

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS' MEETING
December 8, 2025**

A Special Board of Directors meeting of the Elephant Butte Irrigation District was held at 530 S Melendres, Las Cruces, NM at 9am on Monday, December 8, 2025. The meeting was called to order by Board President Greg Daviet. Board members present were Randy Garay, Greg Daviet, Rafael Rovirosa, Henry Ludwig, Prescott Colquitt III (9:05 AM) and John Clayshulte Jr. (9:08 AM). Board members Casey Crist, Preston Tharp and James Sloan were absent.

The Invocation was given by Joah Franzoy, followed by the Pledge of Allegiance led by Secretary Garay.

President Daviet announced that a quorum of directors was not present. He advised that the meeting would proceed with discussion of agenda items not requiring board approval. All items requiring board action were tabled and will be addressed once a quorum is established.

EBID personnel present were Josh Smith, Treasurer-Manager (virtual); Joah Franzoy, Assistant Manager; Marilyn Crawford, Executive Assistant; James Narvaez, Director of Irrigation Systems (virtual); Leah Diaz, Chief Procurement Officer; AJ Carlson, Land Records Administrator (in-person and virtual); William Lutz, Legal Counsel; David Lutz, Legal Counsel; Delyce Maciel, Director of HR and Safety (virtual); Jorgianna (Jorgi) Ellis, PR Consultant; Scott Gamboa, Land and Licensing Technician, (in-person and virtual); Juan Caballero, GIS and Licensing Administrator; Mariano Rodriguez, EBID; Pete Domenici, Legal Counsel (virtual); DL Sanders, Legal Counsel (virtual); and Dr. Phil King, Consultant (virtual).

EBID guests present were Alfred Perrault, OSE; Constituent; Ryan Serrano, NMISC; Larry Vasquez, BOR; and Jesus Moreno.

Virtual attendees present were Anthony Collin, NMDA; Caitlyn Owens, NMOSE; Matthew Vogel; Jerry Melendez, USBR; and Max Henkels, NMDA.

President Daviet reported that the Water Resources Committee met twice in November. A major topic discussed at both meetings was the Copper Flat Mine. On November 13, representatives from Copper Flat Mine presented to the committee. Attendees included the committee chair, Dr. King, Josh (virtually), Steve Crosby from the New Mexico Corporation, and Andrew Maloney from Tula Resources. The presentation focused on a proposed permit change from a wet tailings pond to a dry stacking tailings pond, which would reduce water usage from 6,000 acre-feet per year to approximately 1,000 acre-feet per year. The presenters expressed interest in EBID's support. This matter was discussed further at the committee meeting the following Monday, where numerous questions were raised. Attendees included members of the NM Pecan Growers and Dr. Maxier to address concerns about potential impacts on inflows into the Caballo Reservoir and the risk of contamination from tailings.

At the regular monthly meeting, the committee reviewed the draft end-of-year allocation and discussed carryover balances. The committee agreed that if the available supply is less than 100,000 acre-feet, EBID will not release water from the reservoir, and if the supply exceeds 200,000 acre-feet, EBID will likely release water. Current projections fall between these thresholds, and the committee continues to evaluate options to provide guidance to the board. At this time, no formal recommendations have been made regarding district policy or next year's allocation.

President Daviet announced that a quorum was established with the arrival of Director Colquitt III. He stated that all items previously tabled pending a quorum would now be addressed in the order listed on the agenda.

The agenda was approved as presented.

Agenda Approval

President Daviet noted the arrival of Director Clayshulte Jr.

President Daviet made a correction to the minutes. The correction was at the bottom of page three regarding the City of Las Cruces as a *four*-year planning entity, this should read *forty*-year planning entity. **Director Clayshulte Jr. moved, and Director Colquitt III seconded, to approve the November 12, 2025, Regular Board Meeting minutes as corrected. Directors Garay, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. Motion passed unanimously.**

Minutes Approval

Canvass and Certification of 2025 Board of Directors Election.

Precinct	Candidate	Total Votes
Precinct 2	Casey Crist	57
Precinct 4	Greg Daviet	57
Precinct 6	Rafael Rovirosa	58
Precinct 8	Prescott K (PK) Colquitt III	56

Canvass & Certification of the 2025 EBID Election

Director Ludwig moved, and Secretary Garay seconded, to confirm the results read by acclamation and approve the resolution certifying the results and the election held on December 2, 2025, for the Board of Directors. Directors Garay, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. Motion passed unanimously.

Dr. King provided a water resources update. He provided a preliminary 2025 end of year (not final or approved) accounting update. As of October 31, 2025, total project storage stands at 102,334 acre-feet (AF), with 87,536 AF in Elephant Butte and 14,798 AF in Caballo. Usable project storage was 91,022 AF; 10,688 AF was not releasable. Rio Grande Compact credit was 7,200 AF, and San Juan-Chama

Water Resources Update

was at 4,112 AF. Amount released from Caballo was 248,440 AF. Total usable available for release was 328,774 AF. EBID charges (including Mexico over-delivery of about 1,700 acre-feet, which was intentional to comply with treaty obligations) was at 79,953 AF. EPCWID charges (including Mexico over-delivery) was at 122,383 AF. Mexico delivery was as 13,463 AF. Total charges amounted to 214,017 acre-feet, and the diversion ratio was calculated at 0.861, significantly higher than the earlier estimate of 0.78. EBID's final allocation was at 113,191 AF, resulting in and carry over of 33,238 AF. EPCWID allocation was at 146,748 AF resulting in carry over of 24,365 AF.

Dr. King noted that as of December 4, 2025, total project storage stands at 139,596 acre-feet (AF), with 124,441 AF in Elephant Butte and 15,155 AF in Caballo. Usable project storage was 129,870 AF; 22,274 AF was not releasable. Estimated Rio Grande Compact credit was 5,614 AF, and San Juan-Chama (as of October 31) was at 4,112 AF. The seasonal supply was at 107,596 AF. The net inflow into Elephant Butte was at approximately 1,300 AF per day.

Dr. King reported as of December 7, 2025, the Upper Rio Grande was at 162% of average total precipitation, Rio Chama 165%, Sangre de Cristo 103%, and Jemez at 118%. The snow water equivalent has improved over the last two weeks.

Dr. King discussed the scheduled water release from Abiquiu to Elephant Butte Reservoir by the Army Corps of Engineers. The release began around November 30, following a stair-step increase in flow, peaking at approximately 1,400 CFS. The schedule indicates that the ramp-down will start soon, with the release process being completed by December 17 and intended to reach Elephant Butte by the end of the calendar year. Ryan Serrano with the NM Interstate Stream Commission confirmed the release and clarified that it would be 28,000 AF from upstream storage.

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 most of the Rio Grande watershed is in moderate drought. The seasonal forecast is anticipated as *drought development likely*. La Niña conditions are present and expected to persist through March.

In conclusion, anticipate an initial release date in late May or early June 2026 with an expected allotment of no more than 4 inches.

Joah Franzoy presented the financial report, noting a total of \$7,603,617 held across investments and cash in the bank as of December 3, 2025. Cash flow continues to improve year over year, and we remain on track to reach the reserve target set by the Budget Committee (equivalent to one full year of cash flows) though this goal may be adjusted in the future. Current cash levels are high due to incoming assessments, pending grant-related expenditures, and payroll obligations. Approximately 25% of fiscal year 2026 assessments have been collected. There were no extraordinary revenues this month, aside from \$67,590 in auction proceeds. We are also receiving reimbursements for ISC grant purchases; of roughly \$3.2 million spent, about \$2.5 million has been reimbursed. Additional purchases and reimbursements are expected soon.

Financial Report

Leah Diaz presented the contract for Professional Services for State Lobbyist Devore/Aragon. The contract is for year two of four, and is for a fixed fee of \$40,000 per year. **Vice President Rovirosa moved, and the motion was seconded by Director Ludwig to approve the Professional Services contract for Devore/Aragon. Directors Garay, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. Motion passed unanimously.**

Contract Approval for Devore/Aragon

Leah Diaz presented the FY2025 Audit Contract for approval. This is a new contract with a new firm, SJT Group, for audit services for the fiscal year 2025. The contract has been approved through the Office of the State Auditors. **Vice President Rovirosa moved, and the motion was seconded by Director Colquitt III to approve and delegate signature authority to the CPO of the District for the fiscal year 2025 audit contract. Directors Garay, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. Motion passed unanimously.**

Approval of FY2025 Audit Contract

Delyce Maciel provided an HR and Safety update and reported a current employee count of 83. She noted an open position for a Ditch Rider in the North, which is challenging to fill; therefore, the position is being actively posted. An internal posting for an Engineering Technician is also open, and one current Ditch Rider has applied. If selected, his position will not be backfilled. Joah is finalizing security upgrades for all yards. Two employees are on intermittent FMLA, and one employee is on continuous FMLA, with an expected return date at the beginning of the year. The District will close for the winter shutdown from December 23 at noon through January 2, 2026, reopening January 5, 2026.

HR/Safety Report

Joah Franzoy provided an Engineering and Maintenance update.

- Rincon Arroyo work has been completed.
- The City of Las Cruces project is being finalized.
- Dam work is underway, with external engineering conducting a risk assessment and internal engineering focused on the Category A mission.
- Engineering designs for the Rincon Lateral Phase I project have been received, but on hold with SHPO. Work on Phases II and III is in progress, and those designs have been submitted to NRCS.

Maint/Proj Update

Joah Franzoy presented the calendar of events:

- Regularly Scheduled Board Meeting: December 10, 2025 (No Agenda Items).
- EBID Winter Shut Down: December 23, 2025 at Noon - January 4, 2026 (reopen 1/5/26).

Calendar of Events

December 8, 2025

- January Board Meeting: January 14, 2026.
- New Mexico Legislative Session: January 20 - February 19, 2026, in Santa Fe, NM. Vice President Rovirosa moved, and the motion was seconded by Secretary Garay to approve travel for reasons related to the New Mexico Legislative Session for up to six trips, for up to two board members and one staff to include all actual expenses. Directors Garay, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. Motion passed unanimously.
- Irrigation Leaders Workshop: January 20-22, 2026, in Chandler, AZ. Vice President Rovirosa moved, and the motion was seconded by Secretary Garay to approve travel for up to four board members and two staff to attend the Irrigation Leaders Workshop to include all actual expenses. Directors Garay, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. Motion passed unanimously.

Director Colquitt III moved, and the motion was seconded by Vice President Rovirosa to go into closed session. Directors Garay, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. 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:

- Performance Evaluation of Treasurer-Manager
- Texas v. NM (USSC)
- Discussion regarding all pending Water Right Protests before the Office of the State Engineer.
- Discussion regarding issuance, suspension, renewal or revocation of a license pertaining to use of EBID Property
- Limited Personnel Matters
- Other threatened/pending litigation
- Motion to come out of closed session

Secretary Garay moved, and the motion was seconded by Director Colquitt to come out of closed session. Directors Garay, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. 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, Secretary Garay moved, and the motion was seconded by Director Colquitt III to adjourn the meeting. Directors Garay, Rovirosa, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. Motion passed unanimously. The meeting was adjourned at 1:40 PM.

The next meeting of the Board of Directors will be held on December 10, 2025, beginning at 9:00 AM at the EBID office located at 530 S Melendres St., Las Cruces, NM.



EBID Board President



EBID Board Secretary

Closed Session

Adjourn