

**Minutes of Special Meeting  
Board of Directors  
El Paso County Water Improvement District No. 1  
("EPCWID")  
January 16, 2019**

<b>DIRECTORS PRESENT</b>	<b>OTHERS PRESENT</b>
<b>Johnny Stubbs, President</b>	<b>Jesus Reyes, General Manager</b>
<b>Art Ivey, Vice-President</b>	<b>Maria O' Brien, Attorney at Law</b>
<b>Larry Ceballos, Secretary</b>	<b>Phil Bowen, Attorney At Law</b>
<b>Miguel Teran, Director</b>	<b>Jay Ornelas, Assistant District Engineer</b>
<b>George Brooks, Director</b>	<b>Dr. Al Blair, District Engineer</b>
	<b>Sharon Atilano, Engineering Assistant</b>
	<b>Adriana Avila, Receptionist</b>
	<b>Lisa Aguilar, Chief Administrative Officer</b>
	<b>Mary Cortez, Chief Financial Officer</b>
	<b>Sonia Ontiveros, Tax Collector Assistant Manager</b>
	<b>Pete Rodriguez, Maintenance Manager</b>
	<b>Roberto Rios, Water Master</b>
	<b>Susie Rodriquez, Town of Clint</b>
	<b>Dora Aguirre, Mayor, Town of Clint</b>
	<b>Daniel Chavez, HCCRD #1</b>
	<b>Tracy Yellen, Paso del Norte Health Foundation</b>
	<b>Sean Torpey, Bureau of Reclamation</b>
	<b>Tray Novak, City of El Paso</b>
	<b>Jerry Melendez, Bureau of Reclamation</b>
	<b>Jim Ed Miller, Visitor</b>

1. Call to order and establishment of a quorum.

**There being a quorum of Directors present, the meeting was called to order by President Johnny Stubbs at 8:30 a.m., and the Directors then proceeded to consider the following:**

2. Welcome of guests. **No action was taken on this item.**
3. Minutes of November 14, 2018 meeting of the Board of Directors.

After a motion by Larry Ceballos, seconded by Art Ivey, duly considered and carried by unanimous vote of the Board the following resolution was adopted:

**RESOLVED: that the draft minutes of the Regular Meeting held on November 14, 2018 are approved.**

4. Report and recommendations by Mary Cortez, Chief Financial Officer, concerning financial information, expenditures, budget, and investment policy:

- a. **Financial Report (November and December).** No action was taken on this item.
- b. **\$500.00 Expenditure Report (November and December)** No action was taken on this item.
- c. **Legal & Consulting Fees Budget Report (November and December).** No action was taken on this item.
- d. **Quarterly Investment Report.**

After a motion by Art Ivey, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board the following resolution was adopted:

**RESOLVED: that the Quarterly Investment Report for December 2018 is approved.**

5. Report and recommendations by Rose Rodriguez, Tax Assessor/Collector/Office Manager, concerning adjustments and corrections, if any, to assessments, taxes, and charges by EPCWID.

**a. Review tax report and adjustments.**

After a motion by Art Ivey, seconded, Miguel Teran, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

**WHEREAS: Rose Rodriguez, Tax Assessor/Collector/Office Manager for EPCWID recommends adjustments or corrections to the tax rolls reviewed during the months of November 2018;**

**NOW, THEREFORE, BE IT RESOLVED: that the adjustments and corrections to the 2017 tax roll for Bienvivir Senior Health Services, Revivir Community Church, Socorro Independent School District, Maria Esperanza & Jose Antonio Perez and City of El Paso Trustee, have been reviewed during the month of November 2018 and are approved as shown on the exhibit attached to these minutes.**

**b. 2013-2018 El Paso Public Service Board Assignments, 2013-2018 Lower Valley Water District Assignments and Report on tax suits. No action was taken on this item.**

**c. Comparison of EPCWID tax assessments and collection during 2016 and 2017. No action was taken on this item.**

**6. General Manager's report concerning the following:**

**a. Submission of a grant application to the Texas Water Development Board Agricultural Water Conservation Grants Program requesting funds to concrete line the Franklin Feeder Canal from Partidor to Socorro Rd.**

After a motion by Larry Ceballos, seconded by George Brooks, duly considered and carried by unanimous vote of the Board the following resolution was adopted:

**RESOLVED: (as shown in full on the attached exhibit)**



- b. 2019 Compact meeting will be in Alamosa, Colorado the reception will be held on April 3, 2019 and the meeting will be held on April 4, 2019. I will place the location on the February agenda.** No action was taken on this item.
  - c. The Engineer Advisor meeting is scheduled for March 4<sup>th</sup> through March 8<sup>th</sup> in Albuquerque, N.M.** No action was taken on this item.
  - d. Oral arguments on the motions that were recently filed are scheduled for February 19, 2019 in Denver, Colorado, Commissioner Gordon does not expect it to happen because of the government shutdown. The DOJ has sent a letter requesting an indefinite extension.** No action was taken on this item.
- 7. District Engineer's report and recommendations concerning the following:
  - a. Rio Grande Project Operating Agreement Accounting.**

After a motion by Art Ivey, seconded, Miguel Teran, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

**RESOLVED: that the Canutillo Well Field technical memorandum was approved and is attached hereto.**
  - b. Rio Grande Compact Accounting.** No action was taken on this item.
  - c. Rio Grande Project Water Supply and Water Allocations.**

No action was taken on this item.
  - d. Status of 3<sup>rd</sup> Party Construction in District Canals and Drains.**

No action was taken on this item.
- 8. Maintenance Manager's report and recommendations concerning the following:
  - Drain maintenance program and water delivery system.** No action was taken on this item.

9. Water Master's report and recommendations concerning the following:

**Water use and availability.** No action was taken on this item.

10. Water delivery allocations to EPCWID water users and water available by contract. **No action was taken on this item.**

11. Applications for Licenses for Use of District Real Property:

- a. Application 1638, by El Paso Electric Company, for a license to access EPCWID right of way, district wide, for operation and maintenance of existing El Paso Electric Company electrical system.**

After a motion by Larry Ceballos, seconded by George Brooks, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

**RESOLVED: that the Application 1683, by El Paso Electric Company, for a license to access EPCWID right of way, district wide, for operation and maintenance of existing El Paso Electric Company electrical system is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.**

- b. Application 2078, by El Paso Electric Company, for a license to cross the Salatral Lateral at approximately Station 121+98 at Estates Drive to construct a three (3) phase (14Kva) overhead power line.**

After a motion by Art Ivey, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

**RESOLVED:** that the Application 2078, by El Paso Electric Company, for a license to cross the Salatral Lateral at approximately Station 121+98 at Estates Drive to construct a three (3) phase (14Kva) overhead power line is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.

- c. Application 2079, by SK2 Farms, LLC, for a license to cross the Franklin Canal at approximately Station 1411+10 with a 2-inch PVC potable water line inside a 4-inch HDPE casing via jack/bore method for domestic use.

After a motion by Larry Ceballos, seconded by George Brooks, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

**RESOLVED:** that the Application 2079, by SK2 Farms, LLC, for a license to cross the Franklin Canal at approximately Station 1411+10 with a 2-inch PVC potable water line inside a 4-inch HDPE casing via jack/bore method for domestic use is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.

- d. Application 2084, by El Paso Electric Company, for a license to cross the Franklin Canal at various locations adjacent to El Paso Drive to upgrade existing three (3) phase overhead transmission line.



After a motion by Miguel Teran, seconded by Art Ivey, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

**RESOLVED:** that the Application 2084, by El Paso Electric Company, for a license to cross the Franklin Canal at various locations adjacent to El Paso Drive to upgrade existing three (3) phase overhead transmission line is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.

- e. Application 2086, by City of El Paso, for a license for proposed concrete pedestrian trail along Franklin Canal left bank from Presa Place to Americas Avenue (State Loop 375).

After a motion by Larry Ceballos, seconded by Art Ivey, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

**RESOLVED:** that the Application 2086, by City of El Paso, for a license for proposed concrete pedestrian trail along Franklin Canal left bank from Presa Place to Americas Avenue (State Loop 375) is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.

Construction Dewatering Licenses for Conveying Groundwater:

- f. Application 2082, by Lower Valley Water District, for dewatering into River Drainage Canal for manhole installation at Saltillo Lift Station No. 10.

After a motion by Miguel Teran, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

**RESOLVED: that the Application 2082, by Lower Valley Water District, for dewatering into River Drainage Canal for manhole installation at Saltillo Lift Station No. 10 is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.**

**g. Application 2085, by El Paso Water, for dewatering into Middle Drainage Canal for Inglewood Lift Station construction.**

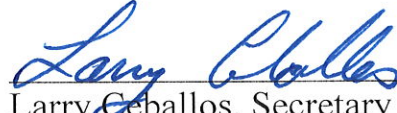
After a motion by Miguel Teran, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

**RESOLVED: that the Application 2085, by El Paso Water, for dewatering into Middle Drainage Canal for Inglewood Lift Station construction is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.**

12. Sale of Surplus District Real Property under 49.226 of the Texas Water Code: **None**



13. Any or all of the items shown on the attached Closed Meeting Agenda.  
**The Board then entered into a closed session at 11:15 a.m. regarding the items to be considered in closed session as shown on the Notice of Public Meeting. The Board subsequently returned to the open session at 12:26 p.m. with no action having been taken in the closed session.**
14. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 12:28 p.m.

  
Larry Geballos, Secretary

## **RESOLUTION OF THE BOARD OF DIRECTORS**

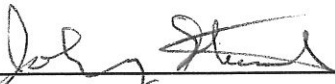
### **El Paso County Water Improvement District No. 1**

El Paso County Water Improvement District No. 1 resolves to authorize the General Manager or the District Engineer to submit and take any Administrative Action required to complete an application to the Texas Water Development Board for a Grant totaling \$200,000 to conserve water and improve the District's water use efficiency by concrete lining the Franklin Feeder Canal.

**Whereas**, the El Paso County Water Improvement District No.1 (the District) is a political subdivision of the State of Texas and was organized under Chapter 59, Article 16 of the Texas Constitution and operates under Chapter 55 and Chapter 49, in part, of the Texas Water Code;

**Now Therefore**, the Board of Directors of the District hereby resolve to support the District's application for a Grant and authorizes the General Manager or the District Engineer to submit and take any administrative action required to complete applications to the Texas Water Development Board and if the District is selected to receive a Grant, to negotiate an agreement to be approved by the District's Board of Directors. The District shall fund 82% of the Project Costs with the total Project Cost not to exceed an amount of \$1,113,360.

El Paso County Water Improvement District No.1

  
By: Johnny Stubbs, President

## **Rio Grande Project – District Allocation Committee Members 4<sup>th</sup> Memorandum**

### **Proposed Accounting Procedures Regarding Appendix C of the 2001 Contract**

The Rio Grande Allocation Committee issued a “Memorandum Proposed Accounting Procedures Regarding Appendix C of the 2001 Contract” on December 8, 2010. The purpose of this memorandum was to estimate the impact of the capture of Rio Grande Project (RGP) water supply by groundwater pumping in the Canutillo Well Field (CWF) in Texas during the time period in which EBID’s diversion allocation is based on the ratio of the amount of diversion allocation charges to the amount of water released from Caballo Reservoir (Diversion Ratio). In part, as a result of litigation filed by the State of New Mexico against EBID and EPCWID in 2011, the proposed accounting procedures were never approved by EPCWID for incorporation in to the OA operating manual. Resolution of the 2011 litigation has not occurred and may not occur for many years. In consideration of the lack of resolution of this litigation, EPCWID is proposing, that on a year-by-year basis, the District members of Allocation Committee (EBID and EPCWID) issue a memorandum addressing the CWF issue.

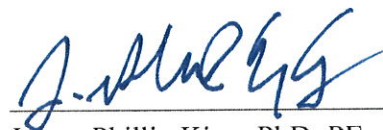
The North West Waste Water Treatment Plant (NW-WWTP) discharges treated sewage effluent just upstream of the American Diversion Dam. The discharged water becomes part of the RGP Water Supply once the water reaches the bed of the Rio Grande. The net depletion of RGP Water Supply by the Canutillo Well Field (CWF) supply is the difference between the amounts of water captured by the CWF less the amount of discharge from the NW-WTTP during the primary irrigation season. For 2018, the primary irrigation season was from March 16, 2018 to Sept 29, 2018 or 197 days. However, during the first 2 days and last 56 days of the season, EPCWID, per requirements of the OA, EPCWID was charged 100% of the water released from Caballo Reservoir during these 58 days. The effective amount of days for calculating water captured by the CWF is (197 - 58) or 139 days. The following equation is proposed to be used as temporary method to be used to estimate the amount of capture:

$$\text{Net Depletion (af)} = 0.95 \times \text{CWF (af)} \times \text{D (days)} / 365 \text{ days} - \text{NWWTTP (af)}$$

Where Net Depletion is the estimate of the amount of net depletion on the RGP Water supply by the CWF during the primary irrigation season of the current year, and D is the duration of the primary irrigation season of the current year, and CWF is the annual amount of pumping for the previous calendar year, and NW-WTTP is the amount of discharge of treated effluent during primary irrigation season of the current year. For 2018 the calculations are: CWF = 21,930 af, and D = 139 days, and NW-WTTP = 3,355 af then the Net Depletion (af) =  $0.95 \times 21,930 \times 139 / 365 - 3,355 = 4,579$  af, and that for the year 2018. It is EBID’s and EPCWID’s Allocation Committee Members’ recommendation that 4,579 acre-feet be charged against EPCWID’s end-of-the-year allocation balance to offset the net impact of CWF on the Rio Grande Project water supply.

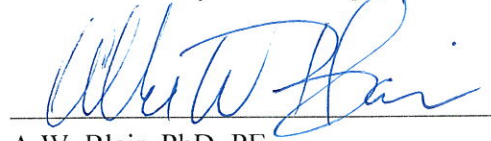
**Approved on January 9, 2019 by Allocation Commission Members for:**

**Elephant Butte Irrigation District**



James Phillip King, PhD, PE

**El Paso County Water Improvement District**



A.W. Blair, PhD, PE