

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
June 14, 2023**

The Monthly Board of Directors meeting of the Elephant Butte Irrigation District was held on Wednesday, June 14, 2023. The meeting was called to order by Board President Greg Daviet. Frank Paul Salopek was absent.

The Invocation was given by Joe Paul Lack followed by the Pledge of Allegiance led by Tracy Esslinger.

EBID personnel present were Ana Donohue, Land Records & ROW Supervisor; Juan Caballero, Land/License Tech, Dr. Erek Fuchs, EBID Groundwater Resources Manager; James Narvaez, EBID Director of Irrigation; Delyce Maciel, EBID Director of HR/Safety; Karin Byrum, EBID Director of Finance; Gregory Bustillos, Scott Gamboa, EBID Permit Tech; Leo Barrett, Director of Maintenance; Gary Esslinger, EBID Consultant, Samantha Salopek, Salena Ayoub, EBID Counsel; Dr. Phil King, EBID Consultant.

EBID Guests present were: Steven Hernandez, CID; Ryan Serrano, Mike Riley, Kate Fauske Maynard, Sherryl Smith, OSE; Jerry Kurtyka, Sierra Club; Samantha Stiffler, IBWC; Max Hinkles, NMDA; Larry Vasquez, BOR; Allan Swearingen; Theresa Daviet, EBID Member.

Tracy Esslinger moved, Sam Calhoun seconded to approve the May 10, 2023 regular scheduled board meeting minutes. Joe Paul Lack moved, James Salopek seconded to approve the May 15, 2023 special board meeting minutes. Motion passed.

Gary Esslinger advised on June 27th & June 28th EBID and Middle Rio Grande Conservancy District (MRGCD) will be conducting a Rio Grande collaborative tour between EBID and MRGCD explaining how the river runs through each District's system from Albuquerque down to Mexico. An estimated 30 guests will be attending including officials from the Bureau of Reclamation, and Office of State Engineer/Interstate Stream Commission. The tour will begin on June 27th in Albuquerque ending the day in T or C, NM, beginning again on the following day June 28th at EB Dam ending the day at Courchesne Bridge in El Paso, TX.

Dr. King reported that as of June 11, 2023, total storage in Elephant Butte and Caballo reservoirs was 597,404 acre-feet. 146,431 acre-feet has been released with a total seasonal supply of 721,835 acre-feet. 13,469 acre-feet has been gained since May. The draft June 2023 allocation was based on the June 11th conditions; this is not final, and the final allocation was pending a meeting scheduled for the end of day June 14th. Season supply is 743,654 acre-feet, Mexico allocation 60,000 acre-feet, total water in storage from this year is 566,707 acre-feet. Water will be allocated from this year's water up to 790,000 acre-feet. Anything that comes in after will be allocated to next year's allocation. EBID has a carryover of 58,447 acre-feet the 2023 allocation is 176,253 acre-feet which will give EBID a total allocation of 234,700 acre-feet; with a conveyance of 55% and diversion ratio of 0.84 there is a potential allotment of 17 inches. Carryover for EBID is likely for the 2024 irrigation season. EP#1 will possibly exceed their cap of carryover of 233,000 acre-feet. El Nino is in place, and likely to strengthen. James Salopek cautioned to increasing the allotment at this time in the season, this may cause an issue for farmers on groundwater use and being out of compliance. Ryan Serrano with the OSE office stated OSE is in support of the approach taken in the past working with the farmers individually, case by case basis, and looking at the total acreage and the water right as a whole. Any adjustments needed and possible will take place at the end of the season when the data is in all the meter readings have been received. Ryan adds at the end of the season, it is important to make sure farmers are using all the surface water that is available.

James Narvaez updated the board on the 2023 irrigation season. In the month of May, 2023, 1,984 farms were delivered, 28,389 acres irrigated, 11,434 acre-feet charged and actual total diversion of 29,975 acre-feet. The first two weeks of May was the Hatch Valley, and the Mesilla Valle began May 15th. Focusing on the 14" allotment, a 90-day irrigation season is still expected. The Arrey Main Canal end target day with a 14" allotment is July 30th, the Mesilla Valley is August 13th. All dates are estimates and actual end will depend on demand and other water coming into the system. James advised flat rate weekend was successful with some minor street flooding. The second flat rate is scheduled for July 8th and 9th.

Karin Byrum, Director of Finance, presented the March 2023 financials. Cash in the bank was \$334,868.10; investment of \$6,520,785.46 for a total of 6,855,653.56. This was an increase from 2022. The total April operating expenses were \$3,922,719. Karin advised she conducted a year-to-date budget and stated audit and legal are under budget and the miscellaneous income is still above budget. Karin advised she will begin working on the end of year forecast. Tracy Esslinger stated a concern was the noted \$500,000 deficit in the budget and what impacted that budget to no longer be under budget. Karin stated there was an increase in revenues and the \$500,000 over budget was an estimated amount of the worst-case scenario if operations continued as before. The increase of permit applications has significantly helped in revenue. There are two components to the license fees, the application fee and the actual license fee. Karen notes there was also a reimbursement from Kinder Morgan that was also received in the amount of approximately \$163,000.

Pledge of
Allegiance &
Invocation

Roll Call

Introduction
Of Guests

Approval
Of Minutes

Calendar of
Events

Water Outlook

2023 Irrigation
Update

Financial
Report

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Karin presented the below contracts for renewal. All contracts have no change in fees. James Salopek moved to approve the presented contracts; Tracy Esslinger seconded. Motion passed.

- Professional Services Contract KC Carroll
- Professional Hydrologic Engineering Services-Dr. Phil King
- Expert Witness/Consulting-Dr. Phil King
- Legal Services Personnel-Kennedy, Moulton & Wells

Contract
Renewals

Gary Esslinger advised on May 2nd through the 5th he gave the newly appointed board members a tour of the entire district. On May 15th and 16th MRCGD Manager Jason Casuga and his staff toured the district. On May 18th he and board member Sal Nunez toured Hatch and developed a video for the board review. On May 23rd Gary was invited on a watershed tour with Senator Lujan. May 31st EBID Staff and Board President Greg Daviet toured MRGCD.

Managers
Update

Gary advised there were 3 ditch breaks in May and 3 in June. Gary gave praise to all the departments, they are doing an amazing job in cross training and helping make the irrigation season run smoothly.

Gary introduced a new concept from board member Sal Nunez in creating a video to show what the district does, importance of surface water and to educate on food production from farmers. Board member Sal Nunez stated he reviewed the EBID website and noticed a YouTube link that only had one video uploaded. Sal noticed that the district is missing out on opportunities using social media. Social media is a great tool to get EBID's presence out to the public. Sal suggests using social media such as YouTube and Instagram. Sal presented a video he and Gary made interviewing a farmer (Joe Paul Lack). The video shows how different segments can be conducted. Sam Calhoun expressed his appreciation for doing the video and providing the education. Tracy Esslinger stated she felt it is a great and the communication to the public is important.

Legal counsel Samantha Salopek thanked Sal for coming forward and working on ways to reach out to the community. Samantha advised that she is now Co-Chairing the Food Security Task Force that is within the NWRA Irrigation Caucus. The group includes 12 individuals from the irrigated agriculture community in the 17 western states. The conversation related to following on how farmers waste water and journalist publishing articles that blame farmers/ag producers on wasting water has been an issue. Educating the consumer on what farmers do for them and giving them the choice of whether they would like food on the table or water for other things such as watering their vehicles. The task force has developed its first campaign titled "Irrigation Grows" that provides simple facts. Board member James Salopek added that it is important to send out the information to nonfarmers that are not aware of the purpose of agriculture.

President Daviet recognized Art Cortez(Tury) for his dedicated service for the past 38 years. Roman Ramos, Irrigation supervisor, expressed the many first he has had with Tury over the years. Roman also expressed his gratitude to working and learning from Mr. Cortez. The many structures that the district has toured have been done by Tury and his brother Louie. Gary expressed the pleasure it has been working with Tury and the amount of dedication and pride he has taken in his work. James Narvaez thanked Tury for all the work he has done and the amount of experience he has been able to train the newer employees. Mr. Cortez thanked the district for the many years and enjoyed his time working for the district.

Employee
Retirement

Gary introduced Joah Franozy, EBID Assistant Manager. Gary feels Joah will lead the district into the future. Joah graduated from Texas Tech, Bachelors in finance/accounting and was on the Dean's list. Joah has worked as a manager in finance and worked with public accounting and consulting firms. Joah is also well educated in IT development and creating new business platforms. Joah noted many of his work experiences and that he hopes he will be able to put his skills to work for the district.

New
Assistant
Manager

There was no maintenance update for the month of June.

Scott Gamboa presented the special use license applications for the month of June. Scott advised there are 42 Comcast permits that are burial and areal fiber optic permits, and 5 permits that are non comcast. Scott reviewed the 5 non-Comcast permits with the board. Scott advised any burial Comcast permits will be conducted after irrigation season.

Special
Use Permits

Steve Lyles moved, Duane Gillis seconded to approve permits 2023-L-171 and 2023-L-179 with fees waived. Motion passed.

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Sal Nunez moved, Tracy Esslinger seconded to approve permits 2023-L-169 Comcast/Cable Com, 2023-L-170 Comcast/MTC, 2023-L-132 El Paso Electric; 2023-L- 163 Lower Rio Grande Public Water Works Auth. Motion passed.

Sal Nunez moved, Joe Paul Lack seconded to approve the remaining Comcast fiber optic permits presented. Motion passed.

License List for Special-of-Use-Licenses for June 14th, 2023 Board Meeting					
	EBID Job #	Licensee	Land Use Fee (Adjusted)	Term	Land Use Fees Requested to be Waived?
1	2023- 108	2023-L-069 QWEST	\$1,490.04	10	
		TO OPERATE AND MAINTAIN AN EXISTING BURIED TELEPHONE LINE CROSSING THE MESILLA LATERAL AT STA. 302+96			NO
2	2023- 109	2023-L-070 QWEST	\$50.00	10	SERVICE DROP PER BLANKET AGREEMENT
		TO OPERATE AND MAINTAIN AN EXISTING AERIAL TELEPHONE LINE CROSSING THE AMERICAN BEND LATERAL AT STA. 72+72			
3	2023- 205	2023-L-134 COMCAST / MTC	\$4,180.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SELEDN DRAIN AT STA. 70+50			NO
4	2023- 206	2023-L-135 COMCAST / MTC	\$3,800.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE HARE LATERAL AT STA. 21+13			NO
5	2023- 207	2023-L-136 COMCAST / MTC	\$4,560.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LEASBURG MAIN CANAL AT STA. 302+80			NO
6	2023- 208	2023-L-137 COMCAST / MTC	\$3,800.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE ARRINGTON LATERAL AT STA. 8+00			NO
7	2023- 209	2023-L-138 COMCAST / MTC	\$720.76	10	
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE PARALLELING THE LEASBURG MAIN CANAL FROM STATIONS 321+00 - 323+99			NO

8	2023-210	2023-L-139 COMCAST / CABLE COM	\$3,800.00	10		
		TO CONSTRUCT OPERATE AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE LAS CRUCES LATERAL AT STA. 432+80			NO	
9	2023-211	2023-L-140 COMCAST / MTC	\$3,800.00	10		
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE AMERICAN BEND LATERAL AT STA. 44+00			NO	
10	2023-212	2023-L-141 COMCAST / MTC	\$4,282.12	10		
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE AMERICAN BEND LATERAL AT STA. 101+00 AND PARALLELING THE AMERICAN BEND LATERAL FROM APPROXIMATE STATIONS 100+00 - 101+00 AND 101+40 - 102+40			NO	
11	2023-213	2023-L-142 COMCAST / MTC	\$4,180.00	10		
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LEASBURG MAIN CANAL AT STA. 386+50			NO	
12	2023-214	2023-L-143 COMCAST / MTC	\$4,180.00	10		
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SELDEN DRAIN AT STA. 47+25			NO	
13	2023-215	2023-L-144 COMCAST / MTC	\$3,800.00	10		
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE AMERICAN BEND LATERAL AT STA. 105+00			NO	
14	2023-216	2023-L-145 COMCAST / CABLE COM	\$5,216.00	10		
		TO CONSTRUCT OPERATE AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE HOUGHTON LATERAL AT STATIONS 30+00 AND 60+85			NO	
15	2023-217	2023-L-146 COMCAST / CABLE COM	\$3,800.00	10		
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LAS CRUCES LATERAL AT STA. 550+80			NO	
16	2023-218	2023-L-147 COMCAST / CABLE COM	\$723.18	10		
		TO CONSTRUCT OPERATE AND MAINTAIN A BURIED FIBER OPTIC LINE PARALLELING THE PICACHO MAIN CANAL AT STA. 14+10			NO	
17	2023-219	2023-L-148 COMCAST / MTC	\$3,800.00	10		
					NO	

Financial Report

Contract Renewal

FY 2022 Audit Presentation

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		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LAS CRUCES LATERAL AT STA. 550+80					
18	2023-220	2023-L-149 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE DONA ANA LATERAL AT STA.41+00	\$3,800.00	10	NO		Teague Encroachment Agreement
19	2023-221	2023-L-150 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE HILL LATERAL AT STA. 87+20	\$3,800.00	10	NO		
20	2023-222	2023-L-151 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE HILL LATERAL AT STA. 83+00	\$3,800.00	10	NO		District Tours
21	2023-223	2023-L-152 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LEASBURG DRAIN AT STA. 268+70	\$4,180.00	10	NO		Legal Update
22	2023-224	2023-L-153 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE PICACHO MAIN CANAL AT STA. 0+50	\$3,800.00	10	NO		
23	2023-225	2023-L-154 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LEASBURG MAIN CANAL AT STA. 451+25	\$4,180.00	10	NO		
24	2023-226	2023-L-155 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LEASBURG MAIN CANAL AT STA. 373+20	\$4,180.00	10	NO		NWRA Conference Update
25	2023-227	2023-L-156 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE DONA ANA LATERAL AT STA. 39+80	\$3,800.00	10	NO		
26	2023-228	2023-L-157 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE DONA ANA LATERAL AT STA. 31+00	\$3,800.00	10	NO		
27	2023-229	2023-L-158 COMCAST / MTC	\$3,800.00	10			Lunch

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		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE DONA ANA LATERAL AT STA. 58+15			NO
28	2023-230	2023-L-159 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE HILL LATERAL AT STA. 33+50	\$3,800.00	10	NO
29	2023-232	2023-L-161 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE AMERICAN BEND LATERAL AT STA. 73+00	\$3,800.00	10	NO
30	2023-233	2023-L-162 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE HARE LATERAL AT STA. 21+50	\$3,800.00	10	NO
31	2023-234	2023-L-163 LOWER RIO GRANDE PUBLIC WATER WORKS AUTH. TO CONSTRUCT OPERATE AND MAINTAIN A BURIED 2" WATER LINE CROSSING THE CHAMBERINO EAST LATERAL AT STA. 283+70	\$3,800.00	10	NO
32	2023-235	2023-L-164 CONTERRA NETWORKS TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE MESILLA DRAIN AT STA. 384+50	\$4,180.00	10	NO
33	2023-238	2023-L-165 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SHALEM DRAIN AT STA. 63+50	\$4,180.00	10	NO
34	2023-239	2023-L-166 COMCAST / MTC TO CONSTRUCT OPERATE AND MAINTAIN AERIAL FIBER OPTIC LINES CROSSING THE RIO RANCHO LATERAL AT STA. 24+60 AND LEASBURG MAIN CANAL AT APPROXIMATE STA. 372+90	\$4,936.00	10	NO
35	2023-241	2023-L-167 COMCAST / CABLE COM TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LOUISIANA LATERAL AT STA. 38+30 AND MESILLA DRAIN AT STA. 153+20	\$5,316.00	10	NO
36	2023-243	2023-L-168 COMCAST / CABLE COM TO CONSTRUCT OPERATE AND MAINTAIN AERIAL FIBER OPTIC LINES CROSSING THE LOUISIANA LATERAL AT STA. 147+56 AND EASTSIDE MAIN CANAL AT STA. 89+00 AND A BURIED FIBER OPTIC LINE CROSSING THE EASTSIDE MAIN CANAL AT STA. 77+00	\$6,832.00	10	NO

Closed Session

Adjourn

37	2023-244	2023-L-169 COMCAST / CABLE COM	\$5,596.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE MESILLA DRAIN AT STA. 209+31 AND MESILLA LATERAL AT STA. 330+37			NO
38	2023-245	2023-L-170 COMCAST / MTC	\$4,180.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SHALEM DRAIN AT STA. 15+30			NO
39	2023-195	2023-L-132 EL PASO ELECTRIC CO.	\$4,180.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN AN ELECTRICAL LINE CROSSING THE COLORADO DRAIN AT STA. 3+00			NO
40	2023-247	2023-L-171 PRESTON THARP	\$5,696.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN 3 HARVEST GATES ON THE RIGHT AND LEFT BANK OF THE LEASBURG DRAIN AT STATIONS 36+52 & 46+70			NO
41	2023-248	2023-L-172 COMCAST / MTC	\$3,800.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN A BURIED FIBER LINE CROSSING THE PICACHO MAIN CANAL AT STA. 59.20			NO
42	2023-249	2023-L-173 COMCAST / MTC	\$3,800.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE BACA LATERAL AT STA. 31+02			NO
43	2023-250	2023-L-174 COMCAST / CABLE COM	\$6,632.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN A BURIED FIBER LINE CROSSING THE LAS CRUCES LATERAL AT STA. 620+15, 627+22, 634+87			NO
44	2023-251	2023-L-175 COMCAST / CABLE COM	\$3,800.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN A BURIED FIBER LINE CROSSING THE LAS CRUCES LATERAL AT STA. 283+70			NO
45	2023-252	2023-L-176 COMCAST / CABLE COM	\$3,800.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN A BURIED FIBER LINE CROSSING THE LAS CRUCES LATERAL AT STA. 716+49			NO
46	2023-253	2023-L-177 COMCAST / CABLE COM	\$5,596.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN AERIAL FIBER OPTIC LINES CROSSING THE MESQUITE DRAIN AT STA. 460+00 AND APACHE LATERAL AT STA. 136+71			NO

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47	2023-254	2023-L-178 COMCAST / CABLE COM	\$4,180.00	10	
		TO CONSTRUCT OPERATE AND MAINTAIN A BURIED FIBER LINE CROSSING THE BOUGGY SPUR DRAIN AT STA. 45+00			NO
48	2023-255	2023-L-179 MARIA (ELENA) N. CHAVARRIA	\$4,180.00	10	
		TO CONSTRUCT AND MAINTAIN A CULVERT CROSSING THE RINCON DRAIN AT STA. 414+78			YES

President Greg Daviet called to order the Suspension/Transfer Hearing. AJ presented a total of 5.65 acres for suspension and transfer. Ellie M Duran to Arturo & Maria E Jurado Rev Tr & Pedro D Jurado Living Trust 1.02 acres. Laura P Maese & Israel Brown to Arturo & Maria E Jurado Rev Tr & Pedro D Jurado Living Trust 1.69 acres. Laura P Maese & Israel Brown to Arturo & Maria E Jurado Rev Tr & Pedro D Jurado Living Trust 1.39 acres. Laura P Maese & Israel Brown to Arturo & Maria E Jurado Rev Tr & Pedro D Jurado Living Trust .55 acres. Laura P Maese & Israel Brown to Arturo & Maria E Jurado Rev Tr & Pedro D Jurado Living Trust 1 acre. Steve Lyles motioned and Sam Nunez second to approve the water transfers for a total of 5.65 acres. President Daviet asked that Resolutions be formalized as called for by Section 73-13-5 of the New Mexico Statutes Annotated, and that the Secretary of the Board certify and file with the State Engineer a true copy of the Resolution and action of the Board. President Daviet also announced that if there is a protestant who disagreed with the action of the Board, he/she may appeal this decision directly to the District Court as provided under Section 73-13-4 of the New Mexico Statutes. Motion to adjourn the Board sitting for water transfer hearing by James Salopek seconded by Sal Nunez. Motion carried.

Water
Transfer
Hearing

Legal counsel Samantha Salopek presented the cancellation of professional services contract for Gary Esslinger. This contract is no longer needed now that he is an employee of the district. Joe Paul moved; Tracy Esslinger seconded to cancel the professional services contract for Mr. Esslinger. Motion passed.

Cancellation
Contract
Gary Esslinger

Samantha advised agenda items for Mr. Swearingen and Mr. Anderson are related in request for relinquishment. Mr. Anderson and Mr. Swearingen both own property behind a dam that EBID operates and maintains. They both have requested release of certain easements related to their property interests. Samantha recommends further discussion be held in closed session due to litigation that has not been resolved that is from 20 years ago. Mr. Swearingen stated the situation with Mr. Anderson has somehow tied into his property and feels this is inaccurate. He noted his property is in front of the dam and will not interfere with any maintenance of the dam or water coming from the dam. There is a portion of the property that does contact the dam. What he has looked at previously was having an engineering firm determine the portion of his property at least 100ft away at the bottom of the dam so it gives the district space to provide maintenance that is needed. Mr. Swearingen stated he would deed that piece of property back to the district.

Swearingen/A
nderson

Samantha noted was recently the BOR's 120th birthday, and she further stated the BOR continues to advocate for the district on BIL, IRA spending and other efforts EBID where is trying to showcase the work the district wants to do to assist with aquifer recharge, limited fallowing and meeting compact deliveries.

Legal Update

Samantha noted the Family Farm Alliance is doing a farmer advocate trip the week of September 25th. President Daviet has indicated he would like the district to participate on Capitol Hill more frequently going forward.

Samantha added in Congress there is a tax reform bill that could potentially assist the district in operations.

Samantha advised BLM is engaged in a rule making exercise, Gary and Samantha have reviewed and do not feel there is a need to comment at this time. It does not directly relate to the district at the time, but has been an issue dealt with consistently, which is BLM's land management and how it is done.

Samantha advised the Supreme Court ruled on the WOTUS case Sackett. The case was an Idaho couple who wanted to build a house near a lake and the EPA and Army Corps of Engineers took the position it was in a wetland and needed a permit and were stopped from building. Sackett challenged the determination that they needed a permit and won. The Biden Administration has put a stop of all applications of this sort and NM response is there is no adequate permitting in place if the federal

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government will not be doing it. A huge portion of NM is subject to pollution issues that the federal government used to handle and now won't be allowed to, and the State has no system set up to handle the issue. The State has started making presentations to the legislature about needing funding to start a permitting program.

Samantha advised as part of raising awareness to legislators of the district's problems and proposed solutions, the State Engineer assisted in getting EBID on multiple panels with the Legislative Finance Committee (LFC). On Tuesday, June 27th Dr. King and Gary will be presenting. Gary will be presenting on the first panel titled local perspective on TX v NM and the future of the lower Rio Grande. Gary will be discussing the concept of before implementing vast following we should instead be focusing on improving the infrastructure we have to capture more water. Dr. King will be presenting on the second panel on settlement implementation and opportunity and innovation (he'll be specifically speaking to the EBID infrastructure projects we're proposing). Discussions would be opportunities and what would like to done coming out of settlement implementation.

James Salopek moved to recess for lunch Duane Gillis seconded motion carried.

President Greg Daviet called the meeting to order following lunch.

Sal Nunez moved, and Duane Gillis seconded to reconvene into closed session. Motion passed. Pursuant to Section 10-15-1(H), NMSA of the New Mexico Open Meetings Act, the following topics were discussed in closed session:

- A. Discussion regarding all pending Water Right Protests before the Office of the State Engineer
- B. Discussion regarding purchase, acquisition, or disposal of real property or water rights
- C. Discussion regarding issuance, suspension, renewal or revocation of a license pertaining to use of EBID Property
- D. Limited Personnel Matters
- E. Other Threatened/Pending Litigation
- F. Motion to come out of closed session


Tracy Esslinger moved; Sal Nunez seconded to come out of closed session. Motion passed.

There being no further business Duane Gillis moved and Sam Calhoun seconded to adjourn the meeting. Motion passed.

The next meeting of the Board of Directors will be held on July 12, 2023 beginning at 9 AM.



Greg Daviet, President



Joe Paul Lack, Vice President

Closed
Session

Adjourn