

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS' MEETING
October 8, 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, October 8, 2025. The meeting was called to order by Board President Greg Daviet. Board members present were Casey Crist, Greg Daviet, Rafael Rovirosa, John Clayshulte Jr., Prescott Colquitt III, and Henry Ludwig. Board members Randy Garay, Preston Tharp, and James Sloan were absent.

The Invocation was given by Gary Esslinger, followed by the Pledge of Allegiance led by Director Crist.

EBID personnel present were Josh Smith, Treasurer-Manager; Joah Franzoy, Assistant Manager; Marilyn Crawford, Executive Assistant; David Lutz, Legal Counsel; Gary Esslinger, Consultant; Karin Byrum, Finance Director; Juan Caballero, GIS and Licensing Administrator; AJ Carlson, Land Records Administrator, appeared virtually and in-person; Tammie Deon, Administrative Assistant, appeared virtually; James Narvaez, Director of Irrigation Systems, appeared virtually; Delyce Maciel, Director of HR and Safety, appeared virtually; Skye Devore, Lobbyist, appeared virtually; Pete Domenici, Legal Counsel, appeared virtually; and Dr. Phil King, Consultant, appeared virtually.

EBID guests present were Earl Greer, Elephant Butte Chamber of Commerce; Bruce Swingle, Elephant Butte Chamber of Commerce; James Prindamondo, Turtleback Mountain Golf & Resort; Ryan Serrano, NMISC; Steve Hernandez, CID; Larry Vasquez, USBR; and Alfred Perrault, OSE.

Virtual attendees present were Samantha Stiffler, IBWC; Christina Hernandez; Sherryl Smith, OSE; and Katherine Maynard, OSE.

The agenda was approved as presented.

Steven Hernandez provided a brief update on the NWRA annual conference in November and noted that he invited Josh Smith to participate as a panelist in a discussion on Texas versus New Mexico. In turn, Mr. Smith extended invitations to President Daviet and Vice President Rovirosa to join the panel.

Director Clayshulte moved, and the motion was seconded by Director Colquitt III to approve the September 10, 2025, Regular Board Meeting minutes. Directors Crist, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.

Mr. Bruce Swingle, accompanied by Mr. Earl Greer and Mr. James Prindamondo, addressed the board regarding ongoing efforts to establish a minimum pool at Elephant Butte Lake. The presenters emphasized the critical economic and recreational importance of the lake to the region and highlighted the long-standing issue of water shortages affecting southern New Mexico. The Elephant Butte Chamber of Commerce is advocating for a collaborative approach involving key stakeholders such as EBID, state parks, local communities, and the State Engineer's Office. State Parks has requested a minimum elevation of 4310 feet (approximately 178,000 AF of storage) to maintain recreational infrastructure. The presenters stressed that the goal is not to reallocate existing water rights but to ensure equitable access and sustainable management of water resources in southern New Mexico.

Director Colquitt and David Lutz reported that the Land Use Committee has been active and met twice since the September Board Meeting. The committee met on 9/9/25 to discuss the status of the moratorium and proposed amendments to the Land Relinquishment policy and the MOU with the City of Las Cruces. The committee met again the following week to approve the proposed amendments.

David Lutz presented the amended Policy 1997-ENG10 for Board approval, noting that the policy had previously been revised in 2019 and that the Land Use Committee had addressed several concerns raised by the Board. The updated policy includes provisions for public notice, where proposed relinquishments will be published on the EBID website to ensure transparency. Additionally, adjacent EBID landowners will receive direct notification via their address on file, allowing them the opportunity to respond or submit offers. The Board also discussed how to proceed in the event of multiple offers, with consideration given to evaluating each offer individually and requesting best and final submissions. **Director Colquitt III moved, and the motion was seconded by Vice President Rovirosa to approve the amendment to Policy 1997-ENG10. Directors Crist, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**

Josh Smith reported that staff located documentation indicating the Board lifted the Moratorium on the Conveyance of District property in 2019. David Lutz confirmed that according to the Board meeting minutes, amendments to the Relinquishment Policy were approved in November 2019. The minutes from that meeting reflect a motion passed by the Board to lift the moratorium, with one specific property listed on the agenda for relinquishment at that time. There remains some question as to whether the action taken was intended to lift the moratorium solely for that specific transfer or more broadly. Further review of meeting records revealed evidence of another relinquishment occurring in 2021. Based on this information, Mr. Lutz expressed his belief that the moratorium was fully lifted. President Daviet concurred with the discussion and expressed support for either adopting or denying Resolution 2025-11 in order to formally clarify the status of the moratorium on the conveyance of District property. **Director Colquitt III moved, and the motion was seconded by Vice President Rovirosa to approve Resolution 2025-11 Lifting the Moratorium on the Conveyance, Sale, and Transfer of District property. Directors Crist, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**

Director Colquitt III stated that the City of Las Cruces has not responded to the proposed amendments to the Memorandum of Understanding (MOU) and recommended postponing the agenda item. David Lutz stated that the current MOU with the City of Las Cruces regarding the use of District drains, canals, and laterals is expired. There is a project that the city is currently working on which makes having the MOU in place essential. He noted that the second amended MOU has been sent to the city for their review, however, they have not yet responded. He agreed that it might be best to table the item until we hear back from the city as there was one key change in the MOU. This change was to not waive the land use fees because it is not an agricultural use of the property. The Board discussed whether land use fees should be charged to the City of Las Cruces for use of District facilities. The consensus was that, as the City is not an agricultural entity and will not use the land for agricultural purposes, fees should be assessed. Mr. Lutz added that municipalities, including the City of Las Cruces, charge franchise fees for

Introduction
of Guests

Agenda
Approval

Public
Input

Minutes
Approval

Presentation

Committee
Report

Amended
Policy
1997-ENG10
Approval

Resolution
2025-11
Approval

Second
Amendment
to MOU
with CLC
Approval

October 8, 2025

use of city property, and that EBID assessing fees would be consistent with that practice. **Director Rovirosa moved, and the motion was seconded by Director Colquitt III to postpone the approval of the second amended Memorandum of Understanding (MOU) with the City of Las Cruces until the November 12, 2025 Board Meeting. Directors Crist, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**

Dr. King provided a water resources update. As of October 7, 2025, total project storage stands at 86,412 acre-feet (AF), with 71,377 AF in Elephant Butte and 15,035 AF in Caballo. Usable project storage is 74,955 AF; 20,543 AF is not releasable. Estimated Rio Grande Compact credit is 7,200 AF, and San Juan-Chama is at 4,257 AF. The seasonal supply is at 54,412 AF. The net inflow into Elephant Butte is at approximately 300 AF but is fading. The D1 curve goes to zero at 124,000 AF; the D2 curve goes to zero at 67,000 AF; So, we are below zero on both allocation functions that we use for allocation. The river gauges at Otowi, Albuquerque, and San Marcial are all below the median.

Water
Resources
Update

Dr. King reported as of October 7, 2025, the Upper Rio Grande is at 289% of average, Rio Chama 129%, Sangre de Cristo 87%, and Jemez at 67% for the water year 2026, which began October 1st. The NOAA NWS Climate Prediction Center projects below average precipitation and above average temperatures January 2026 through March 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 entire Rio Grande remains in some level of drought. The seasonal drought outlook forecasts that Texas is going to be in drought and that there will be persistence of drought in the Lower Rio Grande. The current classification is ENSO (El Nino Southern Oscillation Index) neutral.

Dr. King provided an overview of the anticipated water supply conditions for the 2026 season. Based on current project storage levels and long-range forecasts indicating a warm and dry snow season, the upcoming year is expected to be a critically short supply year. In 2025, Caballo Dam released 248,449 AF, marking the seventh lowest release in the dam's history. This reduced release volume has direct implications for surface water availability in 2026. For context, the lowest historical release from Caballo occurred in 2013, totaling 168,558 AF. As of this date in 2012, project storage stood at approximately 119,000 AF. In contrast, current storage levels are significantly lower, at 86,412 AF. Given these conditions, he recommended initiating discussions with key project partners, EP#1, the Bureau of Reclamation, and the International Boundary and Water Commission, to explore potential response scenarios and collaborative strategies.

Josh Smith provided a summary of recent activities and updates:

Manager's
Update

- Texas v. New Mexico Litigation: Mr. Smith, along with President Daviet, Director Colquitt, and EBID consultants, attended the hearing in Philadelphia last week. The proposed settlement was presented to the presiding judge. The review process is expected to begin in November, with a report from the Special Master anticipated in the spring.
- Dam Drain Maintenance: Capital and special agreements with the Interstate Stream Commission for dam drain maintenance crews have been finalized. Leah Diaz is overseeing the procurement of necessary equipment, and most crew positions have been filled.
- Flood Response – Vado Area: EBID is actively working with FEMA in response to recent flooding in Vado. Staff are compiling a damage inventory list with the goal of recovering costs associated with repairs to the Mesquite Drain.
- Construction Activities: The district is currently in construction mode, with several projects scheduled.
- Contracts Database Development: A centralized contracts database is being developed under the lead of Joah Franzoy and James Narvaez. This system will house all MOUs, MOAs, agreements, and contracts, and will include expiration tracking with automated notifications.
- Stormwater Utilization: The district has been utilizing stormwater resources. James Narvaez is collecting data and plans to present findings at an upcoming Board meeting.

Josh Smith presented the calendar of events:

Calendar
of
Events

- 70th Annual NM WRRRI 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.
- Family Farm Alliance Annual Meeting and Conference: October 30-31, 2025, in Reno, NV. Unfortunately, no staff are available to attend.
- 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. (Travel approved 9/10/25 and reservations have been made)
- Next Board of Directors Meeting: November 12, 2025.
- SAVE THE DATE: EBID Board Election, December 2, 2025
 - **Action Item:** Add an agenda item to the November Board Meeting to determine whether an additional meeting is necessary to canvass the election results.

Karin Byrum presented the financial report, noting a total of \$7,247,492 held across investments and cash in the bank as of October 2, 2025. She noted auction proceeds of approximately \$25,000 were received, as well as a lump payment for a variety of use fees. The investment rate for September was 4.35%.

Financial
Report

Karin Byrum presented Resolution 2025-13 Approval of Disposition of Assets with Exhibit A (estimated resale value less than \$5,000) and Exhibit B (estimated resale value greater than \$5,000). **Director Colquitt III moved, and the motion was seconded by Vice President Rovirosa to approved Resolution 2025-13. Directors Crist, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**

Resolution
2025-13
Approval

There was no maintenance/project update at this meeting.

Maint/Proj
Update

October 8, 2025

Josh Smith provided an HR and Safety update, reporting a current employee count of 83. He noted that interviews are underway for open ditch rider positions in both the North and South. Additionally, he announced that Karin Byrum will be retiring in November.

HR/Safety
Report

Approval of the Consent Agenda.

Consent
Agenda
Approval

Two Professional Services Contracts were presented for approval:

- Domenici Law Firm, PC DL Sanders LLC and Law Offices of H. Nicole Werkmeister, LLC
- Jorgianna "Jorgi" Ellis, Public Relations.

Seven Right of Use Licenses were presented:

- Two for Woodward / DeRuyter Farms / Sunset Farms / Farms El Consuelo (renewed licenses) - Existing culverts crossing the East Drain and Anthony Lateral (requesting land use fees to be waived due to agriculture use).
- Two for M&J Custom Farming - New harvest gates on right bank of the Leasburg Extension (requesting land use fees to be waived due to agriculture use).
- Carey and Patricia Wilson - Existing concrete bridge crossing the Eastside Main Canal
- Two for El Paso Electric - New aerial electrical lines crossing the Hatch Main Canal and Turney Lateral

	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 - OCTOBER 8, 2025 BOARD MEETING						
1	2025-200	Y 2005-206 2005-L-079	2025-L-124 WOODWARD / DeRUYTER FARMS / SUNSET FARMS / FARMS EL CONSUELO TO OPERATE AND MAINTAIN AN EXISTING VEHICLE CULVERT CROSSING THE EAST DRAIN AT APPROXIMATE STATION 452+87	\$4,180.00	Y	Y
2	2025-201	Y 2005-206 2005-L-079	2025-L-125 WOODWARD / DeRUYTER FARMS / SUNSET FARMS / FARMS EL CONSUELO TO OPERATE AND MAINTAIN AN EXISTING VEHICLE CULVERT CROSSING THE ANTHONY LATERAL AT APPROXIMATE STATION 60+50	\$3,800.00	Y	Y
3	2025-252	N	2025-L-159 M&J CUSTOM FARMING / JOSEPH CENICEROS TO CONSTRUCT, OPERATE, AND MAINTAIN A HARVEST GATE ON THE RIGHT BANK OF THE LEASBURG EXTENSION AT APPROXIMATE STATION 720+43	\$3,800.00	Y	Y
4	2025-253	N	2025-L-160 M&J CUSTOM FARMING / JOSEPH CENICEROS TO CONSTRUCT, OPERATE, AND MAINTAIN A HARVEST GATE ON THE RIGHT BANK OF THE LEASBURG EXTENSION AT APPROXIMATE STATION 699+71	\$3,800.00	Y	Y
5	2025-258	N	2025-L-162 CAREY AND PATRICIA WILSON TO OPERATE AND MAINTAIN AN EXISTING VEHICLE BRIDGE CROSSING THE EASTSIDE MAIN CANAL AT APPROXIMATE STATION 278+10	\$3,800.00	N	Y
6	2025-259	N	2025-L-163 EL PASO ELECTRIC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL ELECTRICAL LINE CROSSING THE HATCH MAIN CANAL AT APPROXIMATE STATION 646+80	\$4,180.00	N	Y
7	2025-260	N	2025-L-164 EL PASO ELECTRIC TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL ELECTRICAL LINE CROSSING THE TURNEY LATERAL AT APPROXIMATE STATION 3+00	\$3,420.00	N	Y
			TOTAL CHARGED \$ (NO LAND FEE WAIVER)	\$11,400.00	N	Y
			TOTAL WAIVED \$ (REQUESTING LAND FEE WAIVER)	\$15,580.00	Y	Y
			TOTAL \$	\$26,980.00		Y

Director Crist moved, and the motion was seconded by Director Colquitt III to approve the Consent Agenda. Directors Crist, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.

President Daviet recused himself from the Water Transfer Hearing. Vice President Rovirosa called to order the Suspension/Transfer Hearing. AJ Carlson presented Water Right Transfer **2025-WTS-009**, in which TBC Properties LLC is transferring 7 acres of water rights to Triple A Farms LLC. As a result, JD 780 Valley LLC will no longer hold water rights, and TBC Properties LLC will hold a new total of 40.62 acres of water rights. She presented **2025-WTS-010**, in which Michael and Karen Brockman are transferring 4.62 acres of water rights to Daviet Farms LLC. As a result, Michael and Karen Brockman will no longer hold water rights, and Daviet Farms LLC, Inc will hold a new total of 270.46 of water rights. She also presented **forty-five delinquent suspensions** to transfer project water rights as allowed by Section 73-13-4 NMSA under the name of the Applicants from the lands currently carried on the District assessment rolls as identified in Exhibit A as "Move From Land" for a total of 43.20 acres to EBID owned property. No protest was received. Staff recommends approval of the transfers. **Director Colquitt III moved, and the motion was seconded by Director Crist to approve said applications and Resolutions 2025-S&T-10. President Daviet abstained. Directors Crist, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.**

Water
Transfer
Hearing

Director Colquitt III moved, and the motion was seconded by Director Clayshulte to adjourn the Board sitting for water transfer hearing. Directors Crist, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously.

Adjourn
Water
Transfer
Hearing

Director Colquitt III moved, and the motion was seconded by Vice President Rovirosa to go into closed session. Directors Crist, 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

October 8, 2025

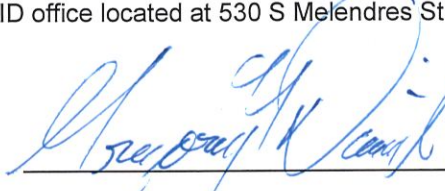
- LRG Adjudication
- Limited Personnel Matters
- Other threatened/pending litigation
- Motion to come out of closed session

Director Colquitt III moved, and the motion was seconded by Director Ludwig to come out of closed session. Directors Crist, 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 Vice President Rovirosa to adjourn the meeting. Directors Crist, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig aye the motion. Motion passed unanimously. Motion passed unanimously. The meeting was adjourned at 12:30 PM.

Adjourn

The next meeting of the Board of Directors will be held on November 12, 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