ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
June 8, 2016

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, June 8, 2016. The meeting was called to order by President Willie Koenig. Jerry Franzoy was absent.

EBID personnel present were Gary Esslinger, Manager; Patrick Lopez, Hydrology Director; Naomi Ontiveros, Executive Secretary, Erek Fuchs, Groundwater Resources; James Narvaez, Irrigation Systems Director; Zachary Libbin, Engineer; Delyce Maciel, Safety/HR Director; Gail Norvell, Finance Director.

Roll Call

Also present were 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; Ryan Serrano, OSE; Gregg Daviet, Dixie Ranch.

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

Pledge of Allegiance & Invocation

Minutes Approval

Robert Faubion motioned and Bobby Kuykendall second to approve the May 11, 2016 board minutes. Motion carried.

Calendar of Events and July bd. meeting change.

The calendar and amending the time of the July board meeting was discussed:

- June 16th- Water Operations Mtg
- June 20th – Allocation Mtg
- July 4th- EBID Office Closed
- July 6th- EBID BOD Monthly Mtg
  Robert Faubion motioned and Bobby Kuykendall second to move the July 13th Board of Directors meeting to July 6th beginning the meeting at 8:00 am due to conflict in schedules. Motion carried.

Water Resource Report

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

June 8 Storage

June 8, 2016	AF
Elephant Butte	322,314
Caballo	63,495
Total Project Storage	385,808
Estimated RGCC	(15,336)
San Juan-Chama	0
Usable Project Storage	370,472
Released from Storage 2016	184,775
Seasonal Project Supply	555,247
San Marcial Flow, AF/day	4,900

Daily Average Flows June 8, 2016

Station	cfs
Cerro	1,500
Taos	2,140
Embudo	2,230
Otowi	3,870
Cochiti	4,040
Albuquerque	4,020
Bernardo	2,700
San Antonio	1,840
SM Floodway	2,250
LFCC	220
San Marcial	2,470

Current EBID Allocation Outlook for June

Allotment	June 1, 2016
Seasonal Water Available for Release	555,247
Estimated Diversion Ratio	78.0%
EBID Carryover	24,602
EBID Allocation 2016 water	125,855
EBID Total Allocation	150,457
EPCWID Carryover	32,473
EPCWID Allocation 2016 Water	186,780
EPCWID Total Allocation	219,253
Mexico Allocation	37,311

Total Allocation	407,021
Est. Allotment inches:*	11.0

*assumes 55% conveyance efficiency

After several discussions regarding whether to increase the allotment at this time or to wait until the July Board meeting it was decided that the Water Resource committee (WRC) would meet on June 22nd, after Dr. King attends the June 20th OA allocation committee meeting. At that time he will be able to provide better allocation numbers and the WRC will then make the decision to increase the allotment based on Dr. King's analysis and findings. Marty Franzoy motioned and Tom Simpson second to allow the WRC to make the decision on increasing the allotment to EBID members accordingly. Motion carried.

James Narvaez added that during the June 11th and 12th flat rate schedule, they will be monitoring the College, Taylor, Kerr and Armijo Laterals. They will meter the flow at the headings flow and check fields irrigated to help determine the average charge for each lateral.

Special Use Permits

License List for Special-Use-Permits for June 8, 2016 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2016-L-007 WARREN & JOAN WOODWARD To operate and maintain existing vehicle crossings on the Del Rio Drain at approximate station # 106+180 and the Alamo Lateral at station # 229+26	$2,553.33	10 Year	Yes Farm use
2016-L-028 EL PASO ELECTRIC COMPANY To replace, operate, and maintain a secondary poweline with a new aerial utility crossing the Rodey Lateral at station # 170+25	$2,916.67	25 Year	
2016-L-029 DAVE KOENIG To construct, operate, and maintain a well discharge pipe that parallels the outside 5' on the right bank of the Brazito Spur Drain from approximate station # 36+80 through approximate station # 8+50	$5,154.79	10 Year	Yes Farm use
2016-L-030 LOWER RIO GRANDE PWWA To construct, operate, and maintain a 6" pvc waterline encased in steel paralleling the right bank of the Three Saints East Lateral from station # 109+36 through station # 113+33 and crossing the Three Saints East Lateral at station #'s 98+50 & station # 109+86	$8,196.71	25 Year	
2016-L-031 LOWER RIO GRANDE PWWA To construct, operate, and maintain a 6" pvc waterline encased in steel and crossing W.W. 20 at station # 0+08 and crossing the Three Saints West Lateral at station#'s 70+47,74+82, 81+42, 89+84, 95+24, 99+18 and paralleling from station # 72+47 through 79+00 and station # 87+73 through 99+48	$29,823.71	25 Year	
2016-L-032 LOWER RIO GRANDE PWWA To construct, operate, and maintain a 6" pvc waterline encased in steel crossing the Marquez Lateral at station # 0+15 and crossing the Upper Chamberino Lateral at station # 435+09	$6,083.33	25 Year	

Zachary Libbin presented the Special Use Permit applications for the month of June to the Board. Permit 2016-L-007 Warren & Joan Woodward was brought to the board for further review after it was tabled at the May meeting. After further discussion Robert Faubion motioned and Bobby Sloan second to approve the presented permit with the special condition that the permit have language that only the landowners may have access to the crossing. The special use permit is not for the general public to use but only for farm use

access. Motion carried. The Board also stated that EBID was to make sure EBID surface water is only used on land that has EBID water righted acreage and that if water spreading is occurring on non-water righted arroyos to report it to the state engineer. Zack recommended approval of the remaining presented permits Marty Franzoy motioned Robert Faubion second to approve the presented permits. Motion carried.

Triple A And Buena Vista Boundary Expansion

Zack presented the EBID Boundary Expansion based on the requests by Triple A and Buena Vista Farms and requested the Board to accept the new boundaries for the district as shown in the attached minutes which after notice and publication were not protested .Robert Faubion motioned and Bobby Sloan second to accept the description of the new boundaries for EBID as a result of the request made by Triple A and Buena Vista Farms and record the new boundary for EBID. Motion carried.

Sale of Drains

Zack advised the board he is still working on the conditions regarding EP#1's request to purchase a portion of Montoya Drain. He presented a more detailed map of the area and suggested adding the Montoya intercept drain. The drain portion still needs appraisal and survey. Staff was instructed to begin that process.

A copy of the final Leasburg Canal WW 1A BOR Easement was presented to the Board. The BOD instructed Zack to now begin the process necessary to have BLM release the property to EBID.

Gary advised the board of the NWRA 2016 Western Water Seminar to be held on August 3rd through the 5th and the Hydrology and Law Seminar, July 13th. The board unanimously decided at this time to not participate in the two seminars.

Gail presented to the board the financial fact sheet for the month of May 2016. Cash in the bank was $377,775; assessments receivable was $801,683 and investments $6,588,653 for a total decrease of $1,128,187 over May 2015.

Financial Fact Sheet

Gail presented contracts for renewal: King Engineering & Associates, Inc. and Dr. Fernando Cadena were presented for approval. Marty Franzoy motioned and Robert Faubion second to approve the presented contracts. Motion carried. The contract for Parkhill, Smith & Copper was tabled.

Gail updated the board on the online auction process. She advises that it is flexible to fit the districts needs and can be set up as needed, pending any limitations set by the online auction system. With regards to issues on qualified bidders, it is possible for engineering to review bidder's qualifications to make sure they can qualify to transfer the water rights to their property before they bid. Gail states there are still a few issues and questions to look at before the district proceeds with the online auctioning. Staff was instructed to begin drafting a policy to address the on-line auction process.

Contract Renewals

Bobby Sloan motioned and Robert Faubion second to accept the audit report presented at the May BOD meeting. Motion carried.

2015 Audit Report

Legal Update

Steve Hernandez and Dr. Lisa Henne reported on legal matters. Some LRR's are to be closed.

LRR Report

LRR 369- Leasburg Dam Easement-LEP-Closed
LRR 406 - Drainage MOU with IBWC-LEP-Closed
LRR 440 - Clean Water Act-SLH-Open
LRR 447 – Operating Agreement EIS – SLH/LH-Open
LRR 452- NMSU Library Agreement-LEP-Closed
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

After review and approval by Lee Peters and Steve Hernandez, Gary presented the IBWC River Pump Contract for approval. Robert Faubion motioned and Marty Franzoy second to approve the presented contract. Motion carried. BOD recommends that Staff send a copy of the draft contract to EP #1 and BOR for comments before finalizing the contract to send to IBWC.

Request to ratify the Protest to CRRUA Application Nos. LRG-3695 Pod 6 and LRG 3150 POD 48 was presented by Steve Hernandez and Erek Fuchs. Robert Faubion motioned and Marty Franzoy second to ratify the protests. Motion carried.

Tom Simpson 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.)
- 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

James Salopek moved and Bobby Sloan seconds to break for lunch. Motion carried. Following lunch, Bobby Kuykendall moved and James Salopek second to reconvene the meeting in open session. Motion carried.

Following closed session, Tom Simpson 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 Wednesday, July 6, 2016 beginning at 8 AM.

Adjourn

WILLIE KOENIG, President

ROBERT FAUBION, Vice President