

ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS' MEETING  
July 8, 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, July 8, 2026. The meeting was called to order by Board President Rafael Rovirosa. Board members present were Randy Garay, Casey Crist (arrived at 9:05), Rafael Rovirosa, Greg Daviet, James Sloan, John Clayshulte Jr., Prescott Colquitt III (virtual), and Henry Ludwig. Director Preston Tharp was absent.

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

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

EBID guests present were: Michael Riley, OSE; Ryan Serrano, NMISC; Alfred Perrault, OSE; Ismael Lopez, OSE. Virtual guests: Anthony Colin, NMDA; Sherryl Smith, OSE; Caitlyn Owens, NM OSE; Dana Hawkins, NMDA; Jerry Melendez, USBOR; and Christina Hernandez.

Public Input

Ryan Serrano provided an update on the cooperative funding agreement. He commended staff for the significant progress on dam and drain projects and the quality of reporting provided. He also noted that Director Sloan was recently featured in a Mainstream New Mexico article, "Farming Through the Worst Drought in 1,200 Years," which will be shared on the EBID website.

Approval of Agenda

The agenda was approved as presented.

Approval of Minutes

Vice President Daviet moved, and the motion was seconded by Secretary Garay to approve the June 10, 2026, Board Meeting minutes. Directors Garay, Daviet, Sloan, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.

Committee Reports

**Water Resources Committee** – Secretary Garay reported that when the group met a draft policy regarding *tapancos* was developed and is expected to be presented for review at the next Board meeting. The Committee also commended staff and ditch riders for the smooth and efficient irrigation season, noting minimal issues and effective operations. Dr. King will provide additional details on the 2026 season later in his report.

**Government Affairs Committee** – Skye Devore reported that since the June Board meeting, the committee has completed all ICIP and DFA funding follow-up requirements and is preparing future Water Project Fund and Water Trust Board applications. Efforts are underway to advance previously awarded capital outlay funding, engage with interim legislative committees, and plan a September legislative tour. The committee also discussed federal and regional water advocacy related to sediment removal funding and is developing legislative position statements, with a first draft expected following the July 15 committee meeting.

Josh Smith reported that the committee provided IBWC project priorities to Texas Compact Commissioner Bobby Skov and has since been contacted by IBWC staff regarding potential next steps. Coordination is also underway with El Paso Water to support congressional advocacy efforts for additional IBWC funding to advance river channel maintenance and improvement projects.

Water Resources Update

Dr. King provided a water resources update. He reviewed the gauge data upstream of Elephant Butte most are dry or nearly dry; for example, Lobatos was at 10 cfs, Albuquerque at 0 cfs, and Escondida at 0 cfs. As of July 6, 2026, total project storage stands at 82,044 acre-feet (AF), with 60,057 AF in Elephant Butte and 21,987 AF in Caballo. Usable project storage was 72,824; 22,780 AF was not releasable. Rio Grande Compact credit was 5,400 AF, and San Juan-Chama was 3,820 AF. A total of 174,851 AF has been released from Caballo in 2026. Total seasonal supply was at 224,895 AF. Net inflow into Elephant Butte was at zero.

Dr. King reviewed the 2026 season thus far as of June 15, 2026:

| Entity:         | Charges, AF |
|-----------------|-------------|
| EBID            | 34,675      |
| EPCWID          | 15,410      |
| Mexico          | 2,089       |
| Total Charges   | 52,174      |
| Caballo Release | 94,972      |
| DR              | 0.55        |

May 29: Initial release from Caballo Reservoir  
June 1: Diversion at Arrey, Eastside, Westside begins  
June 2: Leasburg diversion begins  
June 30: Arrey, Leasburg cease diversions  
July 1: Zero order for EBID, Eastside ceases diversion  
July 2: EBID ceases diversion on Westside  
July 21: Mexico ceases diversion  
July 31: Caballo ceases release (est. 221,000 AF)

Dr. King reviewed historical Caballo/Elephant Butte Reservoir release data in conjunction with annual minimum combined storage conditions to evaluate the relative severity of release years. Based on this analysis, 2026 was identified as the fourth worst year on record for releases and minimum combined storage. He noted that water supply conditions for next year will depend heavily on inflows received during the upcoming monsoon season and subsequent snow season. He emphasized that current storage levels are the lowest seen in recent years and stated that future operational conditions will be determined largely by the amount of inflow received over the next several months.

The NOAA Climate Prediction Center projects above-average precipitation and temperatures for the July–September 2026 period. For October–December 2026, forecasts indicate above-average precipitation, while temperatures are expected to remain near average. Looking ahead to January–March 2027, the outlook calls for above-average precipitation and near-average temperatures. For April–June 2027, forecasts indicate near-average precipitation and above-average temperatures. El Niño conditions are present.

James Narvaez reported that preliminary end-of-season water use estimates are still being finalized and provided an overview of EBID operations for the 2026 irrigation season. He reviewed irrigated acreage demand throughout the season, noting that acres on demand were approximately 16,000 at the beginning of the season, increased to 20,000 during the first week of June, declined to approximately 13,000–15,000 acres in mid-June, and then peaked at over 22,000 acres around June 21. Demand then declined through the remainder of the month, ending the season at fewer

Introduction  
Guests

Public  
Input

Agenda  
Approval

Minutes  
Approval

Water  
Resource  
Committee

Government  
Affairs  
Committee

Water  
Resources  
Update

than 3,000 acres on demand at the end of June.

Mr. Narvaez also reported that during the flat-rate weekend, approximately 2,800 flat-rate acres received an estimated 1,400 acre-feet of water. He provided a June-to-date summary of irrigation deliveries, reporting that approximately 3,572 deliveries were made, serving 62,315 acres. Estimated delivery volume totaled 23,706 acre-feet (AF), with diversions of 52,810 AF, resulting in an overall delivery efficiency of approximately 45%. Efficiencies were estimated at 46% for Arrey, 36% for Leasburg, 46% for Eastside, and 54% for Westside.

Financial Report

Joah Franzoy presented the financial report, noting a total of \$10,051,098 held across investments and cash in the bank as of June 30, 2026. Uncommon large payments included \$886,752 for ISC equipment purchases, which is awaiting reimbursement. Uncommon large receipts included \$93,634 for ISC grant proceeds and \$471,660 for WRRRI grant proceeds. The interest rate for April was 3.66%. To date, 95% of assessments have been collected.

Financial  
Report

In response to questions regarding the District's cash position, Mr. Franzoy explained that cash reserve needs depend on operating expenses, project funding obligations, grant reimbursement timelines, and long-term capital improvement needs. He stated that \$3 million in available cash would generally be sufficient for day-to-day operations under efficient reimbursement conditions, while higher reserve levels may be warranted to support project cost-sharing requirements, and future capital needs. Mr. Franzoy emphasized that reserve planning must also account for deferred maintenance and infrastructure projects and noted that he is developing long-range financial forecasts to better evaluate future cash requirements and assessment needs.

Manager's Update

Josh Smith commended District staff for their efforts during the 2026 irrigation season, noting that operations were completed with minimal issues despite the short and demanding season. He recognized the operations, maintenance, and metering teams for their contributions, highlighting ongoing dam rehabilitation projects at Lucero, Hammett, and Rodey Dams and their role in improving public safety and District infrastructure. Mr. Smith also reported on recent interviews regarding the Texas v. New Mexico settlement, noted his upcoming participation in a groundwater conference presentation focused on settlement-related issues, and mentioned receiving an invitation from the Consulate General of Israel to the Southwest to participate in a Water Innovation Delegation to Israel in November 2026.

Manger's  
Update

Calendar of Events

Josh Smith presented the calendar of events:

- New Mexico Groundwater Conference: July 14-15, 2026, Albuquerque, NM
- NWRA 2026 Western Water Seminar: August 3-6, 2026, Boise Idaho
- Evapotranspiration for Irrigation Management Training Course: August 5-6, 2026, NMSU Campus, Las Cruces, NM
- LRGWA Meeting: August 6, 2026, at 9:00 AM, EBID Office, Las Cruces, NM
- Coalition of Rio Grande Water Users (CRGWU) Conference: September 16-18, 2026, Santa Ana Pueblo, NM

Calendar  
of  
Events

HR/Safety Update

Josh Smith provided an HR and Safety update, reporting a staff count of 82 employees. He noted two current vacancies, including an Equipment Operator position in the North and a position in the Purchasing Department. He also reported the hiring of a new Tax Department employee to replace Marty Lucero, who retired at the beginning of July.

HR/  
Upd

Maintenance/Project Update

Alex Rubio provided an Engineering and Maintenance update on the District's Dam and Drain Maintenance Program. He reported that in-house work completed to date has an estimated outsourced value of approximately \$9.5 million, including the removal of approximately 192,000 cubic yards of sediment from dams and rehabilitation of nearly 86,000 linear feet of drains. Updates were provided on several completed and ongoing dam and drain projects. Board members discussed sediment reuse and regulatory oversight, and Mr. Rubio noted that removed material is reused for restoration and reconstruction efforts and that all dam work is performed in accordance with New Mexico Dam Safety Bureau requirements. An interactive project map and report will be made available on the District's website.

Maint/Proj  
Update

Mr. Rubio reported on the successful resolution of a trespass and illegal occupancy issue on District property near Tortugas Dam. Following reports of explosions in the area, law enforcement executed a search warrant, discovered explosive materials, and arrested the individual involved. The District completed the necessary legal actions to confirm ownership of the property and obtain an eviction order. Staff reported that the site has been largely cleared, and the area will be inspected by the bomb squad.

Approval of the Consent Agenda

- Approval of Four (4) June/July ROU licenses:
  - Comcast of New Mexico (2026-L-079) – One (1) new buried fiber optic line crossing the Eastside Main Canal
  - Comcast of New Mexico (2026-L-080, 2026-L-081 & 2026-L-082) - 3 new aerial fiber optic lines crossing the Newsome Lateral
- Approval of Travel/Attendance:
  - NWRA 2026 Western Water Seminar: August 3-6, 2026, Boise Idaho for four (4) Board Members and two (2) Staff.
  - Evapotranspiration for Irrigation Management Training Course: August 5-6, 2026, NMSU Campus, Las Cruces, NM, for two (2) Board Members and four (4) Staff.
  - Coalition of Rio Grande Water Users (CRGWU) Conference: September 16-18, 2026, Santa Ana Pueblo, NM, for four (4) Board Members and three (3) Staff to include all actual expenses.
- Approval of Contracts:
  - Libbin Underwood Engineering & Surveying; Renewal year 3 of 4.
  - King Engineering & Associates, Inc.; Renewal year 3 of 4.
  - Kennedy, Moulton & Wells, P.C.; Renewal year 2 of 4.
  - Corrugated Metal Pipe, Bands and Ends with Contech ES; Renewal year 2 of 4.

Approval  
Consent  
Agenda

**Director Clayshulte Jr. moved, and the motion was seconded by Secretary Garay to approve the Consent Agenda as presented. Directors Garay, Crist, Daviet, Sloan, Clayshulte Jr., and Ludwig voted in favor. The 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 - JULY 8th, 2026 BOARD MEETING |            |                |                                                                                                                                                                        |                           |                                          |                               |
| 1                                                    | 2026-113   | N              | 2026-L-079 COMCAST OF NM<br>TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE EASTSIDE MAIN CANAL AT APPROXIMATE STATION 24+00                | \$3,800.00                | N                                        | Y                             |
| 2                                                    | 2026-114   | N              | 2026-L-080 COMCAST OF NM<br>TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE NEWSOME LATERAL AT APPROXIMATE STATION 13+48 (FIRST CROSSING)  | \$3,420.00                | N                                        | Y                             |
| 3                                                    | 2026-115   | N              | 2026-L-081 COMCAST OF NM<br>TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE NEWSOME LATERAL AT APPROXIMATE STATION 13+48 (SECOND CROSSING) | \$3,420.00                | N                                        | Y                             |
| 4                                                    | 2026-116   | N              | 2026-L-082 COMCAST OF NM<br>TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE NEWSOME LATERAL AT APPROXIMATE STATION 7+56                    | \$3,420.00                | N                                        | Y                             |
|                                                      |            |                | TOTAL CHARGED \$ (NO LAND FEE WAIVER)                                                                                                                                  | \$14,060.00               | N                                        | Y                             |
|                                                      |            |                | TOTAL WAIVED \$ (REQUESTING LAND FEE WAIVER)                                                                                                                           | \$0.00                    | Y                                        | Y                             |
|                                                      |            |                | TOTAL \$                                                                                                                                                               | \$14,060.00               |                                          | Y                             |

Water Transfer Hearing

President Rafael Rovirosa called to order the Suspension/Transfer Hearing. AJ Carlson presented two water transfers with a total of 4.73 acres for transfer: Central Park West NY LLC to Salopek 6U Farms Inc. (3.81 acres) and Darren A and Indira Castner to Leon E Gluck and Rita T Phipps (0.92 acres). Ms Carlson presented nine (9) voluntary suspensions for a total of 11.41 water-righted acres to be suspended. Vice President Daviet moved, and the motion was seconded by Director Clayshulte Jr. to approve Resolution 2026-S&T-007A. Directors Garay, Crist, Daviet, Sloan, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.

Water Transfer Hearing

| ELEPHANT BUTTE IRRIGATION DISTRICT<br>SUSPENSION /TRANSFER HEARING July 8, 2026 |          |            |                     |     |     |       |       |
|---------------------------------------------------------------------------------|----------|------------|---------------------|-----|-----|-------|-------|
| MOVE FROM LAND:                                                                 |          |            |                     |     |     |       |       |
| NAME                                                                            | PARCEL   | SUSP#      | MAP SERIAL          | SEC | TWN | RANGE | ACRES |
| JOAQUINA G CHAVIRA, CECILIO G CHAVIRA & BERTHA CHAVIRA                          | 1195400P | 2026-S-001 | 17-96C8 TR 5        | 1   | 25S | 2E    | 1     |
| JOE FRED & VICTORIA D ALARCON                                                   | 948600P  | 2026-S-002 | 12-26A              | 6   | 24S | 2E    | 1.84  |
| KRISTEN & BRIAN KNIGHT                                                          | 121800P  | 2026-S-003 | 9D-103A2 BLK B LT 9 | 25  | 23S | 1E    | 0.75  |
| JAMES C & JACQUELYN L PARKS TRUSTEES                                            | 152100P  | 2026-S-004 | 9B-5DD BLK A LT 7   | 2   | 23S | 1E    | 0.48  |
| JULIAN RAMIREZ SOSA & CONSUELO SOSA                                             | 1208175P | 2026-S-005 | 17-100A2 TR 3       | 2   | 25S | 2E    | 0.85  |
| RUBEN O ROJAS                                                                   | 673110P  | 2026-S-006 | 18A-78A TR B        | 10  | 25S | 2E    | 0.97  |
| MONICA H MOYA                                                                   | 867478P  | 2026-S-007 | 12-32A2,A3 LT 8     | 1   | 24S | 1E    | 1.12  |
| GREGORY LEDESMA FERNANDEZ                                                       | 1322800P | 2026-S-008 | 5-59A29A TR 1       | 32  | 22S | 1E    | 2.4   |
| IDA B SALCIDO, SARA CASTILLO, RICARDO BEJARANO JR & TERESA BEJARANO             | 1162300P | 2026-S-009 | 27-3C TR 1          | 22  | 26S | 3E    | 2     |
|                                                                                 |          |            |                     |     |     |       |       |
|                                                                                 |          |            |                     |     |     |       |       |
|                                                                                 |          |            |                     |     |     |       |       |
| TOTAL ACRES TO BE VOLUNTARILY & INVOLUNTARILY SUSPENDED:                        |          |            |                     |     |     |       | 11.41 |

Secretary Garay moved, and the motion was seconded by Director Crist to approve Resolution 2026-S&T-007B. Directors Garay, Crist, Daviet, Sloan, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.

Exhibit A

Elephant Butte Irrigation District

| WATER RIGHT "SUSPENSION FROM /TRANSFER TO PARCEL TRANSFER ON BOARD AGENDA: July 8, 2026 |                           |                   |          |          |                              |                     |          |
|-----------------------------------------------------------------------------------------|---------------------------|-------------------|----------|----------|------------------------------|---------------------|----------|
| MOVE FROM:                                                                              |                           |                   |          | MOVE TO: |                              |                     |          |
| TRANSFER#                                                                               | NAME                      | MAP-SERIAL        | PARCEL   | ACRES    | NAME                         | MAP-SERIAL          | PARCEL   |
| 2026-WT-007                                                                             | Central Park West NY LLC  | 9C-105A, 113A LT2 | 819951P  | 3.04     | Salopek 6U Farms Inc         | 13-32A, 33B, 40A pt | 864920P  |
| 2026-WT-007                                                                             | Central Park West NY LLC  | 9C-105A, 113A LT2 | 819951P  | 0.77     | Salopek 6U Farms Inc         | 13-32A, 33B, 40A pt | 864920P  |
| 2026-WT-008                                                                             | Darren A & Indira Castner | 15-41M TR 1       | 1509000P | 0.92     | Leon E Gluck & Rita T Phipps | 31-20B3A            | 1097500P |
| TOTAL ACRES PAGE 1                                                                      |                           |                   |          | 4.73     |                              |                     |          |

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

President Rovirosa asked the Resolution be formalized as called for by Section 73-13-5 of the New Mexico Statutes, and that the Secretary of the Board immediately certify and file with the State Engineer a true copy of the Resolution and action of the Board. President Rovirosa also announced that if there are any Protestants who disagrees with the action of the Board, he/she may appeal this decision directly to the District Court as provided under Section 73-13-4 of the New Mexico Statutes. Motion to adjourn the Board sitting for water transfer hearing by Director Clayshulte Jr., seconded by Secretary Garay. Directors Garay, Crist, Sloan, Daviet, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.

Closed Session

Director Ludwig moved, and the motion was seconded by Director Sloan to go into closed session. Directors Garay, Crist, Daviet, Sloan, Clayshulte Jr., 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:

- Banegas vs EBID
- Texas v. NM (USSC)
- Adjudication Issues
- PRC El Paso Electric Rate Increase
- WQCC Surface Water Rule Making
- NM v US CV691
- Other Threatened/Pending Litigation

Closed Session

Secretary Garay moved, and the motion was seconded by Director Clayshulte Jr. to come out of closed session. Directors Garay, Crist, Daviet, Sloan, Clayshulte Jr., 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

July 8, 2026

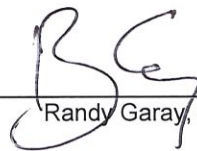
Adjournment

There being no further business, **Director Clayshulte Jr. moved, and the motion was seconded by Director Ludwig to adjourn the meeting. Directors Garay, Crist, Daviet, Sloan, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.** The meeting was adjourned at 12:47 PM.

Adjourn

The next meeting of the Board of Directors will be held on August 12, 2026, beginning at 9 AM at EBID office located at 530 S Melendres St., Las Cruces, NM.

  
\_\_\_\_\_  
Rafael Rovirosa, President      8/12/26  
Date

  
\_\_\_\_\_  
Randy Garay, Secretary      8/12/26  
Date