

ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS' MEETING
September 10, 2025

A Regular Board of Directors meeting of the Elephant Butte Irrigation District was held at 530 S Melendres, Las Cruces, NM at 9am on Wednesday, September 10, 2025. The meeting was called to order by Board President Greg Daviet. Board members present were Randy Garay, Casey Crist, Greg Daviet, James Sloan, Rafael Roviroso, John Clayshulte Jr., Prescott Colquitt III, and Henry Ludwig. Board member Preston Tharp was absent.

The Invocation was given by Gary Esslinger, followed by the Pledge of Allegiance led by Vice President Roviroso.

EBID personnel present were Joah Franzoy, Assistant Manager; Marilyn Crawford, Executive Assistant; David Lutz, Legal Counsel; Gary Esslinger, Consultant; Karin Byrum, Finance Director; Scott Gamboa, Land and Licensing Technician, appeared virtually and in-person; Delyce Maciel, Director of HR and Safety, appeared virtually and in-person; and Dr. Phil King.

EBID guests present were Jerry Schickedanz, constituent; Sammy Singh, constituent; Alfred Perrault, OSE; Michael Riley, OSE; Joseph Kulib, OSE; and Larry Vasquez, USBR.

Virtual attendees and EBID personnel present were Anthony Collin, NMDA; AJ Carlson, EBID Land Records Admin; Delyce Maciel, EBID Director of HR and Safety; James Narvaez, EBID Director of Irrigation; Josh Smith, EBID Manager-Treasurer; JR Hennessy; Leah Diaz, EBID Chief Procurement Officer; Steven Hernandez; and Scott Gamboa, EBID Land and Licensing Technician.

Dr. Jerry Schickedanz encouraged EBID to highlight the positive aspects of agriculture and water use. He suggested incorporating this focus into monthly agendas and sharing it via social media. He also recommended adding a "Public Input" item to the Monthly Board Meeting agenda and proposed that a Board Member be designated to represent small tract landowners.

The agenda was approved as presented.

President Daviet noted that in the section *Discussion and Approval of Agreements*, items A and B correctly state that the motions were passed unanimously. However, item C does not include this note. He clarified that the motion for item C was also passed unanimously and requested that this be added for consistency. **Secretary Garay moved, and the motion was seconded by Director Colquitt III to approve the August 21, 2025, Special Board Meeting minutes with the addition. Directors Garay, Crist, Sloan, Roviroso, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.** President Daviet stated that the closed session discussion at the August 21, 2025, Special Board Meeting was limited to the items listed on the meeting agenda, although he did not mention that when coming out of closed session at the last meeting.

Director Sloan reported that the Budget Committee met twice in the past two weeks and welcomed new constituent member, Josh Sanchez. The committee recommended maintaining the current assessment rate of \$100. He suggested that one way the Board could support the budget is by reducing travel to conferences for Board Members.

Director Ludwig shared that local growers, upon hearing there may be little to no water next season, have asked whether the assessment could be lowered. President Daviet responded that the current assessment is insufficient to cover the District's maintenance needs. Mr. Franzoy clarified that the assessment is based on the use of District facilities to convey water, not on water availability.

President Daviet asked for specific recommendations on reducing travel expenses. Director Sloan proposed that Board Members who have previously attended a particular conference might skip it the following year. For staff, he recommended that the Manager attend and share key takeaways with the team, rather than sending multiple staff members.

Dr. King reported on preliminary charges, release and diversion ratios for the 2025 season. He reported that EBID charges were 78,941 acre-feet (AF); EPCWID was at an estimated 104,000 AF; Mexico was at 13,463 AF; and Caballo Release was at 248,440 AF. The diversion ratio was 0.79. A "normal" release is 790,000 AF. Anything under 400,000 AF is considered extreme drought. There will be a follow-up allocation in the next few days. It will not change Mexico, but the two districts will change slightly. Then there will be the end-of-year allocation, which will be based on October 31 conditions.

As of September 9, 2025, total project storage stood at 75,683 acre-feet (AF), with 62,604 AF in Elephant Butte and 13,079 AF in Caballo. Usable project storage is 64,226 AF; 12,643 AF is not releasable. Estimated Rio Grande Compact credit is at 7,200 AF, and San Juan-Chama is at 4,257 AF (as of August 1). Total released from Caballo in 2025 was 248,440 AF. The seasonal supply was at 300,023 AF. The net inflow into Elephant Butte is -250 AF. The reason for a negative net inflow is the evaporation of the reservoir losses exceeds the inflow from the river. The Rio Grande at Albuquerque and San Marcial is essentially zero.

Dr. King reported that total precipitation improved slightly. As of September 9, 2025, the Upper Rio Grande is at 74% of average, Rio Chama 80%, Sangre de Cristo 96%, and Jemez at 86%. The NOAA NWS Climate Prediction Center projects below average precipitation and above average temperatures December 2025 through February 2026 throughout the Rio Grande watershed. According to the US drought monitor there was a slight improvement in the lower part of the watershed, but the upper remains in persistent drought. The current classification is ENSO (El Nino Southern Oscillation Index) neutral.

In conclusion, Reclamation successfully removed the clog at the Caballo outlet. The 2025 water year was marked by low supply and current storage levels heading into 2026 remain critically low. Forecasts predict a hot and dry season with continued drought conditions and limited snowpack accumulation. As a result, the initial release is anticipated to begin late, around June 1, with an expected allotment in the range of 4 to 6 inches. President Daviet noted that allotments below 4 inches make it extremely difficult to deliver water, and we should prepare to have hard conversations about the upcoming water season. Dr. King stated that in 2013 the allotment was 3.5 inches, this was the only time in the history of the District that the allotment was under 4 inches. He is confident that EBID facilities will work with a 3-3.5-inch allotment. James Narvaez agreed it could be done, but that it would be a short and focused water season. Director Ludwig asked how long the irrigation season would be with a 3-4 inch allotment. Mr. Narvaez estimated it would run close to 30 days.

Karin Byrum presented the financial report, noting a total of \$7,830,145 held across investments and cash in the bank as of September 4, 2025. There were two uncommon expenses, which were the purchase of pipe for a constituent project and the quarterly payment to Bureau of Reclamation. She also noted that there were large receipts for right-of-way license payments during this period. The investment rate for August was 4.35%.

Joah Franzoy presented the contract for Professional Financial Services for CliftonLarsonAllen, LLP (CLA). Mr. Franzoy noted that Karin Byrum will be retiring November 29, 2025, and this contract will facilitate in that transition. The contract includes financial services such as outsourced accounting, system implementation and support, consulting, internal controls review, audit assistance, and financial advisory. Mr. Franzoy clarified that CLA's services will be used temporarily through March 2026, while the team fills the Director of Finance position (anticipated in

Introduction
of Guests

Public Input

Agenda
Approval

Minutes
Approval

Budget
Committee
Report

Water
Update

Financial
Report

Contract
Approval

December or January) and completes system setup and staff training. Director Clayshulte Jr. asked why we are not trying to fill the position now. Mr. Franzoy noted that a job posting is currently being drafted and will be released soon. **Director Sloan moved, and the motion was seconded by Director Colquitt III to approve the Professional Financial Services contract for CliftonLarsonAllen, LLP (CLA). Directors Garay, Crist, Sloan, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**

Joah Franzoy presented the budget for Fiscal Year 11/01/2025 to 10/31/2026 and Calendar Year 1/01/2026 to 12/31/2026. He reviewed the District's revenue and expense categories and presented a forecasted net-zero, staff approved budget. President Daviet raised concerns regarding the District's continued reliance on asset depreciation to balance financial operations. He noted that industry standards suggest annual maintenance should be approximately 5% of the asset base, a threshold the District is currently not meeting. While acknowledging that this may not be the year to address the imbalance, he emphasized that ongoing reliance on depreciation is unsustainable. He underscored the importance of long-term planning and reinvestment in infrastructure maintenance as a priority for the current and future boards. Mr. Franzoy stated that he will put together the replacement cost and forecast for replacing all the structures for the District by the January 2026 Board Meeting. **Director Sloan moved, and the motion was seconded by Director Colquitt III to approve Resolution 2025-12, the budget adoption for Fiscal Year 11/01/2025 to 10/31/2026 and Calendar Year 1/01/2026 to 12/31/2026. Directors Garay, Crist, Sloan, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**

Marilyn Crawford provided an update on the upcoming 2025 Board Election. She reported that the Notice of Election has been published in the *Las Cruces Sun News* and posted on the EBID website. The election is scheduled to take place on Tuesday, December 2, 2025. As this is an even election year, elections will be held for Precincts 2, 4, 6, and 8. Petitions for director candidates are now available and may be obtained by contacting the Manager's office at the District. To qualify as a candidate, individuals must be legal adults, U.S. citizens, and own two or more acres of agricultural land within the District. The canvass of ballots will be conducted on Monday, December 8, 2025. The Board will need to determine whether to reschedule the regularly scheduled Board Meeting set for December 10, 2025, or to call a Special Board Meeting specifically for the canvass of votes.

Joah Franzoy presented the calendar of events.

- NM Water Law Conference: NWRA 2025 Annual Conference and Leadership Forum: September 11-12, 2025, in Santa Fe, NM.
- Southern New Mexico State Fair: September 24-26, 2025, in Las Cruces. EBID will be there with the water trailer under the pavilion.
- Coalition of Rio Grande Water Users Conference: September 30-October 2, 2025, in Santa Fe, NM. There are two slots available for Board Members. Director Clayshulte Jr. and Director Ludwig will attend. President Daviet asked both to make travel arrangements with Ms. Crawford.
- Hearing for TX v NM: September 28 - October 2, 2025, in Philadelphia, PA. Travel for four board members was approved on 8/13/25. President Daviet and Vice President Rovirosa were slated to attend, but Vice President Rovirosa cannot attend. Director Colquitt III stated that he would attend.
- Next Board of Directors Meeting: October 8, 2025.
- 70th Annual NM WRR! Annual Water Conference: October 21-23, 2025, at New Mexico Farm & Ranch Heritage Museum in Las Cruces, NM. If there is a quorum present, notice will need to be posted.
 - **Action Item:** Register President Daviet for this conference.
- Family Farm Alliance Annual Meeting and Conference: October 30-31, 2025, in Reno, NV.
 - **Vice President Rovirosa moved, and the motion was seconded by Director Colquitt III to approve travel to Reno, NV for the Family Farm Alliance Annual Meeting for one staff to include all actual expenses. Directors Garay, Crist, Sloan, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**
- Election Petitions DUE: October 31, 2025.
- Chamber of Commerce Horseshoe Tournament hosted by Joah Franzoy: November 1, 2025, at the Las Cruces Fairgrounds Rodeo Arena.
- NWRA 2025 Annual Conference and Leadership Forum: November 5-7, 2025, in Tucson, AZ.
 - **Vice President Rovirosa moved, and the motion was seconded by Director Sloan to approve travel to Tucson, AZ for the NWRA 2025 Conference for two Board Members and two staff to include all actual expenses. Directors Garay, Crist, Sloan, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**
- **SAVE THE DATE:** EBID Board Election, December 2, 2025

Delyce Maciel presented the HR and Safety update. She reported a current employee count of 83 and noted that there are two employees on FMLA or disability and five employees on intermittent FMLA. Mr. Franzoy noted that he had been instructed by Josh Smith to open a position for Public Relations, which will go through the RFQ/RFP process.

Joah Franzoy reported that the Engineering and Maintenance departments are busy with facilities maintenance, working on estimates for grant work, and recently submitted a bid to the City of Las Cruces to do work on their pipeline construction. They are preparing to start repairs on the Rincon Arroyo washout.

Approval of the Consent Agenda. Scott Gamboa presented seventeen licenses for approval. Fourteen Comcast Cable, new aerial fiber optic lines crossing multiple EBID ROWs; Two Comcast Cable, new buried fiber optic lines crossing the East Drain; and one Qwest/Lumen Corporation, new aerial fiber optic line crossing the Mesilla Drain. **Vice President Rovirosa moved; Secretary Garay seconded to approve the consent agenda. Directors Garay, Crist, Sloan, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**

	EBID Job #	Lic. Renew Y/N	ROU LICENSEE	ROU Land Fee (10 yr term)	ROU Land Fee Requested to be Waived? Y/N	Staff Recommend Approval? Y/N
EBID ROU LICENSE LIST - SEPTEMBER 10, 2025 BOARD MEETING						
1	2025-185	N	2025-L-110 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SAN MIGUEL LATERAL AT APPROXIMATE STATION 184+90	\$3,800.00	N	Y
2	2025-186	N	2025-L-111 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SAN MIGUEL LATERAL AT APPROXIMATE STATION 211+85	\$3,800.00	N	Y
3	2025-193	N	2025-L-118 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE EAST DRAIN AT APPROXIMATE STATION 468+00	\$4,180.00	N	Y
4	2025-199	N	2025-L-123 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE UPPER CHAMBERINO LATERAL AT APPROXIMATE STATION 256+85	\$3,800.00	N	Y
5	2025-227	N	2025-L-142 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE EAST DRAIN AT APPROXIMATE STATION 347+90	\$4,180.00	N	Y

Budget
Presentation
and
Approval
of Resolution
2025-12

Update
on
Board
Election

Calendar
of
Events

HR/Safety
Report

Maint/Proj
Update

Permits

6	2025-228	N	2025-L-143 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LA MESA DRAIN AT APPROXIMATE STATION 359+00	\$4,180.00	N	Y
7	2025-229	N	2025-L-144 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SAN MIGUEL LATERAL AT APPROXIMATE STATION 173+55	\$3,420.00	N	Y
8	2025-230	N	2025-L-145 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SAN MIGUEL LATERAL AT APPROXIMATE STATION 156+38	\$3,420.00	N	Y
9	2025-231	N	2025-L-146 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SAN MIGUEL LATERAL AT APPROXIMATE STATION 158+37	\$3,420.00	N	Y
10	2025-232	N	2025-L-147 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE ANTHONY LATERAL AT APPROXIMATE STATION 177+53	\$3,420.00	N	Y
11	2025-233	N	2025-L-148 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE CHAMBERINO DRAIN AT APPROXIMATE STATION 162+90	\$4,180.00	N	Y
12	2025-234	N	2025-L-149 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE UPPER CHAMBERINO LATERAL AT APPROXIMATE STATION 297+26	\$3,800.00	N	Y
13	2025-235	N	2025-L-150 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LA MESA DRAIN AT APPROXIMATE STATION 328+85	\$4,180.00	N	Y
14	2025-236	N	2025-L-151 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE UPPER CHAMBERINO LATERAL AT APPROXIMATE STATION 394+15	\$3,800.00	N	Y
15	2025-237	N	2025-L-152 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE UPPER CHAMBERINO LATERAL AT APPROXIMATE STATION 408+49	\$3,420.00	N	Y
16	2025-238	N	2025-L-153 COMCAST / MTC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE CHAMBERINO EAST LATERAL AT APPROXIMATE STATION 261+60	\$3,800.00	N	Y
17	2025-254	N	2025-L-161 QWEST CORPORATION TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL TELEPHONE LINE CROSSING THE MESILLA DRAIN AT APPROXIMATE STATION 237+14	\$1,630.07	N	Y
			TOTAL CHARGED \$ (NO LAND FEE WAIVER)	\$62,430.07	N	Y
			TOTAL WAIVED \$ (REQUESTING LAND FEE WAIVER)	\$0.00	Y	Y
			TOTAL \$	\$62,430.07		Y

Vice President Rovirosa moved, and the motion was seconded by Director Ludwig to go into closed session. Directors Garay, Crist, Sloan, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously. Pursuant to Section 10-15-1(H), NMSA of the New Mexico Open Meetings Act, the following topics were discussed in closed session:

Closed
Session

- Texas v. NM (USSC)
- Discussion regarding purchase, acquisition, or disposal of real property or water rights
- Discussion regarding issuance, suspension, renewal or revocation of a license pertaining to use of EBID Property
- LRG Adjudication
- Limited Personnel Matters
- Other threatened/pending litigation
- Motion to come out of closed session

Director Colquitt III moved, and the motion was seconded by Secretary Garay to come out of closed session. Directors Garay, Crist, Sloan, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously. President Daviet noted the only matters discussed in closed session were the items identified in the motion to go into closed session.

There being no further business, Director Colquitt III moved, and the motion was seconded by Secretary Garay to adjourn the meeting. Directors Garay, Crist, Sloan, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously. The meeting was adjourned at 12:48 PM.

Adjourn

The next meeting of the Board of Directors will be held on October 8, 2025, beginning at 9:00 AM at the EBID office located at 530 S Melendres St., Las Cruces, NM.

Gregory Daviet, President

Randy Garay, Secretary