

ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS' MEETING
September 9, 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, September 9, 2026. The meeting was called to order by Board President Rafael Rovirosa. Board members present were Randy Garay, Casey Crist, Preston Tharp (arrived at 9:08), Rafael Rovirosa, Greg Daviet, James Sloan, John Clayshulte Jr., Prescott Colquitt III, and Henry Ludwig.

The Invocation was given by Director Colquitt III, 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; Juan Caballero, GIS and Licensing Administrator; Skye Devore, Lobbyist; James Narvaez, Director of Irrigation Systems (virtual); Leah Diaz, Finance Director (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; AJ Carlson, Land Records Admin (in-person and virtual); DL Sanders, Legal Counsel (virtual); Pete Domenici, Legal Counsel (virtual); Dominique Rosales, Customer Service Rep. (virtual); and Dr. Phil King (virtual).

EBID guests present were: Alfred Perrault, OSE; Jerry Melendez, USBR; Amanda Bowen, Doña Ana OEM; and Ryan Serrano, NMISC.

Virtual guests: Dana Hawkins, NMDA; Michael Miller; Shannon Rees, OSE; Rita Crites, IBWC; Anthony Colin, NMDA; Caitlyn Owens, NM OSE; and Eugene Heathman.

Recognition of Service

President Rovirosa presented service recognition to Juan Caballero, GIS and Licensing Administrator, for 5 years of service.

Approval of Agenda

The agenda was approved as presented.

Approval of Minutes

Vice President Daviet moved, and the motion was seconded by Director Colquitt III to approve the August 12, 2026, Board Meeting minutes. Directors Garay, Crist, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

Committee Reports

Budget Committee – Director James Sloan reported that the Budget Committee met on August 21 and August 31, 2026, to review the FY2027 draft budget. The committee reviewed projected revenues, expenditures, reserves, and capital needs and found the proposed budget to be reasonable and consistent with District operations. The committee recommended approval of the FY2027 budget as presented and recommended keeping the assessment unchanged for the 2027 season.

Water Resources Committee – Secretary Garay reported the committee received updates on 2026 water year accounting, with preliminary estimates showing an EBID carryover of approximately 17,000 acre-feet (AF) and an EP#1 deficit carryover of approximately 6,000 (AF), pending final accounting. The committee also reviewed a hypothetical 2026 Effective El Paso Index calculation and discussed anticipated water supply challenges for 2027. Reclamation is coordinating with EBID and EPCWID to discuss 2027 operations, and the committee supported developing a Board policy to address extremely short water supply years.

Government Affairs Committee – Skye Devore reported on ongoing legislative outreach and funding activities. Since the August Board meeting, the committee participated in legislative engagement efforts, including outreach to the Senate Republican Caucus and a presentation to the Legislature's Water and Natural Resources Committee. The committee also continued development of EBID's legislative position statements, monitored capital outlay funding contracts, and coordinated ICIP planning in preparation for the 2027 legislative session.

Water Resources Update

Dr. King provided a water resources update. He reported on Rio Grande conditions upstream of Elephant Butte Reservoir, noting the release of approximately 2,000 acre-feet (AF) from the Rio Chama system earlier in the month. The release was tracked through several upstream gauges. The released water did not reach downstream gauges beyond Albuquerque, indicating that the flow was largely absorbed or depleted before reaching farther downstream. Rio Grande flow south of Albuquerque remains extremely low, with gauges registering near-zero flow and sections of the river remaining dry.

As of September 7, 2026, total project storage stands at 41,622 acre-feet (AF), with 27,735 AF in Elephant Butte and 13,887 AF in Caballo. The Rio Grande Compact (RGC) credit totaled 5,400 AF, while San Juan-Chama was at approximately 3,820 AF. Usable project storage was at 32,402 AF with 12,780 AF classified as is not releasable. A total of 215,794 AF has been released from Caballo in 2026. Net inflow is approximately negative ten (-10) AF per day. Total seasonal supply reached approximately 235,416 AF. Reservoir storage remains critically low.

Dr. King reported that excess water delivered to Mexico is allocated between the districts, with 57% charged to EBID and 43% to EP#1. Preliminary carryover calculations, which remain subject to final accounting through October 31, indicate an estimated positive carryover of approximately 22,000 AF for EBID and a negative carryover of approximately 6,900 acre-feet for EP#1. These estimates are based on the difference between discharge and the hypothetical September 1 allocation, adjusted for each district's share of the Mexico over-delivery.

Dr. King discussed the methodology for calculating the effective El Paso Index, noting that no index is in effect for 2026 and that implementation will begin in 2027. He explained that the index is calculated using a regression equation and is based on prior-year Caballo releases. It also incorporates temperature adjustment for riparian evapotranspiration and takes into account agricultural and DCMI depletions.

The NOAA Climate Prediction Center projects above-average precipitation and equal chances on the temperature from December 2026-February 2027. The seasonal drought outlook indicates that drought conditions remain but to improve through November 2026; however, some level of drought is expected to persist.

Financial Report

Joah Franzoy presented the financial report, noting a total of \$9,835,936 held across investments and cash in the bank as of August 31, 2026. The interest rate for August was 3.72%. To date, 95% of assessments have been collected; the 95% noted on the report includes the local improvement district (LID) fund.

Approval of Resolution 2026-08 Budget Adoption FY 11/1/2026-10/31/2027 & CY1/1/2027-12/31/2027

Joah Franzoy reported that the proposed budget is consistent with the District's three-year average operating budget, excluding grant-funded projects, and includes approximately \$3.5 million in cash reserves for grant matching

Introduction
Guests

Recognition
of
Service

Agenda
Approval

Minutes
Approval

Budget
Committee

Water
Resource
Committee

Government
Affairs
Committee

Water
Resources
Update

Financial
Report

Approval of
Resolution
2026-08

requirements and capital equipment purchases. He noted fuel costs and water supply uncertainty as key budget variables. Vice President Daviet requested clarification regarding the District's ability to hedge fuel price risks, and management agreed to consult with legal counsel and report back. The Board also discussed the potential use of larger fuel storage tanks to help manage fuel costs, with management agreeing to evaluate feasibility, costs, and regulatory requirements. **Secretary Garay moved, and the motion was seconded by Director Crist to approve Resolution 2026-08 Budget Adoption FY 11/1/2026-10/31/2027 & CY11/1/2027-12/31/2027. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Manager's Update

Josh Smith presented Resolution 2026-06 Ratify Unsigned Resolutions for approval. Mr. Smith reported that five resolutions approved by prior Boards could not be located in executed form:

- Resolution 2020-01 – Notice of Public Meeting and Participation Policy;
- Resolution 2021-02 – Dona Ana All-Hazards Mitigation Plan;
- Resolution 2023-06 – Budget Adjustment Fiscal and Calendar Year 2023;
- Resolution 2023-08- Budget Adoption Fiscal Year 11/01/2023 to 10/31/2024;
- 02/14/2024 – Certified Resolutions for Local Government Customer.

The proposed resolution would ratify those prior actions to ensure executed copies are on file. **Secretary Garay moved, and the motion was seconded by Director Clayshulte Jr. to approve Resolution 2026-06 to Ratify Unsigned Resolutions. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Mr. Smith reported on ongoing statewide water planning initiatives, including his service on the Water Security Planning Act Advisory Council and the WRRRI Water Conference Advisory Council. He noted that the Lower Rio Grande region is expected to begin forming a regional council in 2027-2028 and announced that the WRRRI Water Conference is scheduled for November 12-13 in Albuquerque. He also reported on recent travel to Guam and Japan to attend a soil and water conservation conference.

Calendar of Events

Josh Smith presented the calendar of events:

- Coalition of Rio Grande Water Users (CRGWU) Conference: September 16-18, 2026, Santa Ana Pueblo, NM
- Copper Mine Public Hearing: September 17, 2026, Hillsboro Community Center, Hillsboro, NM.
- Legislative Finance Committee Field Trip: September 22-24, 2026, Las Cruces, NM
- NM Water Law Conference: October 8-9, 2026, Santa Fe, NM
- FREE Water Management and Western Water Network Workshop: October 9, 2026, Las Cruces, NM
- ISC Tour: October 14-16, 2026, Las Cruces, NM
- ISC Open House: Week of October 26, 2026 in Hatch, Las Cruces, and Anthony
- National Water Resources Association (NWRA) Annual Conference and Leadership Forum: November 2-5, 2026, Coronado, CA

HR/Safety Update

Ms. Maciel provided an HR and Safety update, reporting a current staff count of 83 employees, with one new employee scheduled to begin on 9/21/2026. She noted that Leo Barrett is currently on leave and will retire on 9/17/2026, after 38 years of service. Ms. Maciel also recognized several employee service anniversaries, including Juan Caballero (5 years), A.J. Carlson (18 years), and Patrick Lopez (24 years).

Approval of Resolution 2026-07 Adoption of the 2026 Doña Ana County All Hazard Mitigation Plan

Amanda Bowen, Doña Ana County Emergency Manager, provided a brief overview of the All-Hazard Mitigation Plan, explaining that it identifies priority natural hazards and mitigation projects for eight jurisdictions. She noted that the plan is updated every five years and is required to maintain eligibility for hazard mitigation funding. **Secretary Garay moved, and the motion was seconded by Director Clayshulte Jr. to approve Resolution 2026-07 Adoption of the 2026 Doña Ana County All Hazard Mitigation Plan. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.**

Maintenance/Project Update

Alex Rubio reported that the Tortugas public meeting was successfully conducted in coordination with NRCS and provided updates on the Rincon pipeline project, bridge replacement coordination, and ongoing planning for pipeline improvement projects. He also noted EBID's participation in the Southern New Mexico State Fair with its water trailer exhibit (9/30/26-10/2/26).

Approval of Special Use Permits

Scott Gamboa presented the following permit applications for Board approval:

- Stahmann Farms Licenses 2026-L-144, 2026-L-145, and 2026-L-146 - Three (3) new irrigation discharge pipes (well #s 5, 6, 7) pumping in and taking out of the California Lateral (requesting land use fee waivers due to agriculture use). **Vice President Daviet moved, and the motion was seconded by Secretary Garay to approve licenses 2026-L-144, 2026-L-145, and 2026-L-146. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. President Rovirosa abstained from the vote. The motion passed unanimously with one abstention.**
- Colquitt Company License 2026-L-167 - One (1) new harvest gate on right bank of East Drain (requesting land use fee waiver due to agriculture use). **Director Clayshulte Jr. moved, and the motion was seconded by Director Crist to approve license 2026-L-167. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., and Ludwig voted in favor. Director Colquitt III abstained from the vote. The motion passed unanimously with one abstention.**

Approval of the Consent Agenda

- 34 August/September ROU licenses:
 - Barela Farms / Sylvia Enriquez - 1 existing culvert crossing the Leasburg Drain (requesting land use fee waiver due to agriculture use)
 - Comcast of NM - 11 new aerial fiber optic lines crossing multiple EBID ROW's
 - Comcast of NM - 6 new buried fiber optic lines crossing multiple EBID ROW's
 - San Pablo MDWCA - 8 (renewals) existing buried sewer pipes crossing multiple EBID ROW's
 - Innercity Fibernet dba Gigabit Fiber - 5 new buried fiber optic lines crossing the Montoya Drain, Montoya Main Canal & Montoya Intercepting Drain
 - Sacred Wings Communications - 3 new buried fiber optic lines crossing the Palmer Lateral, Garfield Main Canal & Garfield Drain
 -

- Approval of Professional Financial Services Contract with CliftonLarsonAllen, LLP (CLA; Renewal year 2 of 4.

Secretary Garay moved, and the motion was seconded by Director Colquitt III to approve the Consent Agenda as presented. Vice President Daviet amended the motion to approve the Consent Agenda by pulling licenses 2026-L-083 and 2026-L-141 both for Comcast of NM, to be acted on separately. Director Colquitt III seconded the amended motion. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor of the amended motion. The motion passed unanimously.

The board then voted on the amended motion to approve the Consent Agenda by pulling licenses 2026-L-083 and 2026-L-141 both for Comcast of NM. The motion was made by Vice President Daviet, and was seconded by Director Colquitt III. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

License Permit 2026-L-083 and License Permit 2026-L-141

Scott Gamboa presented permit 2026-L-083 Comcast of NM to construct, operate, and maintain a buried fiber optic line paralleling the Three Saints Main Canal. The proposed buried line will be five feet outside of the canal bank, at a three-foot depth. Next, he presented 2026-L-141 Comcast of NM construct, operate, maintain an aerial fiber optic line paralleling the right bank of the La Union East Lateral, and attaching to existing poles. Vice President Daviet moved, and the motion was seconded by Secretary Garay to approved licenses 2026-L-083 and 2026-L-141. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor, and the motion passed unanimously.

	EBID Job #	Lic. Renewal 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 - SEPTEMBER 9th, 2026 BOARD MEETING						
1	2026-161	N	2026-L-144 STAHMANN FARMS	\$3,420.00	Y	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN NEW IRRIGATION DISCHARGE WELL (#5) PIPE PUMPING IN AND TAKING OUT IRRIGATION WATER INTO/FROM THE CALIFORNIA LATERAL AT APPROXIMATE STATION 110+25			
2	2026-162	N	2026-L-145 STAHMANN FARMS	\$3,420.00	Y	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN NEW IRRIGATION DISCHARGE WELL (#6) PIPE PUMPING IN AND TAKING OUT IRRIGATION WATER INTO/FROM THE CALIFORNIA LATERAL AT APPROXIMATE STATION 119+24			
3	2026-163	N	2026-L-146 STAHMANN FARMS	\$3,420.00	Y	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN NEW IRRIGATION DISCHARGE WELL (#7) PIPE ATTACHING AND PUMPING IN AND TAKING OUT IRRIGATION WATER INTO/FROM THE CALIFORNIA LATERAL AT APPROXIMATE STATION 165+50			
4	2026-204	N	2026-L-167 COLQUITT COMPANY / PRESCOTT COLQUITT III	\$4,180.00	Y	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN A HARVEST GATE ON THE RIGHT BANK OF THE EAST DRAIN AT APPROXIMATE STATION 224+00			
5	2026-216	N	2026-L-179 BARELA FARMS / SYLVIA ENRIQUEZ	\$4,180.00	Y	Y
			TO OPERATE AND MAINTAIN AN EXISTING CULVERT CROSSING THE LEASBURG DRAIN AT APPROXIMATE STATION 127+00			
6	2026-117	N	2026-L-083 COMCAST OF NM	\$3,857.85	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE PARALLELING THE THREE SAINTS MAIN CANAL FROM APPROXIMATE STATION 541+74 TO 558+12			
7	2026-160	N	2026-L-126 COMCAST OF NM	\$3,420.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE NEW DOME LATERAL AT APPROXIMATE STATION 20+05			
8	2026-161	N	2026-L-127 COMCAST OF NM	\$4,180.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE CHAMBERINO DRAIN AT APPROXIMATE STATION 110+00			
9	2026-162	N	2026-L-128 COMCAST OF NM	\$4,180.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE CHAMBERINO DRAIN AT APPROXIMATE STATION 137+00			
10	2026-165	N	2026-L-130 COMCAST OF NM	\$3,420.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE SAN MIGUEL LATERAL AT APPROXIMATE STATION 343+39			
11	2026-173	N	2026-L-136 COMCAST OF NM	\$3,420.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE ANTHONY LATERAL WW 22 AT APPROXIMATE STATION 355+45			
12	2026-174	N	2026-L-137 COMCAST OF NM	\$4,180.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE WEST DRAIN AT APPROXIMATE STATION 780+50			
13	2026-175	N	2026-L-138 COMCAST OF NM	\$3,420.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE WALTERS LATERAL AT APPROXIMATE STATION 0+50			
14	2026-176	N	2026-L-139 COMCAST OF NM	\$4,180.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE EAST DRAIN AT APPROXIMATE STATION 93+50			
15	2026-177	N	2026-L-140 COMCAST OF NM	\$3,600.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LA UNION WEST LATERAL AT APPROXIMATE STATION 0+25			
16	2026-178	N	2026-L-141 COMCAST OF NM	\$3,131.35	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE PARALLELING THE RIGHT BANK OF THE LA UNION EAST LATERAL FROM APPROXIMATE STATION 0+00 - 12+99			
17	2026-179	N	2026-L-142 COMCAST OF NM	\$4,180.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE WEST DRAIN AT APPROXIMATE STATION 629+00			
18	2026-180	N	2026-L-143 COMCAST OF NM	\$3,420.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE DECK LATERAL AT APPROXIMATE STATION 46+00			
19	2026-220	N	2026-L-182 COMCAST OF NM	\$3,420.00	N	Y
			TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE DECK LATERAL AT APPROXIMATE STATION 67+50			

20	2026-221	N	2026-L-183 COMCAST OF NM TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE ALTA VISTA LATERAL AT APPROXIMATE STATION 0+70	\$3,420.00	N	Y
21	2026-222	N	2026-L-184 COMCAST OF NM TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE WEST DRAIN AT APPROXIMATE STATION 556+50	\$4,180.00	N	Y
22	2026-237	N	2026-L-198 COMCAST OF NM TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE ANTHONY LATERAL AT APPROXIMATE STATION 118+39	\$3,800.00	N	Y
23	2026-191	Y	2026-L-154 SAN PABLO MDWCA / RENEWAL / XREF 2002-008 / 2002-L-002 TO OPERATE AND MAINTAIN AN EXISTING BURIED SEWER FORCEMAIN CROSSING THE PARK DRAIN AT APPROXIMATE STATION 229+59	\$4,180.00	N	Y
24	2026-192	Y	2026-L-155 SAN PABLO MDWCA / RENEWAL / XREF 2002-008 / 2002-L-002 TO OPERATE AND MAINTAIN AN EXISTING BURIED SEWER FORCEMAIN CROSSING THE PARK DRAIN AT APPROXIMATE STATION 261+55	\$4,180.00	N	Y
25	2026-193	Y	2026-L-156 SAN PABLO MDWCA / RENEWAL / XREF 2002-008 / 2002-L-002 TO OPERATE AND MAINTAIN AN EXISTING BURIED SEWER FORCEMAIN CROSSING THE CORRALITOS LATERAL AT APPROXIMATE STATION 13+80	\$3,420.00	N	Y
26	2026-194	Y	2026-L-157 SAN PABLO MDWCA / RENEWAL / XREF 2002-008 / 2002-L-002 TO OPERATE AND MAINTAIN AN EXISTING BURIED SEWER FORCEMAIN CROSSING THE MEDILLA LATERAL AT APPROXIMATE STATION 407+11	\$3,800.00	N	Y
27	2026-195	Y	2026-L-158 SAN PABLO MDWCA / RENEWAL / XREF 2002-008 / 2002-L-002 TO OPERATE AND MAINTAIN AN EXISTING BURIED SEWER FORCEMAIN CROSSING THE BOUGGEY SPUR DRAIN AT APPROXIMATE STATION 20+57	\$4,180.00	N	Y
28	2026-196	Y	2026-L-159 SAN PABLO MDWCA / RENEWAL / XREF 2002-008 / 2002-L-002 TO OPERATE AND MAINTAIN AN EXISTING BURIED SEWER FORCEMAIN PARALLELING THE PARK DRAIN FROM APPROXIMATE STATION 328+50 TO 229+59	\$23,874.42	N	Y
29	2026-197	Y	2026-L-160 SAN PABLO MDWCA / RENEWAL / XREF 2002-008 / 2002-L-002 TO OPERATE AND MAINTAIN AN EXISTING BURIED SEWER FORCEMAIN PARALLELING (NORTH) THE BOUGGEY SPUR DRAIN FROM APPROXIMATE STATION 27+42 TO 20+57	\$1,627.14	N	Y
30	2026-198	Y	2026-L-161 SAN PABLO MDWCA / RENEWAL / XREF 2002-008 / 2002-L-002 TO OPERATE AND MAINTAIN AN EXISTING BURIED SEWER FORCEMAIN PARALLELING (SOUTH) THE BOUGGEY SPUR DRAIN FROM APPROXIMATE STATION 24+02 TO 20+57	\$807.55	N	Y
31	2026-224	N	2026-L-185 INNERCITY FIBERNET dba GIGABIT FIBER TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING (1) THE MONTOYA DRAIN AT APPROXIMATE STATION 25+00	\$4,180.00	N	Y
32	2026-225	N	2026-L-186 INNERCITY FIBERNET dba GIGABIT FIBER TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE MONTOYA DRAIN AT APPROXIMATE STATION 59+00	\$4,180.00	N	Y
33	2026-226	N	2026-L-187 INNERCITY FIBERNET dba GIGABIT FIBER TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING (2) THE MONTOYA DRAIN AT APPROXIMATE STATION 24+80	\$4,180.00	N	Y
34	2026-227	N	2026-L-188 INNERCITY FIBERNET dba GIGABIT FIBER TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE MONTOYA INTERCEPTING DRAIN AT APPROXIMATE STATION 50+00	\$3,800.00	N	Y
35	2026-228	N	2026-L-189 INNERCITY FIBERNET dba GIGABIT FIBER TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE MONTOYA MAIN CANAL AT APPROXIMATE STATION 315+20	\$3,800.00	N	Y
36	2026-238	N	2026-L-199 SACRED WINDS COMMUNICATIONS TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE PALMER LATERAL AT APPROXIMATE STATION 27+80	\$3,420.00	N	Y
37	2026-239	N	2026-L-200 SACRED WINDS COMMUNICATIONS TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE GARFIELD MAIN CANAL AT APPROXIMATE STATION 516+55	\$4,180.00	N	Y
38	2026-240	N	2026-L-201 SACRED WINDS COMMUNICATIONS TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE GARFIELD DRAIN AT APPROXIMATE STATION 431+50	\$4,180.00	N	Y
			TOTAL CHARGED \$ (NO LAND FEE WAIVER)	\$141,598.31	N	Y
			TOTAL WAIVED \$ (REQUESTING LAND FEE WAIVER)	\$18,620.00	Y	Y
			TOTAL \$	\$160,218.31		Y

Water Transfer Hearing

President Rafael Rovirosa called to order the Suspension/Transfer Hearing. AJ Carlson presented one water transfer with a total of 2.00 acres for transfer: 2026-WTS-012 Heidi S Atencio to Kenneth & Lydia Kelley Trustees of Kelley Family Revocable Trust. As a result, Heidi S Atencio no longer hold water rights, and Kelley Family Revocable Trust will hold a new total of 31.43 acres of water rights. Vice President Daviet moved, and the motion was seconded by Director Tharp to approve Resolution 2026-S&T-09. Directors Garay, Crist, Tharp, Daviet, Sloan, Colquitt III, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.

Water
Transfer
Hearing

Exhibit A Elephant Butte Irrigation District

WATER RIGHT "SUSPENSION FROM /TRANSFER TO PARCEL TRANSFER ON BOARD AGENDA: September 9 , 2026							
MOVE FROM:				MOVE TO:			
TRANSFER#	NAME	MAP-SERIAL	PARCEL	ACRES	NAME	MAP-SERIAL	PARCEL
2026-WTS-012	Heidi S Atencio	7-29E2 TR 1	91800P	2.00	Kenneth & Lydia Kelley Trustees of Kelley Family Revocable Trust	7-43A1 TR 1, 28C TR 1	136300P

TOTAL ACRES PAGE 1 2.00

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 Director Ludwig. Directors Garay, Crist, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III, and Ludwig voted in favor. The motion passed unanimously.

September 9, 2026

Closed Session

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

- 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

Secretary Garay moved, and the motion was seconded by Director Crist 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 Rovirosa noted the only matters discussed in closed session were the items identified in the motion to go into closed session.

Adjournment

There being no further business, Secretary Garay moved, and the motion was seconded by Director Tharp to adjourn the meeting. Directors Garay, Tharp, Daviet, Sloan, Clayshulte Jr., Colquitt III and Ludwig voted in favor. The motion passed unanimously. The meeting was adjourned at 12:50 PM.

The next meeting of the Board of Directors will be held on October 14, 2026, beginning at 9 AM at EBID office located at 530 S Melendres St., Las Cruces, NM.



Rafael Rovirosa, President 10/14/26
Date



Randy Garay, Secretary 10/14/26
Date

Closed
Session

Open
Session

Adjourn