

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
May 11, 2016**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, May 11, 2016. The meeting was called to order by President Willie Koenig. Tom Simpson, Marty Franzoy and Jerry Franzoy were absent

EBID personnel present were Gary Esslinger, Manager; Patrick Lopez, Hydrology Director; Naomi Ontiveros, Executive Secretary, Juan Jimenez, representing EAC, Erech 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 Hangen, OSE; Ryan Serrano, OSE; Gregg Daviet, Dixie Ranch.

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

Robert Faubion motioned and James Salopek second to approve the April 6, 2016 board minutes. Motion carried.

The calendar was discussed:

- May 12th & 13th Gary will be speaking in Farmington.
- May 20th Paso del Norte Water Task force meets
- May 24th USDA Funded Project follow up meeting
- June 8th EBID BOD meeting

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

Current Storage

May 1, 2016	AF
Elephant Butte	334,225
Caballo	63,260
Total Project Storage	397,485
Estimated RGCC	(15,785)
San Juan-Chama	0
Usable Project Storage	381,700
Released from Storage 2016	92,351
Seasonal Project Supply	474,051
Last Month	450,608
Change in Seasonal Supply	23,443
San Marcial Flow, AF/day	1,200

Current Snowpack Conditions

May 11, 2016	SWE, % median	SWE, % Peak	Precip, % avg
Upper Rio Grande	87	64	95
Sangre de Cristos	138	44	99
Rio Chama	84	29	85
Jemez	0	0	101

*Small numbers, limited significance

**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	540	475	435	400	350	720
Rio Grande at San Marcial	375	290	235	179	96	510

March - July Runoff Forecast, percent of average						
Exceedance Probability	10%	30%	50%	70%	90%	Average
Rio Grande at Otowi	75%	66%	60%	56%	49%	720
Rio Grande at San Marcial	74%	57%	46%	35%	19%	510

Roll Call

Pledge of Allegiance & Invocation

Minutes Approval

Calendar of Events

Water Resource Report

Allotment	May 1, 2016
Seasonal Water Available for Release	474,551
Estimated Diversion Ratio	78.0%
EBID Carryover	24,602
EBID Allocation 2016 water	115,675
EBID Total Allocation	140,277
EPCWID Carryover	32,473
EPCWID Allocation 2016 Water	161,089
EPCWID Total Allocation	193,562
Mexico Allocation	32,410
Total Allocation	366,249
Rough Avail. Allotment Est., inches:*	10.2
*assumes 55% conveyance efficiency	

March-April	
Release, AF	89,012
Diversion, AF	50,829
Diversion Ratio	57%

May 10 Instantaneous	
Release, cfs	1,301
Orders, cfs	901
Diversion Ratio	69%

Dr. King recommends no change in the current allotment at this time. James Narvaez recommends flat rate in the Hatch Valley be scheduled for May 21st and 22nd and the Mesilla Valley June 11th and 12th. At this time Dr. King and James recommend only one flat rate watering be scheduled. Robert Faubion motioned and Bobby Kuykendall second to set the recommend flat rate schedules noted above. Motion carried.

Dr. King requested ratification of recommended changes to the Rio Grande Project of the Operating Manual proposed by the allocation committee from their meeting of April 4, 2016. Robert Faubion motioned and Bobby Kuykendall second to ratify the executive committee action. Motion carried.

Ratification of
RG Operating
Manual

License List for Special-Use-Permits for May 11, 2016 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
2016-L-007 WARREN & JOAN WOODWARD	\$2,553.33	10 Year	Yes
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			Farm use
2016-L-012 JOSEPH PASSANTINO	\$1,666.67	10 Year	Yes
To construct, operate, and maintain a vehicle culvert crossing the La Union East Lateral at station # 159+70			Farm use
2016-L-016 BRYAN & BARBARA BARTLETT	\$1,618.21	10 Year	Yes
To operate and maintain four (4) existing discharge valves entering the right bank of the Garfield Drain at approximate station # 578+00 through approximate station # 586+00			Farm use
2016-L-017 MCELYEA FAMILY TRUST	\$1,566.67	10 Year	Yes
To operate, and maintain an existing well discharge pipe to pump in/out of the Picacho lateral at station # 364+75			Permit Renewal
			Farm use
2016-L-019 JOHN & ANGELINA COLQUITT	\$714.24	10 Year	Yes
To operate, and maintain an existing harvest gate for crop protection parallel to the East Drain at approximate station # 139+40			Permit Renewal
			Farm use
2016-L-020 ANTHONY WATER & SANITATION DISTRICT	\$3,166.67	25 Year	
To construct, operate, and maintain a 14" PVC waterline encased in steel pipe crossing the La Union East Lateral at station # 31+60			
2016-L-021 ANTHONY WATER & SANITATION DISTRICT	\$3,166.67	25 Year	

Special
Use Permits

To construct, operate, and maintain a 14" PVC waterline encased in steel pipe crossing the La Union West Lateral at station # 26+74			
2016-L-022 ANTHONY WATER & SANITATION DISTRICT			
To construct, operate, and maintain a 14" PVC waterline encased in steel pipe paralleling the La Union West Lateral from station # 26+74 through station # 38+77	\$5,936.77	25 Year	
2016-L-023 ANTHONY WATER & SANITATION DISTRICT			
To construct, operate, and maintain a 14" PVC waterline encased in steel pipe crossing the Nemexas Drain at approximate station# 752+80	\$3,416.67	25 Year	
2016-L-024 ANTHONY WATER & SANITATION DISTRICT			
To construct, operate, and maintain a 14" PVC waterline encased in steel pipe crossing the Alta Vista Lateral at station 0+58	\$2,916.67	25 Year	
2016-L-025 CENTURYLINK CORPORATION			
To construct, operate, and maintain a fiber optic utility encased in 4" HDPE crossing the Mesilla Drain at approximate station # 342+00	\$1,570.06	10 Year	
2016-L-026 ZIA NATURAL GAS COMPANY			
To construct, operate, and maintain a 2" HDPE natural gas utility crossing the Rincon Main Canal at station# 26+35	BLANKET AGREEMENT	25 Year	
2016-L-027 EL PASO ELECTRIC COMPANY			Yes
To upgrade, operate, and maintain an existing overhead electrical utility crossing the Apache Lateral at station # 110+00	\$2,916.67	25 Year	Farm use

License List for Temporary Special-Use-Permits for May 11, 2016 Board Meeting			
Licensee	Assessment	Term	Fees Requested to be Waived?
Soil Excavation Contract Agreement - Renegade Construction, LLC			
Soil excavation contract agreement to remove a minimum of 2,000 cubic yards of sediment from the south west portion of the south ponding area of Diez Lagos	Sediment removal beneficial to District	1 Year	
2016-T-004 BRAD KOHLER/ MY HONEY'S HONEY			Yes
To operate and maintain 15-30 bee hives on the left bank of the Shalem Drain at approximate station # 20+00	Fees Waived	1 Year	Farm use
2007-L-060 JACOBO CHAVEZ / SHALEM COLONY ESTATES			
To construct, Operate, and maintain a vehicle crossing on the Picacho Main Canal at station # 254+83. Amended permit to include Shalem Colony Estates as a permittee	Application Fee Paid	October '07 - '17	

2002-L-25 CITY OF LAS CRUCES	Application Fee Paid	April '02 - '27	
To construct, operate, and maintain a 6" sewer force main crossing the Park Drain at approximate station # 438+38. Amended permit to include upgraded sewer line and curb and gutter drainage system			
2014-L-004 JUAN & JOSEFA ACOSTA / MANUEL CENICEROS	Application Fee Paid	February '14 - '24	
To use a piped portion of the Anthony Drain to access residence from approximate station # 102+00 through station # 92+00. Amended permit to include Manny Cenicerros			

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

Zack presented Boundary Expansion for Triple A and Buena Vista Farms for approval. Publication was done and no protests were received. Robert Faubion motioned and Bobby Kuykendall second to approve the presented boundary expansion. Motion carried.

Zack advised the board he is still working on the conditions regarding EP#1's request to purchase a portion of Montoya Drain.

Zack presented a proposal to purchase a portion of EBID's Angostura Drain to Chuck Watkins. Robert Faubion motioned to approve consideration of the sale with James Salopek second. Motion carried.

Zack advised the board the OA EIS Public meeting was held at EBID On May 5th and approximately 10 people attended and no comments were made.

Erek Fuchs requested board approval to protest the Cloverleaf Trust water rights application. Robert Faubion motioned and Mike McNamee second to approve the requested protest. Motioned carried.

Horned Locust Goatscaping presented to the Board and Staff their proposal for weeding and remediation pilot project using goats on Dam #1, #2 and ½ mile of Park drain. The goats will be used to reduce weeds on dam faces and in canal drainage. The project is expected to take three weeks and the goats will remain onsite during the entire process. A wrangler will be with the goats during the daylight hours and after daylight hours the goats will be corralled in steel round-pens nightly with Livestock Guardian Dogs to protect from any predators. Robert Faubion motioned and Mike McNamee second to approve the test pilot. Motion carried.

Gary Esslinger presented a proposal to retain legal counsel to help EBID prepare its FERC permit for low head hydro. Robert Faubion motioned and James Salopek second to approve the presented proposal. Motion carried.

It was also decided to not amend the Open Meetings Act Resolution at this time and the new board agenda format will continue for the next board meeting beginning at 8:00 and then going into closed session which should finish at approximately 9:30 am. Robert Faubion motioned and Mike McNamee second to start the June board meeting at 8:00 am. Motion carried.

Gail presented to the board the financial fact sheet for the month of April 2016. Cash in the bank was \$602,783; assessments receivable was \$933,302 and investments \$7,086,462 for a total decrease of \$901,651 over April 2015.

Gail Norvell introduced Debbie Gray of Kriegel / Gray / Shaw & Co., P.C. Debbie Gray presented the annual audit report to the Board. Kriegel, Gray, Shaw & Co., P.C. conducted the annual audit for the fiscal 2014-2015 and issued an unqualified opinion (clean opinion). An unqualified opinion indicates that the financial records have been maintained in accordance with the standards known as Generally Accepted Accounting Principles (GAAP) and that the financial statements of the District are fairly presented. Audit reports of all government entities are available on the website of the New Mexico Office of the State Auditor www.saonm.org. No motion was made for acceptance of the audit report due to no quorum of the BOD. Acceptance of the audit report will be completed at the June board meeting.

Gail presented contracts for renewal: Peters Law Firm LLC; Law Office of Steven Hernandez, PC; Thomas Maddock III; Precision Refrigeration, Heating & Cooling, Inc.; Central Fire & Safety; Kennedy, Moulton, & Wells, PC; King Engineering & Associates, Inc. (expert witness) were presented for approval. Robert Faubion

Triple A
And Buena
Vista
Boundary
Expansion

Sale of
Drains

Cloverleaf
Trust
Application

Goatscaping
Test Pilot

FERC
Legal counsel

Time of June
Bd. Meeting

Financial
Fact Sheet

2015 Audit
Report

Contract
Renewals

May 11, 2016

motioned and James Salopek second to approve the presented contracts. The contracts for Professional Engineering Services for Dr. Fernando Cadena and King Engineering & Associates, Inc. were tabled.

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-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

Legal
Update

LRR
Report

Mike McNamee moved and Robert 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, Bobby Kuykendall, motioned and James Salopek seconds to return to open session. Motion carried. During closed session only the above-noted topics were discussed.

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.

There being no further business, James Salopek moved and Bobby Kuykendall seconds to adjourn the meeting. Motion carried.

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

Adjourn



WILLIE KOENIG, President

MICHAEL MCNAMEE, Secretary