

**ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS' MEETING  
February 11, 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 February 11, 2026. The meeting was called to order by Board President Rafael Roviroso. Board members present were Randy Garay, Casey Crist (arrived 9:09 am), Preston Tharp (arrived 9:11 am), Rafael Roviroso, Greg Daviet, James Sloan, John Clayshulte Jr. (arrived 9:06 am), Prescott K Colquitt III, and Henry Ludwig.

Announcements

A moment of silence was observed in remembrance of Vice President Greg Daviet's mother. President Roviroso expressed appreciation to Director Colquitt III, Delyce Maciel, and Roman Ramos for organizing a prayer vigil in her honor. Vice President Daviet concurred and offered his appreciation.

The Invocation was given by Vice President Daviet, followed by the Pledge of Allegiance led by Director Sloan.

EBID personnel present were: Josh Smith, Treasurer-Manager, Joah Franzoy, Chief Financial Officer; Leah Diaz, Finance Director and CPO (virtual); 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 (in-person and virtual); Delyce Maciel, Director of HR and Safety (in-person and 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); Pete Domenichi, Legal Counsel (virtual); and Dr. Phil King (virtual).

EBID guests present were: Alfred Perrault, OSE; Larry Vasquez, BOR; and Michael Riley, OSE; Gene and Cheri Love, Constituents; Virtual attendees: Christina Hernandez; Caitlyn Owens, NMOSE; Craig Cathey; J.R. Hennessey, State of NM; Kathryn Maynard, OSE; and Sherryl Smith, OSE; and Rita Crites, IBWC.

Approval of Agenda

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

Approval of Minutes

**Secretary Garay moved, and the motion was seconded by Director Colquitt III, to approve the January 14, 2026 Regular Board Meeting minutes. Directors Garay, Daviet, Sloan, Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Approval of Resolution 2026-02, 2026 Legislative Priorities

Josh Smith presented Resolution 2026-02 which sets forth the 2026 legislative priorities and provides direction and guidance to the Government Affairs Committee during the legislative session. **Secretary Garay moved, and the motion was seconded by Director Colquitt III, to Resolution 2026-02. Directors Garay, Crist, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Approval of MOU with Caballo Soil and Water Conservation District

Josh Smith presented the Memorandum of Understanding (MOU) with the Caballo Soil and Water Conservation District. The MOU updates and replaces an expired agreement. Staff noted that the MOU formalizes routine cooperation, including shared equipment and personnel for work on dams, and now includes modernized term, termination, and sovereign immunity language, with a 10-year automatically renewing term. A question was raised regarding the inclusion of levee repair in the common projects section; staff clarified that the language is carried over from the prior agreement, creates no additional obligations, and remains appropriate. **Director Colquitt III moved, and the motion was seconded by Director Clayshulte Jr., to approve MOU with the Caballo Soil and Water Conservation District. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously. At the conclusion of the open session, it was determined that the Board had taken action on the MOU without a preceding formal motion. A motion to approve the MOU was subsequently offered, seconded, and duly approved to correct the record (as recorded above).**

Water Resource Committee

Secretary Garay reported that the Committee met on January 26, 2026, and received an update from Dr. King on the 2025 water-allocation accounting, noting that final accounting will be available soon. Preliminary estimates indicate a diversion ratio of 0.65, yielding approximately 54,000 acre-feet (AF) to EBID, 61,000 AF to EPCWID, and 4,800 AF to Mexico. The Committee reported slow progress of the Copper Flat Mine permitting process and noted a request from Sierra County Commissioner, Sandy Jones, regarding additional storage in Elephant Butte Reservoir. This request will be referred to the Legal Review Committee. The initial 2026 release is anticipated around May 29, 2026.

Government Affairs Committee

President Roviroso reported that capital outlay and ICIP requests have been delivered to local legislators. The Committee supports the Governor's proposed \$22.5 million appropriation for implementing the Texas v. New Mexico settlement as it advances the State's obligations. Board members and staff participated in various legislative and water-policy events in Phoenix and Santa Fe. The Committee continues tracking key bills, noting support for HB 111 increasing penalties for illegal water diversions, opposition to HB 247 restricting capital-outlay access for water entities, and ongoing monitoring of HB 63 and SB 18.

Water Resources Update

Dr. King provided a water resources update. He reported on the 2025 Final Rio Grande Project Accounting through October 31, 2025. Total project storage was at 102,334 acre-feet (AF), with 87,536 AF in Elephant Butte and 14,798 AF in Caballo. Usable project storage was 91,121 AF. Rio Grande Compact credit was 7,200 AF, and San Juan-Chama was 4,013 AF. 248,690 AF were released from Caballo. EBID charges were at 78,941 AF; EPCWID charges were at 106,971 AF; Mexico delivery was 13,463 AF; Total charges at 199,375 AF with a diversion ration of 0.802. The EBID allocation was at 98,213 AF with carryover at 18,274 AF; EPCWID Allocation was at 142,261 AF with carryover at 35,290 AF.

As of February 9, 2026, total project storage stands at 235,789 AF, with 219,579 AF in Elephant Butte and 16,210 AF in Caballo. Usable project storage was 226,063 AF; 22,274 AF was not releasable. Rio Grande Compact credit was 5,614 AF, and San Juan-Chama was 4,112 AF. Zero acre-feet have been released from Caballo in 2026. Total seasonal supply was at 203,789 AF. Net inflow into Elephant Butte was at approximately 900 AF per day.

Dr. King provided the 2026 allotment outlook; based on February 9, 2026, storage conditions and the final 2025 accounting, a hypothetical allotment analysis suggests a four-inch initial allotment, with EBID's allocation at 58,813 AF and EPCWID allocation at 66,155 AF; however, no action is recommended until an initial allotment has been

Announceme

Introduction  
Of  
Guests

Agenda  
Approval

Minutes  
Approval

Legislative  
Priorities  
Resolution  
2026-02

MOU  
with  
CSAWCD

Committee  
Reports

Water  
Resources  
Update

made.

Dr. King reviewed NRCS data for the Rio Grande Basin as of February 10, 2026: the Rio Grande Headwater was at 87% of average precipitation, the Upper Rio Grande at 68%, Rio Grande–Elephant Butte at 76%, and Rio Grande–Caballo at 87%. The snow water equivalent throughout the basin is below 50%.

The NOAA Climate Prediction Center projects below-average precipitation and above-average temperatures from March through May 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. A critically short water supply year in 2026 is anticipated.

Financial Report

Joah Franzoy presented the financial report, noting a total of \$13,045,730 held across investments and cash in the bank as of January 31, 2026. He stated that \$1-1.5 million was moved into the investment account. To date, 83% of assessments have been collected, which is approximately \$8 million. Uncommon large payments included a \$79,194 reimbursement for the WRRRI Agricultural Water Resilience Program (AgWRP), and \$880,691 for grant purchases related to the ISC funding agreement. Auction proceeds totaled \$67,635 in January and a reimbursement of \$927,272 was received from the ISC grant. The current interest rate for January is 3.66%.

Financial  
Repc\*

Approval of 2026-03 Approval of Asset Management Plan (AMP)

Joah Franzoy presented Resolution 2026-03 which adopts the fiscal year (FY) 2025 Asset Management Plan for the District. **Vice President Daviet moved, and the motion was seconded by Secretary Garay, to approve Resolution 2026-03 to adopt the FY 2025 Asset Management Plan. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

AMP  
Approval  
Resolution  
2026-03

Manager's Update

Josh Smith provided the Manager's Update. He commended Marilyn Crawford for improvements in organizational efficiency and recognized Joah Franzoy for his extensive work and proactive approach in advancing District systems and planning efforts. Mr. Smith noted additional operational improvements in the District such as the implementation of an automated fuel-tracking system and progress toward a new ERP to streamline accounting functions. He reported strong engagement in legislative efforts and expanded access to state funding opportunities, noting that the District is now eligible for Water Trust Board programs and is preparing multiple major grant applications, including approximately \$15 million in proposed projects under the IRA-funded NFWF program. He also noted upcoming federal advocacy efforts planned for April in Washington, D.C.

Manger's  
Update

Calendar of Events

Josh Smith presented the calendar of events:

- New Mexico Legislative Session: January 20 - February 19, 2026 in Santa Fe, NM
- Evan's Equipment Tour: February 26-27, 2026 in Missouri. Josh Smith and Joah Franzoy will travel to tour an equipment manufacturer that does frame-off restorations of Caterpillar equipment and then sells for 60¢ on the dollar. **(Approval for travel to Kansas City, Missouri for two staff for 3-4 days)**
- 2026 Groundwater Management Districts Association Winter Conference: March 2-5, 2026, in Roswell, NM. EBID has been asked to present at this conference on March 4, 2026. **(Approval for travel to Roswell, NM for one staff, one consultant, and one Board member for one day)**
- Irrigation Water Management Training: March 18-20, 2026, NMSU Campus, Las Cruces, NM. **(Approval of registration fees for five staff to attend)**
- Bureau of Reclamation Army Corps Engineers Operation Meeting: April 16, 2026 in Albuquerque, NM / Rio Grande Compact Commission Meeting: April 17, 2026 in Santa Fe, NM **(Approval for travel to Albuquerque, NM on 4/15 with subsequent travel to Santa Fe, NM on 4/17 for four Board members, three staff, one consultant, and two legal counsel)**
- 2026 Water Leaders Workshop: April 20-22, 2026, Ruidoso, NM **(Approval for travel to Ruidoso, NM for three Board members, four staff, and one consultant)**

Calendar  
of  
Events

**Director Colquitt III moved, and the motion was seconded by Director Crist, to approve the aforementioned travel to include all actual expenses. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

2025 Board of Directors Annual Report

Marilyn Crawford presented the 2025 Board of Directors Annual Report, a compilation of board actions during the year, including water-transfer hearings, minutes, and adopted resolutions. The report will be made available on the EBID website.

2025  
BOD  
Annual  
Report

HR/Safety Report

Delyce Maciel provided the HR and Safety update reporting that six new employees have been hired and one employee has transferred, bringing staffed positions to 88. Three additional positions remain pending and will be posted following the retirement of two employees at the end of February. The District will be closed on February 16, 2026 in observance of Presidents Day.

HR/Safety  
Report

Maintenance/Project Update

Alex Rubio provided an Engineering and Maintenance update. He reported continued progress on LiDAR work, including successful flights over the Lucero Dam/Dike area to support sediment calculations. Surveying is underway at Rodey Dam and the California Project, and Freese and Nichols has initiated screen-level risk assessments (SLRAs) to help prioritize dam safety needs. The team added a new design technician, Willie Herrera, who is transitioning into design and survey roles. GIS staff developed a real-time drain-cleaning map to support ISC reporting. Construction projects in Las Cruces and Arrey are nearing completion, and multiple proposals for IRA funding are being prepared for submission by month's end.

Maint/Proj  
Update

Approval of the Consent Agenda

Vice President Daviet requested that 2026-L-002 Gene and Cheri Love and 2026-L-005 David Bingham be pulled from the Consent Agenda. **Director Colquitt III moved, and the motion was seconded by Secretary Garay to approve the Consent Agenda which includes permits 2026-L-003 and 2026-L-004. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Approval  
of Consent  
Agenda

License 2026-L-002 Gene and Cheri Love

Scott Gamboa presented License 2026-L-002. **Vice President Daviet moved, and the motion was seconded by Director Sloan to approve License 2026-L-002.** Mr. Gamboa reported an existing rock wall encroachment on EBID right-of-way along the south portion of the College Lateral. The wall has been in place for approximately 43 years and

Special  
Use  
Permits

does not interfere with District operations. The issue surfaced during recent construction work on University Avenue. The Board discussed whether an encroachment agreement or a formal license would be the appropriate mechanism for this circumstance, noting the need for clear terms, fee structures, and consistency with District policy. Clarifications were requested regarding agreement language, term, and applicability to future property transfers. Mr. and Mrs. Love expressed their preference to purchase the encroached area to avoid future title complications. The Board will review the agreement language and work with the Land Use Committee to determine an appropriate resolution. **Vice President Daviet made a subsidiary motion to postpone approval of 2026-L-002 indefinitely; motion was seconded by Secretary Garay. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

**Action Item:** Encroachment Agreement referred to the Land Use Committee for review and report back at the March 2026 Board Meeting.

License 2026-L-005 David Bingham

Scott Gamboa presented License 2026-L-005. The license is to construct, operate, and maintain one vehicle crossing and one pedestrian culvert crossing the Montoya Main Lateral. Alex Rubio noted that the license was first presented in 2023. The proposed concrete box culvert does not meet EBID Policy 1985-ENG4 as there are dewatering constraints in Sunland Park that make replacement infeasible. The item had previously been tabled amid discussions of selling or rerouting, which were ultimately opposed by the community. Staff recommended closing the open license request and denying the application. **Vice President Daviet moved, and the motion was seconded by Secretary Garay to approve License 2026-L-005. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted NO. License 2026-L-005 David Bingham was not approved. A brief clarification was made regarding the vote. Director Ludwig noted that his intention had been to vote no, despite earlier confusion. President Roviroso explained that the proper method to clearly vote down a motion is to make a motion to approve it and then vote against the motion, as motions phrased "to not approve" can create procedural ambiguity.**

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
<b>EBID ROU LICENSE LIST - FEBRUARY 11th, 2026 BOARD MEETING</b>					
1	2026-007	N	ENCROACHMENT AGREEMENT	N/A	Y
2026-L-002 GENE AND CHERI LOVE ENCROACHMENT AGREEMENT (ROCK WALL) ON SOUTH PORTION OF THE COLLEGE LATERAL RIGHT BANK 80'x8' FROM APPROX. STA 24+50 -23+75					
2	2026-010	Y	\$4,180.00	Y	Y
2026-L-003 JESSICA WILLIAMS TO OPERATE AND MAINTAIN AN EXSITING VEHICLE CULVERT CROSSING THE SHALEM DRAIN AT APPROXIMATE STATION 88+50					
3	2026-011	N	\$3,800.00	Y	Y
2026-L-004 ROSS PREVENICIO TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED 2" NATURAL GAS LINE CROSSING THE THREE SAINTS MAIN CANAL AT APPROXIMATE STATION 872+64					
4	2026-012	N	\$8,360.00	N	N
2026-L-005 DAVID BINGHAM TO CONSTRUCT, OPERATE AND MAINTAIN ONE VEHICLE CULVERT CROSSING AND ONE PEDESTRIAN CULVERT CROSSING THE MONTOYA MAIN CANAL AT APPROXIMATE STATIONS 325+00 AND 320+00					
TOTAL CHARGED \$ (NO LAND FEE WAIVER)			\$0.00	N	Y
TOTAL WAIVED \$ (REQUESTING LAND FEE WAIVER)			\$7,980.00	Y	Y
ENGINEERING NOT APPROVED \$ (PENDING EBID BOD FINAL DECISION)			\$8,360.00	N	N
TOTAL \$			\$16,340.00		

Voluntary/Involuntary Suspension and Transfer

President Roviroso called to order the Suspension/Transfer Hearing. AJ Carlson presented Water Right Transfer 2026-WTS-001, in which James E and Elaine Wells are transferring 0.35 acres of water rights to Wanda Bowman Credit Shelter Trust. As a result, Mr. and Mrs. Wells will no longer have water rights, and Wanda Bowman Trust will have a new total of 2.71 water-righted acres. 2026-WTS-002, in which Jerry Paul Burma is transferring 0.83 acres of water rights to Kristina McCuan. As a result, Mr. Burma will no longer have water rights, and Ms. McCuan will have a new total of 3.24 water-righted acres. There were twelve voluntary suspensions for a total of 13.10 water-righted acres to be suspended. Staff recommends approval of the transfers. **Vice President Daviet moved, Director Colquitt III seconded to approve 2026-S&T-02A and 2026-S&T-02B. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

**Motion to adjourn the Board sitting for water transfer hearing by Vice President Daviet; Secretary Garay seconded. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Water Transfer Hearing

Adjourn Water Transfer Hearing

**Exhibit A  
Elephant Butte Irrigation District**

WATER RIGHT "SUSPENSION FROM /TRANSFER TO PARCEL TRANSFER ON BOARD AGENDA: February 11, 2026							
MOVE FROM:				MOVE TO:			
TRANSFER#	NAME	MAP-SERIAL	PARCEL	ACRES	NAME	MAP-SERIAL	PARCEL
2026-WTS-001	James E & Elaine Wells	11 D-23 LT 12, S PT 11, Pt 13, 14	1514300P	0.35	Wanda Bowmand Trustee of Wanda Bowman Credit Shelter Trust	11D-71C, 7D	1420200P
2026-WTS-002	Jerry Paul Burma	2-9A2C5 TR 1	54100P	0.83	Kristina McCuan	2-9A2C1 TR 2	54450P

TOTAL ACRES PAGE 1 1.18

# KEY: WT = Volitional Transfer WRS = Stacking WTS = Volitional Transfer & Stacking

ELEPHANT BUTTE IRRIGATION DISTRICT							
SUSPENSION /TRANSFER HEARING February 11, 2026							
MOVE FROM LAND:							
NAME	PARCEL	SUSP#	MAP SERIAL	SEC	TWN	RANGE	ACRES
VINCE M SAVAGE & DAGMAR BAUSOVA	847500P	2025-S-014	11B-48 TR 2	36	23S	1E	0.36
JESSICA & DAVID ANDREW NICHOLS	607800P	2025-S-015	20A-23 BLK 12 LT 2 TR C	23	25S	2E	0.49
FLOYD F & ARACELI D MERRELL	113550P	2025-S-016	9D-103A4 TR 1 LT B	25	23S	1E	0.99
SAPNA LLC	150750P	2025-S-017	11-183H LOT 3	31	23S	2E	5.16
CRUZ A & ANDREA ONTIVEROS	611800P	2025-S-018	20-34B	24	25S	2E	0.25
TRUSTEES OF THE FIELDS REVOCALBE TRUST	1230500P	2025-S-019	17-88A TR 1	6	25S	3E	0.58
CAROLYN E GONZALES	1465700P	2025-S-020	17-45B, 55, 56, 72A3, 74 TR 10C	35	24S	2E	0.47
LOGOS DEVELOPMENT INC	1416150P	2025-S-072	11B-5A LT 10	25	23S	1E	0.1
EDDIE M & KRISTINE E ANTWINE	823175P	2025-S-073	4-50;	22	22S	1E	0.63
LUIS V RODRIGUEZ	909254P	2025-S-074	8-27F TR 2	16	23S	1E	0.5
LUPE GARCIA	1235710P	2025-S-075	11-187A1B, 188A2	35	23S	1E	1
TOMMY M & DOLORES DE LA O	62205P	2025-S-076	4-1,3A,1B,3B,2B1 LOT 1	9	22S	1E	2.57
<b>TOTAL ACRES TO BE VOLUNTARILY &amp; INVOLUNTARILY SUSPENDED:</b>							<b>13.10</b>

Closed Session

Secretary Garay moved, and the motion was seconded by Director Colquitt III to go into closed session. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Closed Session

Open Session

Vice President Daviet moved, and the motion was seconded by Director Colquitt III to come out of closed session. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously. President Roviroso reported that no items were discussed during the Closed Session. It was further noted that the statement regarding the availability of the decision in the Water Transfer Hearing had not been provided.

Open Session

President Roviroso called to order the Suspension/Transfer Hearing to make final statements as to the Resolution. President Roviroso asked that Resolution be formalized as called for by Section 73-13-5 in New Mexico Statutes, and that the Secretary of the Board certify and file with the State Engineer a true copy of the Resolution and action of the Board. President Daviet also announced that if there is a protestant who disagrees with the action of the Board, they may appeal this decision directly to the District Court as provided under Section 73-13-4 of the New Mexico Statutes.

Water Transfer Hearing Follow-Up

Motion to adjourn the Board sitting for water transfer hearing by Director Colquitt III; Vice President Daviet seconded. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Adjourn Water Transfer Hearing

Closed Session

Vice President Daviet moved, and the motion was seconded by Director Colquitt III to go into closed session. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Closed Session

Pursuant to Section 10-15-1(H), NMSA of the New Mexico Open Meetings Act, the following topics were discussed in 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
- Limited Personnel Matters
- Other Threatened/Pending Litigation
- Pending OSE Matters
- Motion to come out of closed session

Director Ludwig moved, and the motion was seconded by Secretary Garay to come out of closed session. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously. President Roviroso noted the only matters discussed in closed session were the items identified in the motion to go into closed session and that no action was taken.

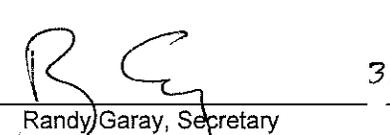
Adjournment

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

Adjourn

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

  
 Rafael Roviroso, President      3/11/2026  
 Date

  
 Randy Garay, Secretary      3/11/2026  
 Date