

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS' MEETING
January 14, 2026**

A Regular Board of Directors meeting of the Elephant Butte Irrigation District was held at 530 S Melendres, Las Cruces, NM at 9 AM on Wednesday January 14, 2026. The meeting was called to order by Board President Greg Daviet. Board members present were Randy Garay, Casey Crist, Greg Daviet, Rafael Roviroso, James Sloan, and Director Colquitt III. Preston Tharp arrived at 10:42 AM. Board member John Clayshulte Jr. was absent.

The Invocation was given by Secretary Garay, followed by the Pledge of Allegiance led by Director Ludwig.

EBID personnel present were: Joah Franzoy, Chief Financial Officer; Leah Diaz, Finance Director and CPO; David Lutz, Legal Counsel; Marilyn Crawford, Executive Assistant; Jorgianna (Jorgi) Ellis, PR Consultant; James Narvaez, Director of Irrigation Systems (virtual); AJ Carlson, Land Records Administrator (virtual); Delyce Maciel, Director of HR and Safety (virtual); Scott Gamboa, Land and Licensing Technician, (in-person and virtual); Alex Rubio, Senior Engineering Manager; Tammie Deon, Administrative Assistant (virtual); DL Sanders, Legal Counsel (virtual); Skye Devore, Lobbyist (virtual); and Dr. Phil King (virtual).

EBID guests present were: Alfred Perrault, OSE; Ryan Serrano, NMISC; Larry Vasquez, BOR; and Mike Riley, OSE. Virtual attendees: Christina Hernandez; Genevieve Allan, USBR; Matthew Vogel; and Sherryl Smith, OSE.

Announcements

Director Colquitt III acknowledged President Daviet for providing constructive feedback, noting that the guidance prompted greater engagement and improvement. He expressed appreciation for the reminder to remain present and encouraged others to re-engage without hesitation.

Election of Officers

President Daviet motioned to open nominations for Board President. Director Sloan nominated Director Roviroso for President; Director Colquitt III seconded. Director Daviet nominated Director Garay for President; Director Roviroso seconded. A ballot was conducted to determine the President, listed below are the open ballots cast: **Director Roviroso was elected for President.**

Director Garay voted Director Roviroso
Director Crist voted Director Roviroso
Director Daviet voted Director Roviroso
Director Sloan voted Director Roviroso
Director Roviroso voted Director Roviroso
Director Colquitt III voted Director Roviroso
Director Ludwig voted Director Roviroso

Newly elected President Roviroso assumed presiding duties of the meeting.

President Roviroso motioned to open nominations for Vice President. Director Garay nominated Director Daviet for Vice President; Director Ludwig seconded. Director Sloan nominated Director Garay for Vice President; Director Colquitt III seconded. A ballot was conducted to determine the Vice President, listed below are the open ballots cast: **Director Daviet was elected for Vice President.**

Director Garay voted Director Daviet
Director Crist voted Director Daviet
Director Roviroso voted Director Daviet
Director Sloan voted Director Garay
Director Daviet voted Director Garay
Director Colquitt III voted Director Garay
Director Ludwig voted Director Daviet

President Roviroso motioned to open nominations for Secretary. Director Ludwig nominated Director Garay; Director Colquitt III seconded. Vice President Daviet nominated Director Sloan for Secretary; Director Garay seconded. A ballot was conducted to determine the Secretary, listed below are the open ballots cast: **Director Garay was elected as Secretary.**

Director Garay voted Director Garay
Director Crist voted Director Garay
Director Roviroso voted Director Garay
Director Sloan voted Director Garay
Director Daviet voted Director Garay
Director Colquitt III voted Director Garay
Director Colquitt III voted Director Garay

Approval of the 2026-01 Open Meetings Act Resolution

The drafted resolution notes that board meetings will be held on the second Wednesday of every month. There was discussion about whether any 2026 holidays fell on the second Wednesday of the month. **Director Sloan moved to accept the resolution as presented; Secretary Garay seconded. Vice President Daviet moved to amend the motion and to modify the resolution to shift the date of the November meeting to the third Wednesday of the month; Director Colquitt III seconded. Directors Garay, Crist, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. Motion passed unanimously. Then the Board voted to accept the amended resolution 2026-01. Directors Garay, Crist, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Approval of Agenda

Director Colquitt III moved, and the motion was seconded by Director Daviet to approve the agenda as presented. Directors Garay, Crist, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Approval of Minutes

Director Colquitt III moved, and the motion was seconded by Secretary Garay, to approve the December 8, 2025, Special Board Meeting minutes. Directors Garay, Crist, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Secretary Garay moved, and the motion was seconded by Director Sloan, to approve the December 10, 2025, Regular Board Meeting minutes. Directors Garay, Crist, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Approval of Travel for November 2025 Interim Committee Meeting in Santa Fe (11/17-11/19/2025)

President Roviroso stated that the Legislative Finance Committee and Water Resources Committee had meetings

Introduction
Guests

Election
of
Officers

Open
Meeting
Act
Resolution
2026-01

Agenda
Approval

Minutes
Approval

Travel
Approval

January 14, 2026

regarding the Texas v. New Mexico settlement in November 2025. He noted that the Government Affairs Committee attended these meetings and requested retroactive approval for the related travel. As approval is being sought retroactively, reimbursement is limited by law to statutory per diem only. **Director Colquitt III moved, and the motion was seconded by Director Ludwig, to approve travel retroactively for three board members to Santa Fe for two nights. Directors Garay, Crist, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Approval of First Amendment to Treasurer-Manager Contract

David Lutz presented the first amendment to the Treasurer-Manager Contract for approval. He noted that section 3.1 of the contract states that the Treasurer-Manager's salary is the only monetary compensation he will receive, "*Such compensation shall be the only monetary compensation the District pays and the Employee receives for Employee's services...*" However, Section 4 indicates that the board has the authority as part of the performance evaluation process to award merit bonuses or salary increases, "*and (D) determination of any merit bonus and/or salary increases...*" These provisions could be seen in conflict. The proposed amendment indicates that the provision that the only monetary compensation would be subject to section 4(D) that allowed merit bonuses or salary increases during the term of the contract, "*Subject to the Board of Directors' ability to award any merit bonus and/or salary increases pursuant to Section 4(D) below, such compensation shall otherwise be the only monetary compensation the District pays and the Employee receives for Employee's services under this Agreement.*" **Director Sloan moved, and the motion was seconded by Director Colquitt III to approve the amendment to the Treasurer-Manager contract. Directors Garay, Crist, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Amendment
Treasurer-
Manager
Contract

Water Resource Committee

Secretary Garay reported that the Committee met on December 15, 2025. Randy Garay was appointed Chair of the committee. Staff noted irregular storage data at Elephant Butte Reservoir due to instrumentation issues, with combined storage in Elephant Butte and Caballo measured at approximately 151,000 acre-feet (AF) as of December 9, 2025. Discussion included historical minimum release levels, most notably in 2013, and the potential for a comparable year, during which staff indicated they would recommend a 4-inch allotment, with the 2026 release anticipated on or around June 1. Updates were provided on the upstream release from Abiquiu Reservoir, expected to total roughly 32,000 (AF), though monitoring problems make it uncertain how much will reach Elephant Butte. While no formal recommendation was made, members estimated that approximately 200,000 acre-feet of storage would be required to support a release comparable to 2013 conditions.

Committee
Reports

The Lower San Acacia Reach Improvements Project EIT is open for comments until January 12, with EBID and MRGCD listed as cooperating agencies; the committee deferred comment preparation to the Legal Review Committee. It was also noted that Tulla Resources/NM Copper Company has not yet contacted staff regarding potential impacts of their proposed dry-stack tailings handling on water use and Caballo Reservoir.

Capital Improvement Committee

Secretary Garay reported that the Committee met on January 6, 2026, via teleconference. The Committee completed its review of the Asset Management Plan prepared by Joah Franzoy, noting that the plan was delivered on schedule, met the requested format, and provides a strong, well-organized foundation for proactive and risk-based asset management. The Committee commended Mr. Franzoy for the exceptionally thorough and high-quality report, which is expected to benefit the District for years to come.

Government Affairs Committee

President Rovirosa reported that the Committee has been meeting regularly with the District's lobbyists. He noted that the District has, for the first time, prepared and submitted a Request for Capital Outlay seeking funding for Mesilla Dam equipment, communication equipment, and safety signage. He discussed budget proposals from both the Governor and the Legislative Finance Committee, including the Governor's inclusion of a \$22.5 million special appropriation to support depletion-reduction commitments under the Texas v. New Mexico settlement. Travel previously authorized for the legislative session will be used as needed to attend hearings/meetings relevant to District interests, with key legislative dates and committee schedules reviewed. President Rovirosa provided an overview of bills of interest, including House Bill (HB) 37 regarding property tax protections for fallowed agricultural lands, HB 63 authorizing water project funding for various entities, and a forthcoming bill from the Office of the State Engineer proposing increased civil penalties for water law violations; the District will monitor these measures to ensure member protections while supporting appropriate enforcement.

Water Resources Update

Dr. King provided a water resources update. As of January 12, 2026, total project storage stands at 207,296 acre-feet (AF), with 191,578 AF in Elephant Butte and 15,718 AF in Caballo. Usable project storage was 197,570 AF; 22,274 AF was not releasable. Rio Grande Compact credit was 5,614 AF, and San Juan-Chama was 4,112 AF. Zero AF have been released from Caballo in 2026. Total seasonal supply was at 175,296 AF (slightly above the historic low of 2013). Net inflow into Elephant Butte was at approximately 1,200 AF per day.

Water
Resources
Update

Dr. King reviewed NRCS data for the Rio Grande Basin as of January 12, 2026: the Rio Grande Headwaters was at 102% of average precipitation, the Upper Rio Grande at 77%, Rio Grande–Elephant Butte at 77%, and Rio Grande–Caballo at 91%. Despite near-average precipitation, snowpack remains significantly below average, and current forecasts indicate continued warm and dry conditions with limited chance of improvement.

The NOAA Climate Prediction Center projects below-average precipitation and above-average temperatures from February through March 2026 across the Rio Grande watershed. According to the U.S. Drought Monitor, the region remains in conditions ranging from abnormally dry to severe drought. La Niña remains present, with a high likelihood of transitioning to neutral conditions by March 2026. Dr. King noted that D1 and D2 zero points have now been surpassed; however, persistent drought and forecasts indicate a pessimistic outlook, and a critically short water supply year in 2026 is anticipated.

Financial Report

Joah Franzoy presented the financial report, noting a total of \$10,839,670 held across investments and cash in the bank as of January 7, 2026. Uncommon large payments included \$1,040,361 for grant purchases related to our ISC funding agreement. Proceeds from the most recent auction totaled \$22,570, bringing total auction revenue to approximately \$180,000. A payment of \$440,882 was received from the City of Las Cruces for the piping project. Additionally, \$1,757,349 was received in grant proceeds from the Interstate Stream Commission. The current interest rate for January is 3.78%.

Financial
Report

Approval of Asset Management Plan

Joah Franzoy provided an overview of the District's Asset Management Plan, noting that the plan evaluates the current condition of District assets, identifies critical infrastructure needs, and outlines a transition from reactive to proactive maintenance. He reported that additional data collection and expert assessments will continue, including a pending state planning-grant request to support evaluation of complex structures. The plan also presents a preliminary 10-year

Asset
Management
Plan

outlook for asset tracking, automation, and future investment priorities.

Mr. Franzoy requested Board approval of the Asset Management Plan for use in state and federal funding applications, and confirmation to publish the plan on the District's website. Board members commended the quality and clarity of the report. Following discussion, the Board agreed that adoption should occur by formal resolution at the next meeting and expressed support for posting the plan online.

DFA Annual Report

Mr. Franzoy reported that the DFA Annual Report may be submitted late due to the year-end financials still undergoing extensive reconciliation following the retirement of the Finance Director and the transition to external accounting support. The external accounting team has not yet closed the books, so the District cannot complete the required DFA adjustments or reporting. He noted there is no known penalty for late submission, and a special board meeting may be needed once the information is ready for board review and approval.

DFA Annual Audit

Approval of Professional Services Contract for General Legal with Martin & Lutz

Leah Diaz presented the Professional Services Contract for General Legal with Martin & Lutz. This is year two of four and there were no changes to the rates or terms. **Director Sloan moved, and the motion was seconded by Director Colquitt III to approve the contract for Martin and Lutz.** During discussion it was noted that there was a typo in the contract. In Section 3. Term it states "This contract may renew on an annual basis, for up to *three* (2) additional one (1) year terms..." The "*three*" needs to be replaced with *two*. **Director Daviet moved, and the motion was seconded by Director Colquitt III to amend the contract to correct the additional terms to two where it says three. Directors Garay, Crist, Tharp, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Contract Approval for Martin & Lutz

HR/Safety Report

Delyce Maciel provided the HR and Safety update, reporting a current staff count of 81 and noting a new employee will begin on January 26, 2026, replacing the Diesel Heavy Equipment Mechanic reassigned to the ISC project. One Ditch Rider position in the North remains open. She recognized Leo Barrett for thirty-eight years of service this month and announced the District will be closed on February 16, 2026, for Presidents' Day. She also reported that two South Equipment Operators plan to retire at the end of February.

HR/Safety Report

Manager's Update

Joah Franzoy provided the Manger's Update. He reported continued progress across multiple District initiatives, noting rapid advancement on ongoing grant work. The ISC drain-cleaning project began on Monday, and planning is underway for the upcoming PL-566 dam rehabilitation, with a meeting scheduled 1/15/2026 to review initial construction and maintenance needs. He stated that overall operations are moving smoothly, the District is on a strong trajectory for improvement, and new software and technology implementations are contributing positively. He added that, pending water availability, the District will continue prioritizing construction and infrastructure improvements.

Manger's Update

Calendar of Events

Joah Franzoy presented the calendar of events:

- New Mexico Legislative Session: January 20 - February 19, 2026, in Santa Fe, NM. Pertinent dates include: Opening Day (1/20); Mesilla Valley Days (1/24 - 1/26); and Soil and Water Conservation Day (2/16)
- Irrigation Leaders Workshop: January 20-22, 2026, in Chandler, AZ
- Next Board Meeting: February 11, 2026

Calendar of Events

Maintenance/Project Update

Alex Rubio provided an Engineering and Maintenance update. He reported multiple active projects, including work on the Las Cruces Lateral near the Convention Center, rehabilitation of the Laguna Lateral heading, and an overshot structure project on the Nordstrom to improve water channelization. Drone flights are underway for drains and dams in connection with ISC-funded work, and staff continue training on newly acquired survey equipment. The team is preparing for the arrival of the new plasma cutter next month by planning training and practice projects. Additionally, two radial gates at the Three Saints are being redesigned and strengthened to improve performance and reliability.

Maint/Proj Update

Approval of the Consent Agenda

President Rovirosa requested that 2026-L-001 Colquitt Pecan Farms be pulled from the Consent Agenda. **Vice President Daviet moved, and the motion was seconded by Secretary Garay to approve Permit 2026-L-001 Colquitt Pecan Farms. Director Colquitt III abstained. Directors Garay, Crist, Tharp, Sloan, Daviet, and Ludwig voted in favor. The motion passed unanimously.**

Approval of Consent Agenda

Director Sloan moved, and the motion was seconded by Director Colquitt III to approve the Consent Agenda. Directors Garay, Crist, Tharp, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Closed Session

Vice President Daviet moved, and the motion was seconded by Director Colquitt III to go into closed session. Directors Garay, Crist, Tharp, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The 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)
- Treasurer-Manager Performance Evaluation
- 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
- Pending OSE Protests
- Limited Personnel Matters
- Other Threatened/Pending Litigation
- Motion to come out of closed session

Director Colquitt II moved, and the motion was seconded by Director Crist to come out of closed session. Directors Garay, Crist, Tharp, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously. President Rovirosa noted the only matters discussed in closed session were the items identified in the motion to go into closed session.

Open Session

Potential Approval of Merit Bonus/Salary Increase for Treasurer-Manager

Vice President Daviet reported that the Board conducted a review of the performance for the Treasurer-Manager, Josh Smith, and that the review was favorable. **Vice President Daviet moved, and the motion was seconded by Director Colquitt III to increase the salary of the District Treasurer-Manager, based on the merit of his**

Approval of Bonus/Salary Inc for Treasurer-Manager

January 14, 2026

performance, to \$240,000 per year. Directors Garay, Crist, Tharp, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Adjournment

There being no further business, Director Colquitt III moved, and the motion was seconded by Director Garay to adjourn the meeting. Directors Garay, Crist, Tharp, Sloan, Daviet, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Adjourn

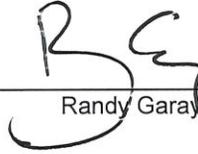
The next meeting of the Board of Directors will be held on February 11, 2026 beginning at 9 AM at EBID office located at 530 S Melendres St., Las Cruces, NM.



Rafael Roviroso, President

2/11/2026

Date



Randy Garay, Secretary

2/11/2026

Date