issues
- 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. Copper Flats Corporation Inter Se on Water Rights
- F. Pending Lawsuits/ Tort Claims
 - 1. Carrillo v. EBID
 - 2. Tony Perea
 - 3. Stella Sanchez
- G. Wasteway 18 Permit Issue with OSE
- H. LRR 455- Quit Claim Deed to EPCWID for Portion of Montoya Drain
- I. LRR 456- Habitat Restoration Project

Following closed session, Mike McNamee motioned and Marty Franzoy seconds to return to open session. Motion carried. During closed session only the above-noted topics were discussed.

Tom Simpson moved and Jerry Franzoy seconds to break for lunch. Motion carried. Following lunch, Jerry Franzoy moved and Marty Franzoy second to reconvene the meeting in closed session. Motion carried.

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

The next meeting of the Board of Directors will be held on Wednesday, May11, 2016 beginning at 8 AM.

Adjourn

Robert Faubion, Vice President

MICHAEL MCNAMEE, Secretary