



# **Regular Board of Directors Meeting**

**Wednesday, April 8, 2026 at 9:00 am**

## **MEETING LOCATION**

530 S. Melendres Las Cruces, NM 88005

## **VIRTUAL MEETING DETAILS**

<https://us06web.zoom.us/j/87218018839?pwd=K9yAXbbcawH6CesOv9AaQMw6vXAB7t.1>

Meeting ID: 872 1801 8839

Passcode: 564137

## **OPEN SESSION**

9:00 - 9:10 AM

- 1. Invocation**
- 2. Pledge of Allegiance**
- 3. Introduction of Guests**
- 4. Public Input**

Three minutes per participant, no more than 30 minutes spent in this item

- 5. Approval of Agenda**
- 6. Approval of Board Minutes**

## **COMMITTEE REPORTS**

9:10 - 9:20 AM

- 7. Land Use Committee**

## **WATER RESOURCE REPORT**

9:20 - 9:50 AM

**8. Water Resource**

P. King / J. Narvaez

**a. Weather/Runoff Forecast**

**STAFF REPORT**

9:50 - 10:30 AM

**9. Potential Approval of Amendment 1 to MOU with Caballo Soil and Water Conservation District**

J. Smith

Amendment on page 1, #2 Common Projects

**10. General & Administrative**

J. Franzoy / L. Diaz

**a. Financial Report**

**b. External Funding Update**

**11. Manager's Update**

J. Smith

**12. Calendar of Events**

J. Smith

- Bureau of Reclamation Army Corps Engineers Operation Meeting: April 16, 2026 in Albuquerque, NM (travel approved)
- Rio Grande Compact Commission Meeting: April 17, 2026 in Santa Fe, NM (travel approved)
- 2026 Water Leaders Workshop: April 20-22, 2026, Ruidoso, NM (travel approved)
- NWRA Federal Water Issues Conference: April 27-29, 2026, Washington, DC (travel approved)
- Growers Meetings:
  - May 1, 2026 - EBID LC Office (North and Central Areas) 8:00 - 10:00 AM
  - May 1, 2026 - Anthony Country Club, 2100 W. Ohara Rd. Anthony, NM 88021 (South Area) 1:00 - 3:00 PM
- 2026 NMWDOC Spring Conference: May 6-8, 2026 in Albuquerque, NM (request travel approval in Consent Agenda)
- Next Board Meeting: May 13, 2026
- Release Date: May 29, 2026

**13. HR/Safety Update**

D. Maciel / J. Smith

**14. Engineering/Maintenance**

A. Rubio / L. Barrett

**a. Maintenance/Projects Update**

**CONSENT AGENDA**

The Board will be asked to approve by one motion the following items of recurring or routine business:  
10:30 - 10:40 AM

**15. Approval of Consent Agenda**

S. Gamboa - There are 8 March/April ROU licenses with exhibits for review. EBID Engineering recommends approval of all.

- Vexus Fiber - 2 new aerial fiber optic lines crossing the Porter Lateral and Armijo Lateral
- Vexus Fiber - 1 new buried fiber optic line crossing the Armijo Lateral
- Comcast NM - 3 new aerial fiber optic lines crossing the Lower Chamberino Lateral
- Barry Bernard - 1 existing harvest gate on left bank of the West Drain (requesting ROU land fee to be waived due to agriculture use)
- Triple A Farms/Buddy Achen - 1 new 2" buried waterline crossing the Rodriguez Lateral (requesting ROU land fee to be waived due to agriculture use)

J. Smith - Approval of travel to NM Watershed and Dam Owners Coalition Conference: May 6-8, 2026, Albuquerque, NM for four (4) Staff to include all actual expenses.

## **OPEN SESSION SUSPENSION AND TRANSFER HEARING**

10:40 - 10:50 AM

### **16. Voluntary/Involuntarily Suspension and Transfer**

A. Carlson

2026-WT-003 Duane A & Nancy Perrault to Salopek 6U Farms Inc 1 Acre

Approval of Resolution 2026-S&T-004 / Total 1 Acre

## **CLOSED SESSION**

10:50 AM - 11:50 PM

### **17. Closed Session Items:**

- a. **Texas v. NM (USSC)**
- b. **Discussion regarding purchase, acquisition, or disposal of real property or water rights**
- c. **Discussion regarding issuance, suspension, renewal or revocation of a license pertaining to use of EBID Property**
- d. **Limited Personnel Matters**
- e. **Other Threatened/Pending Litigation**
- f. **Motion to come out of closed session**

## **ADJOURNMENT**

### **18. Motion to Adjourn**

In accordance with the Elephant Butte Irrigation District resolution directing compliance with Open Meetings Act, a final version of the agenda will be available 72 hours in advance of the meeting at the EBID office at 530 S Melendres, Las Cruces, NM; and will be emailed to persons making a specific request for the final agenda by calling EBID's office 575-993-2429.



ELEPHANT BUTTE IRRIGATION DISTRICT  
BOARD OF DIRECTORS' MEETING  
March 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, March 11, 2026. The meeting was called to order by Board President Rafael Rovirosa. Board members present were Randy Garay, Greg Daviet, Rafael Rovirosa, John Clayshulte Jr., and Henry Ludwig, and Prescott Colquitt III (attended virtually). Directors Casey Crist, Preston Tharp, and James Sloan were 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; 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; Delyce Maciel, Director of HR and Safety (virtual); Scott Gamboa, Land and Licensing Technician, (in-person and virtual); Alex Rubio, Senior Engineering Manager (virtual); Tammie Deon, Administrative Assistant (virtual); DL Sanders, Legal Counsel (virtual); Skye Devore, Lobbyist (virtual); and Dr. Phil King (virtual).

EBID guests present were: Jerry Schickedanz, constituent; Ryan Serrano, NMISC; and Larry Vasquez, BOR. Virtual attendees: JR Hennessey, State of NM; Samantha Stiffler, IBWC; Mike Riley, OSE; Sarah McCartney; Steven Hernandez, CID; and Sherryl Smith, OSE.

Announcements

Director Clayshulte Jr. presented a plaque to Vice President Daviet on behalf of the Board in recognition of his three years of service as Board President and expressed appreciation for his leadership and contributions.

Public Input

Jerry Schickedanz expressed concern about declining political support for production agriculture and the growing public misunderstanding of water rights and agricultural practices. He urged the Board to help educate urban communities about the essential role of agriculture.

Approval of Agenda

The agenda was approved as presented.

Approval of Minutes

President Rovirosa noted a typo in the Manager's Update section of the minutes. **Vice President Daviet moved, and the motion was seconded by Secretary Garay, to approve the February 11, 2026 Board Meeting minutes. Directors Garay, Daviet, Colquitt III, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.**

Committee Reports

**Government Affairs Committee** - President Rovirosa reported that in 2025 EBID significantly increased its visibility at the state level by actively engaging in legislative activities, securing \$580,000 in capital-outlay funding, and successfully influencing two key water-related bills (HB111 and HB247). Looking ahead to 2026, the Committee plans to continue its legislative engagement, pursue additional funding opportunities, strengthen relationships with state and federal lawmakers, organize legislative tours, and expand collaboration with water managers throughout New Mexico.

Skye Devore noted that the legislative session concluded on February 19, with key outcomes still pending on the state budget and tax package. Significant water-related funding was secured, including major appropriations for OSE, the Water Trust Fund, and the Strategic Water Reserve, along with three EBID capital outlay projects; the committee will continue monitoring new legislation, including changes to the Water Project Fund and the passage of HB111, and will maintain engagement with legislators throughout the interim.

**Land Use Committee** - David Lutz reported that the Committee met on March 5, 2026, regarding updates to the Encroachment Agreement and related Encroachment Policy. The Committee presented recommended revisions to the Encroachment Agreement, including incorporation of the license process, a standard 10-year agreement term, and requirements for Board approval and associated fees. A red-lined agreement was provided for Board consideration. The Committee is still reviewing Section II of the 1999 Encroachment Policy with engineering staff; no policy revisions were presented this month.

Discussion included clarification that EBID holds right-of-way interests but does not own the underlying land in the University Avenue area. Multiple nearby properties appear to have similar encroachments, and the Board discussed the need for consistent enforcement. **Vice President Daviet moved, and the motion was seconded by Secretary Garay, to approve the modifications made to the Encroachment Agreement as presented. Directors Garay, Daviet, Colquitt III, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.**

Mr. Lutz reported that contact has been made with Zia Gas, and an in-person meeting is being scheduled for the week of March 23<sup>rd</sup>. The Committee anticipates bringing the Zia Gas Blanket Agreement for Board consideration next month.

**Water Resource Committee** - Secretary Garay reported that the Committee met on March 6, 2026, to review 2026 water supply conditions and allocation estimates. The Allocation Committee set initial Rio Grande Project allocations using a diversion ratio of 0.64. EBID's initial allocation is 63,855 acre-feet (AF), with 18,274 AF in carryover; EPCWID's allocation is 69,234 AF, with 34,530 AF in carryover. Due to the low current-year supply of 139,880 AF, allocations between the Districts will follow a 57% EBID / 43% EPCWID split rather than the standard D2 curve. Mexico's allocation is 9,239 AF. A seasonal release of 222,386 AF from Caballo is anticipated.

Using standard conveyance efficiency assumptions, the expected allotment would be 4.6 inches; however, due to uncertainty in diversion and efficiency estimates, **the Committee recommends a 4-inch initial allotment for the 2026 irrigation season.**

Water Resources Update

Dr. King provided a water resources update. As of March 9, 2026, total project storage stands at 259,639 acre-feet (AF), with 243,409 AF in Elephant Butte and 16,230 AF in Caballo. Usable project storage was 245,737 AF; 18,089 AF was not releasable. Rio Grande Compact credit was 10,000 AF, and San Juan-Chama was 3,902 AF. Zero AF have been released from Caballo in 2026. Total seasonal supply was at 227,639 AF. Net inflow into Elephant Butte was at approximately 650 AF per day. This information will be finalized at the Rio Grande Compact Commission meeting next month and will remain constant for the entire year.

Dr. King reviewed NRCS data for the Rio Grande Basin as of March 9, 2026: the Rio Grande Headwaters was at 87% of average precipitation, the Upper Rio Grande at 65%, Rio Grande–Elephant Butte at 68%, and Rio Grande–Caballo at 77%. Total precipitation is down from last month and we continue to be below average on the snow water equivalent.

Introduction  
Guests

Announce-  
ments

Public  
Input

Agenda  
Approval

Minutes  
Approval

Govt Affairs  
Committee  
Report

Land Use  
Committee

Water  
Resource  
Committee  
Report

Water  
Resources  
Update

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| March 11, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         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| 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 drought persists to drought development likely.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     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| Dr. King provided a summary of the Rio Grande Project Initial Allocation for 2026:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     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| March 1, 2026 Allocation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               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| DR = 0.64, Drought Factor = 0.88                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       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| Component                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              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| Seasonal Supply                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 222,386 |                                           |
| Mexico Allocation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 9,239   |                                           |
| 2026 Water for Allocation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 139,880 |                                           |
| EPCWID Carryover                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 34,530  |                                           |
| EPCWID 2026 Allocation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 34,704  | 43.2%                                     |
| EPCWID Total Allocation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 69,234  |                                           |
| EBID Carryover                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 18,274  |                                           |
| EBID 2026 Allocation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 45,581  | 56.8%                                     |
| EBID Total Allocation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 63,855  |                                           |
| Acreage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 90,640  | acres                                     |
| Conveyance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 55%     |                                           |
| <p>Dr. King confirmed that while initial calculations suggested 4.6 inches, both system-level and operational review, along with Water Resources Committee input support a four (4) inch allotment. This is the Committee's recommendation.</p> <p>Discussion moved to the release date. EP1 supports a May 29 release, which would allow water to reach the system by early June. Directors noted recurring requests from growers to consider an earlier mid-May release; however, staff confirmed that maintenance work will still be underway at that time, making an earlier start unfeasible this year</p> <p>Dr. King explained that releasing earlier than EP1 could significantly harm EBID's water supply due to high hydrologic losses, especially if Mexico has not yet begun diverting. Early release under release accounting would impose substantial startup losses on EBID.</p> <p>Discussion focused on crop specific impacts, noting that an early start with only four inches available would create large conveyance losses, insufficient demand, and inefficiencies, particularly affecting cotton growers and limiting system performance. Maintaining a May 29 release was viewed as the most balanced approach.</p> <p>Recommendation is for a four (4) inch allotment and a May 29, 2026, release date. <b>Vice President Daviet moved, and the motion was seconded by Secretary Garay, to set a four-inch allotment and set the release date to correspond with EP1. Directors Garay, Daviet, Colquitt III, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.</b></p> <p><u>Financial Report</u></p> <p>Joah Franzoy presented the financial report, noting a total of \$ 13,156,892 held across investments and cash in the bank as of February 28, 2026. Uncommon large payments included \$246,950 for WRRRI grant reimbursement. A payment of \$73,232 was received from WRRRI grant proceeds. Proceeds from the most recent auction totaled \$35,134. The interest rate for February was 3.66%. To date, 88% of assessments have been collected.</p> <p><u>Approval of Delegation of Authority for Contract for Automated Water Control Infrastructure &amp; Software</u></p> <p>Joah Franzoy presented a proposed contract to support two major automation initiatives: automating all check structures, gates, and wasteways from Leasburg to the Leasburg Extension, and retrofitting Mesilla Dam and automating the West Side Main with modern telemetry, torque motors, automatic gates, and etc. The selected RFP awardee will prepare cost estimates needed for DRE/IRA funding applications, with total project costs anticipated at \$7–8 million. Because funding estimates are due March 23 and the contractor must begin work immediately, staff requested delegated authority to approve the awardee and delegated signatory authority for the Manager to execute the contract without further Board action. The contract carries no cost to the District unless grant funding is awarded, at which point materials and services would be engaged. <b>Vice President Daviet moved, and the motion was seconded by Secretary Garay to delegate approval and signature authority with the same level of security to the Manager of the District for RFP 2026-01. Directors Garay, Daviet, Colquitt III, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.</b></p> <p><u>Manager's Update</u></p> <p>Josh Smith thanked the Board for setting the allotment early, noting it will aid coordination of the Growers' Meetings, tentatively planned for May 1, 4, and 5. He reported on a trip with Mr. Franzoy to tour Evans Equipment in Missouri to evaluate options for refurbished heavy equipment, and described ongoing efforts with other irrigation districts to strengthen statewide coordination through the New Mexico Water Resources Association. He also updated the Board on recent meetings, including the Lower San Acacia Reach Improvement meeting and a presentation on the Texas v. New Mexico settlement in Roswell. Staff continue preparing designs and estimates for multiple funding proposals, as the District works to secure support for infrastructure improvements.</p> <p><u>Calendar of Events</u></p> <p>Josh Smith presented the calendar of events:</p> <ul style="list-style-type: none"> <li>• Irrigation Water Management Training: March 18-20, 2026, NMSU Campus, Las Cruces, NM</li> <li>• Next Board Meeting: April 8, 2026</li> <li>• Bureau of Reclamation Army Corps Engineers Operation Meeting: April 16, 2026, in Albuquerque, NM</li> <li>• Rio Grande Compact Commission Meeting: April 17, 2026, in Santa Fe, NM</li> <li>• 2026 Water Leaders Workshop: April 20-22, 2026, Ruidoso, NM</li> <li>• NWRA Federal Water Issues Conference: April 27-29, 2026, Washington, DC</li> </ul> <p><u>HR/Safety Update</u></p> <p>Delyce Maciel provided an HR and Safety update and reported that one employee had resigned, bringing the total staff count to 84 and creating a pending opening in Maintenance Central. Ms. Maciel noted several March anniversaries across departments, including long-term employees such as Joseph Karpac and Chuy Morales at 27 years and Leah Diaz at 21 years. She also reported that one employee was on FMLA. Four employees had completed defensive driving training during the week, with approximately 40 more scheduled for sessions on March 17–18 as part of the district's three-year insurance requirement. No office closures were scheduled for March.</p> <p><u>Maintenance/Project Update</u></p> <p>Joah Franzoy provided an Engineering and Maintenance update, reporting that the Engineering Department, in coordination with the Office of the State Engineer, completed 13 dam inspections in three days. Maintenance continued work at the Lucero Dam, expected to finish in about two weeks, and carried out ISC drain cleaning and other general maintenance. Engineering remained heavily involved in DRE proposals, estimates, GIS work, and preparation for upcoming LiDAR flights. Additional updates included completion of the Las Cruces Lateral and the Laguna Heading, progress on the Hatch Yard extension, and material procurement for the California Extension project, which is nearing completion. A detailed maintenance and drain-cleaning report will be presented at the April 8, 2026, meeting.</p> |         |                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |         | Approval of 2026 Allotment & Release Date |
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                                                                                                                                                                                                                                                                    |         | Maint/Proj Update                         |

Approval of the Consent Agenda

- A. Twenty-five (25) February/March ROU licenses for review.
  - 22 Vexus Fiber – New aerial fiber optic lines crossing multiple EBID ROWs
  - 3 Vexus Fiber – New buried fiber optic lines crossing multiple EBID ROWs
- B. Approval of Water Strategies Yearly Contract Renewal
- C. Approval of travel to NWRA Federal Water Issues Conference: April 27-29, 2026, Washington, DC for four (4) Board Members and two (2) Staff to include all actual expenses.

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

Closed Session

**Vice President Daviet moved, and the motion was seconded by Secretary Garay to go into closed session. Directors Garay, Daviet, Colquitt III, 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:

- 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
- Motion to come out of closed session

**Director Clayshulte Jr. moved, and the motion was seconded by Secretary Garay to come out of closed session. Directors Garay, Daviet, Colquitt III, 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, and no action was taken.

Adjournment

There being no further business, **Secretary Garay moved, and the motion was seconded by Director Clayshulte Jr. to adjourn the meeting. Directors Garay, Daviet, Colquitt III, Clayshulte Jr., and Ludwig voted in favor. The motion passed unanimously.** The meeting was adjourned at 12:25 PM.

The next meeting of the Board of Directors will be held on April 8, 2026, beginning at 9 AM at EBID office located at 530 S Melendres St., Las Cruces, NM.

\_\_\_\_\_  
Rafael Rovirosa, President      Date

\_\_\_\_\_  
Randy Garay, Secretary      Date

Approval  
of Consent  
Agenda

Closed  
Session

Open  
Session

Adjourn

**Elephant Butte Irrigation District  
Land Use Committee**

**April 2, 2026  
Committee Report**

A meeting of the Land Use Committee took place with representatives of Zia Natural Gas Processing Co. (“Zia Gas”) and various other EBID representatives on March 27, 2026 at 11:00 A.M.. Director Prescott K. Colquitt, III, Director Casey Crist, Director Preston Tharp, Treasurer-Manager Josh Smith, Chief Financial Officer Joah Franzoy, Finance Director and Chief Procurement Officer Leah Diaz, Senior Engineering Manager Alex Rubio, Licensing Land Technician Scott Gamboa, GIS and Licensing Administrator Juan Caballero, Engineer Zack Libbin and Legal Counsel David Lutz attended the meeting for EBID. General Manager Leslie Graham, Weston Hacker, and Ronald Reynolds attended for Zia Gas.

The attendees discussed the most current draft of the Blanket License Agreement dating back from late 2023 – early 2024. Introductions of the attendees occurred. David Lutz indicated that a legal review and updating would take place to have language consistent with recent MOU agreements on various items. The purpose of that review was not to re-invent the wheel or re-write the contract. Joah Franzoy had provided a comparison analysis of the benefits of a blanket agreement versus individual license requests and will provide input on pricing. His prior spreadsheet file was shared with the group after the meeting. Alex Rubio, Scott Gamboa, and Juan Caballero were working on the technical side to identify all crossings for use in license documentation related to the Blanket License Agreement itself and further documentation associated with it. Zack Libbin would be working on the engineering side both as to input on the contract terms and otherwise.

Leslie Graham introduced her personnel. She indicated Ronald Reynolds was in the Las Cruces area and would be the technical point-of-contract for EBID staff on the ground in this area. Zia Gas has some large current ongoing projects that would last through the mid-May time frame but was hopeful to have input and time to devote for completion of the Blanket License Agreement as time became available.

The overall tenor of the meeting was positive and encouraging. EBID will look to refine its proposal and work to schedule a future meeting in the coming weeks.

MEMORANDUM OF UNDERSTANDING  
between  
ELEPHANT BUTTE IRRIGATION DISTRICT  
and  
CABALLO SOIL AND WATER CONSERVATION DISTRICT  
regarding  
SHARING RESOURCES FOR MANAGEMENT OF STORMWATER

This Memorandum of Understanding (MOU), made and entered on this \_\_\_\_ day of \_\_\_\_\_, 2026, sets forth the terms and understanding between the Elephant Butte Irrigation District (EBID) and the Caballo Soil and Water Conservation District (Caballo SWCD) regarding maintenance and other management activities that facilitate the effective management of stormwater within the geographic areas covered by both EBID and Caballo SWCD.

WHEREAS, EBID is a political subdivision of the State of New Mexico and an irrigation district formed under New Mexico statutes entitled "Irrigation Districts Cooperating with the United States Under Reclamation Laws," found at NMSA 1978 § 73-10-1, et seq. with the authority granted to it pursuant to statute for the construction, operation, and maintenance of facilities to store, divert, and deliver water, and with special authority granted to it for the operation and maintenance of flood control structures which structures are integrated with the irrigation facilities to ensure the safe and effective drainage of stormwater, and

WHEREAS, Caballo SWCD is a political subdivision of the State of New Mexico whose purpose is to control and prevent soil erosion, prevent floodwater and sediment damage, and, among other purposes, to further the beneficial application and disposal of water for irrigation needs, and

WHEREAS, the parties recognize they share similar statutory purposes and functions related to stormwater management and control, and

WHEREAS, the parties recognize that combining their respective resources to complete certain common projects will be mutually beneficial to them and to the public or constituents they serve, and

WHEREAS, the parties desire to enter this MOU to address their mutual needs and to further describe the rights and responsibilities of each related to the purposes of this MOU.

NOW THEREFORE, the parties agree as follows:

1. Purpose. The parties enter this MOU to provide resources to each other for common projects focused on maintenance and other management activities that facilitate the effective and safe control and conveyance of stormwater occurring within EBID boundaries or otherwise affecting infrastructure within EBID boundaries. The parties agree to make a good faith effort to share personnel, equipment, and materials with each other on projects the parties agree to undertake as common projects.
2. Common Projects. Common projects will occur within the geographic boundary of the Caballo Soil and Water Conservation district and may include, but are not necessarily limited to storm water management, flood control dam maintenance, levee repair and maintenance, repair and improvement of all dams, associated channels and connected drains,

joint project development, civil preparedness, and other projects of mutual interest and within the statutory authority of either party.

3. Shared Resources. The parties agree they may provide each other with personnel, equipment and materials, and shall identify shared resources in either a separate agreement specifically written for that specific common project to be undertaken jointly by the parties, or for projects on EBID property through issuance of a Special Use Permit (permit) by EBID. The parties shall not be required to disrupt their normal operations to honor a request for shared resources for a common project, but shall coordinate in good faith, following agreement that such a project shall be a common project pursuant to this MOU.
4. Reimbursement. A party providing equipment, personnel, or materials shall be entitled to monetary or quid pro quo reimbursement in the form of shared resources. The method of reimbursement shall be defined in either a separate, written agreement or permit issued by EBID specifically for that common project.
5. Requests for Resources. Identification of common projects shall occur through requests from one of the parties to the other, which requests shall be made in writing and submitted to the Treasurer-Manager for EBID, or designee, and to \_\_\_ for Caballo SWCD, or designee. Alternatively, the parties will meet from time to time to identify common projects they wish to move forward with pursuant to this MOU. Regardless of which process for identification of projects is used, if the resulting product is a common project of the parties, the same shall be formalized in a separate, written agreement or permit issued by EBID, which shall clearly identify the common project, scope of work, shared resources, actual or estimated costs associated with each party's responsibility related to the project, and a billing method if applicable. Each agreement or permit shall specifically state whether costs will be reimbursed on a quid pro quo basis or by monetary compensation. Quid pro quo reimbursements shall be itemized according to the resources each party is providing and shall show which resource provided by the other party is being exchanged or offset; such resources shall be of comparable value. Monetary compensation shall be itemized according to the resource(s) and shall show which party is responsible for such charges. No resources or monetary compensation will be exchanged prior to executing a separate, written agreement or permit specific to the common project. The parties shall comply with all applicable procurement laws and regulations for each shared project.
6. Allocation of funds and resources. This MOU is contingent upon sufficient funds being allocated or appropriated for the work under this MOU by the parties' respective governing bodies. No common project shall obligate a party to hire any additional personnel or purchase any additional equipment or supplies beyond those existing personnel or resources of each of the parties; however, this provision shall not preclude a party from hiring additional personnel or making whatever purchases it deems necessary in support of any common project.

7. Status of Employees. An employee of one of the parties who provides services to the other party shall remain the employee of the party lending the employee, which employer shall remain responsible for the loaned employee's salary, other compensation, and/or benefits (such as, but not limited to worker's compensation and unemployment benefits). Loaned employees shall also remain subject to the supervision of his/her own employer.
8. Use of vehicles. Whenever one party borrows vehicles or equipment from the other, the borrowing party shall be deemed to be a permissive user of said vehicle or equipment, so long as it is being used for the requested purpose or is being transported to or from the project site for such use. The party owning the vehicles and equipment shall provide a qualified operator of their own for the designated project, unless otherwise agreed to by the parties. The party owning the vehicle or equipment shall also maintain adequate liability coverage on all such property. All borrowed vehicles and equipment shall be returned to the owning party in substantially the same condition as it was when it was borrowed, normal wear and tear excepted.
9. Accountability for Receipts and Disbursements. Each party shall be responsible for their own accounting of all receipts and disbursements of their own funds or resources to ensure compliance with the law. All records shall be maintained in accordance with the laws regarding document retention in the state of New Mexico but must at least be maintained for a period of three (3) years.
10. Term. This MOU shall remain in effect for ten (10) years and shall automatically renew unless notice is given by either party to terminate the agreement or, until modified or replaced by a subsequent written agreement between the parties or otherwise terminated. Each written agreement or permit shall be governed by the specific terms set forth therein.
11. Amendments. This MOU shall not be altered, modified, or amended except by an instrument in writing executed by both parties. Should the parties amend this MOU, the parties at that time will address the issue of whether any existing, separate, written agreements or permits issued for a common project may be affected by the amendment.
12. Construction of MOU. This MOU shall be governed by the laws of the State of New Mexico. If any part or application of this MOU is found to be invalid by a Court of competent jurisdiction, the remainder of the MOU shall not be affected, nor its application to existing specific common projects previously identified by the parties.
13. Termination. Either party may terminate this MOU upon sixty days written notice to the other party. Separate, written agreements or permits for common projects will

contain their own termination clauses. Neither party may nullify obligations already otherwise incurred by terminating this MOU.

14. Notice to Parties. Written Notices shall be sent or delivered as follows:

a. If to EBID:

Joshua Smith, Treasurer-Manager  
530 S. Melendres  
Las Cruces, NM 88004  
[jsmith@ebid-nm.org](mailto:jsmith@ebid-nm.org)

b. If to Caballo SWCD:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Sovereign Immunity. By entering this MOU, EBID and Caballo SWCD do not waive sovereign immunity or any defense or limitation on liability under the New Mexico Tort Claims Act, NMSA 1978, §§ 41-4-1 through 41-4-29. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act, *supra*, or any amendments thereto, as it relates to EBID, Caballo SWCD, and their public employees, including volunteer personnel.
16. Liability and Insurance. Each party agrees to bear the liability and responsibility for any acts or omissions of their own officials and employees, as limited by the New Mexico Tort Claims Act with the specific intention of preserving the immunity provided to each therein. EBID and Caballo SWCD shall maintain insurance consistent with New Mexico law. The parties agree to assume all risk in the performance of their respective actions taken hereunder and their respective activities in connection herewith and, if found liable, shall be solely responsible and answerable in damages for any and all accidents, deaths, bodily or personal injuries to persons, property, or damages of any other nature. The parties recognize they are not legally capable of assuming risk or the liability of others.
17. No Third-Party Beneficiaries. By executing this MOU the parties are not creating and do not intend to create in any member of the public status as a third party beneficiary of this MOU, or to authorize anyone not a party to this MOU to maintain a suit for any cause of action pursuant to the provisions of this MOU.
18. Privileges and Immunities. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, worker's compensation and other benefits which apply to the activity of officers, agents, or employees of either party when engaging in common projects shall apply to the parties to the same extent they apply while engaged in the performance of their functions and duties outside of this MOU. This MOU shall not modify any of the aforementioned or otherwise unmentioned privilege and immunities.

19. Mediation. Any and all disputes arising out of this agreement shall be resolved by mediation. The parties shall mutually agree to a mediator and all costs of mediation shall be split equally between both parties.
20. Approval and Authority. This MOU shall not be effective unless and until approved by the governing body of each party. The signatories of this MOU, by their signature below, represent that they have authority to enter into this MOU and that all applicable laws, rules, regulations and policies of either party have been complied with.

IN WITNESS WHEREOF, the parties have executed this MOU as of the date first written above.

Approved on the \_\_\_\_ day of \_\_\_\_\_, 2026, by the Board of Directors of Elephant Butte Irrigation District.

\_\_\_\_\_  
Rafael Rovirosa, President

Attest: \_\_\_\_\_  
Randy Garay, Secretary

Approved on the \_\_\_\_ day of \_\_\_\_\_ 2026 by the Board of Directors of Caballo Soil and Water Conservation District.

\_\_\_\_\_  
[insert name], [insert title]

Attest: \_\_\_\_\_  
[insert name], [insert title]

## Elephant Butte Irrigation District

Cash Report as of March 31, 2026

|                                  | Balance 3/31/2026    | Balance 3/31/2025    | Balance 3/31/2024   |
|----------------------------------|----------------------|----------------------|---------------------|
| Cash - Bank                      | \$ 1,026,520         | \$ 609,512           | \$ 763,529          |
| Investments - NM State Treasurer | \$ 10,640,400        | \$ 9,801,721         | \$ 8,929,605        |
| <b>Cash balance bank</b>         | <b>\$ 11,666,921</b> | <b>\$ 10,411,234</b> | <b>\$ 9,693,134</b> |

|                          | Balance 3/31/2026    | Balance 3/31/2025    | Balance 3/31/2024   |
|--------------------------|----------------------|----------------------|---------------------|
| Cash - Book              |                      |                      |                     |
| Cash                     | \$ 854,320           | \$ 448,803           | \$ 628,748          |
| Invest                   | \$ 10,640,400        | \$ 9,801,721         | \$ 8,929,605        |
| <b>Cash balance book</b> | <b>\$ 11,494,720</b> | <b>\$ 10,250,524</b> | <b>\$ 9,558,353</b> |

|                     | Operating<br>Investment Activity<br>YTD 2026 | Operating<br>Investment Activity<br>YTD 2025 | Operating<br>Investment Activity<br>YTD 2024 |
|---------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|
| Balance             | \$ 6,291,071                                 | \$ 5,449,673                                 | \$ 3,075,628                                 |
| Plus: interest      | \$ 99,329                                    | \$ 102,048                                   | \$ 103,976                                   |
| Plus: Transfers In  | \$ 6,500,000                                 | \$ 5,500,000                                 | \$ 6,350,000                                 |
| Less: Transfers Out | \$ (2,250,000)                               | \$ (1,250,000)                               | \$ (600,000)                                 |
|                     | <b>\$ 10,640,400</b>                         | <b>\$ 9,801,721</b>                          | <b>\$ 8,929,605</b>                          |

| Difference in<br>2026-2025 | Difference in<br>2025-2024 |
|----------------------------|----------------------------|
| <b>\$ 1,244,196</b>        | <b>\$ 692,171</b>          |

|                                                |       |
|------------------------------------------------|-------|
| Interest rate on investments for March 2026:   | 3.66% |
| Percent of 2026 Assessment received to date: ~ | 91%   |

### Uncommon cash transactions in March to date:

#### Uncommon large payments:

|                                                |            |
|------------------------------------------------|------------|
| WRRI grant payments-awaiting reimbursement     | \$ 473,039 |
| ISC equipment purchases-awaiting reimbursement | \$ 663,489 |

#### Uncommon large receipts:

|                                    |      |
|------------------------------------|------|
| Auction proceeds received in March | \$ - |
| Income from outside job            | \$ - |
| ISC grant proceeds                 | \$ - |
| WRRI grant proceeds                | \$ - |



# HUMAN RESOURCES & SAFETY DEPARTMENT

## STAFF REPORT

### FOR THE APRIL BOARD MEETING

#### HUMAN RESOURCES

##### EMPLOYEES

- ⇒ **Current Total Employee Count = 84**
- ⇒ **Current/Upcoming Job Openings**
  - None
- ⇒ **Pending Job Openings**
  - Ditchrider—South (2)
  - Equipment Operator—Basic South (2)
  - Equipment Operator—Basic Central (1)
  - Finance—Tax (1) & Accounting (1)
- ⇒ **Hired—Job Offers**
  - Ditchrider—North (1) Offer Pending
- ⇒ **Testing/Interviewing**
  - None

##### EMPLOYMENT INFORMATION

###### ⇒ YEARS OF SERVICE

|               |              |
|---------------|--------------|
| > 30 YEARS    | 6 Employees  |
| 21 – 30 YEARS | 12 Employees |
| 10 – 20 YEARS | 11 Employees |
| < 10 YEARS    | 55 Employees |

###### Board Recognition for Employees – APRIL

- None

###### Years of Service Recognition – APRIL

###### Maintenance—Mechanic

|                                 |                |
|---------------------------------|----------------|
| Joe Garibay                     | 38 years 04/25 |
| Rick Anaya (Irrigation Central) | 3 years 04/17  |

###### Irrigation Systems—South

|                    |               |
|--------------------|---------------|
| Roberto Escobar    | 3 years 04/03 |
| Santiago Jaramillo | 3 years 04/13 |
| Luis Garcia        | 2 years 04/03 |

###### Engineering

|              |               |
|--------------|---------------|
| Scott Gamboa | 3 years 04/10 |
|--------------|---------------|

#### SAFETY

##### UPCOMING TRAINING

- ⇒ Weekly tailgate safety trainings with employees
- ⇒ Defensive Driving Training for Employees
  - March 17th & 18th—34 employees completed
  - April 14, 2026—3 employees attending
  - May 12, 2026—1 employees attending
- ⇒ Joah is finalizing security equipment for Las Cruces, Hatch and Chamberino yards with ISC Grant

##### OTHER

###### ⇒ FMLA/Disability/Leave of Absence

- 4 Employees – FMLA Intermittent
- 1 Employees—Family FMLA
- 1 Employees—FMLA

###### ⇒ Upcoming FMLA

- 2 Employees (April/May)

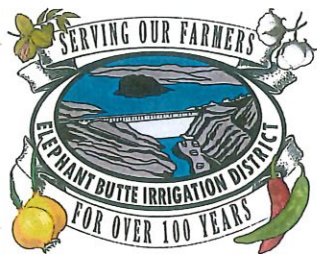
###### ⇒ Worker's Compensation

- 1 Employee—Light Duty

###### ⇒ Upcoming Events

|                                              |       |
|----------------------------------------------|-------|
| April Fool's Day                             | 04/01 |
| Good Friday                                  | 04/03 |
| Easter Sunday                                | 04/05 |
| Holocaust Remembrance Day                    | 04/14 |
| Earth Day & Administrative Professionals Day | 04/22 |





## Elephant Butte Irrigation District

Office of Human Resources & Safety  
530 S Melendres Street  
Las Cruces, NM 88005  
575-993-2490  
[www.ebid-nm.org](http://www.ebid-nm.org)

March 31, 2026

Martha J Lucero  
1515 Apache Canyon Ct  
Las Cruces NM 88007

Subject: Retirement Notification Acceptance

Dear Marty,

Thank you for the time, dedication, and commitment you have shown over your 11 years of service with the Elephant Butte Irrigation District. You have been a valued and dedicated employee, and we sincerely appreciate the contributions you have made to the District. Your experience as the Senior Customer Service Representative in the Tax Office has been a significant asset to both the Finance Department and the District as a whole.

Based on the information provided in your letter dated March 12, 2026, your retirement effective July 3, 2026, has been formally accepted. Given your extensive knowledge and experience, we kindly ask that you share any relevant information, procedures, or documentation that may benefit your department with your supervisor. Any materials you provide will be greatly appreciated by Leah and the Finance Department.

Your final paycheck will include all hours recorded on your timesheet, and you will receive a separate payment for your accrued Annual Leave balance (up to a maximum of 240 hours). Both payments will be issued on July 15, 2026 payday.

A copy of your equipment list has been provided to Leah. Please coordinate with her to return all District-issued equipment, keys, and related items by your retirement date. Should you have any questions regarding retirement benefits or the offboarding process, I am happy to assist you.

Once again, thank you for your many years of dedicated service to the Elephant Butte Irrigation District. We wish you all the best as you enter this next chapter and enjoy your well-earned retirement.

Regards,

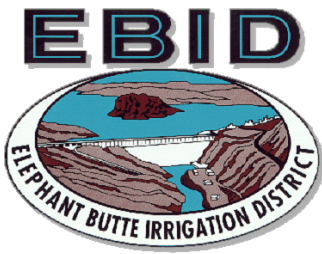
Delyce Maciel  
Director of Human Resources & Safety

cc: Finance  
Treasurer/Manager  
Board of Directors

### Board of Directors

Rafael Roviroso, President \* Greg Daviet, Vice-President \* Randy Garay, Secretary  
Casey Crist \* Preston Tharp \* James Sloan \* John Clayshulte Jr \* Prescott K Colquitt III \* Henry Ludwig

|                                                       | 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 - APRIL 8th, 2026 BOARD MEETING |            |                |                                                                                                                                    |                           |                                          |                               |
| 1                                                     | 2026-040   | N              | 2026-L-032 VEXUS FIBER, LLC                                                                                                        | \$3,420.00                |                                          | Y                             |
|                                                       |            |                | TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE PORTER LATERAL AT APPROXIMATE STATION 6+90             |                           | N                                        |                               |
|                                                       |            |                |                                                                                                                                    |                           |                                          |                               |
| 2                                                     | 2026-041   | N              | 2026-L-033 VEXUS FIBER, LLC                                                                                                        | \$3,800.00                |                                          | Y                             |
|                                                       |            |                | TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE ARMIJO LATERAL AT APPROXIMATE STATION 69+78             |                           | N                                        |                               |
|                                                       |            |                |                                                                                                                                    |                           |                                          |                               |
| 3                                                     | 2026-042   | N              | 2026-L-034 VEXUS FIBER, LLC                                                                                                        | \$3,800.00                |                                          | Y                             |
|                                                       |            |                | TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE ARMIJO LATERAL AT APPROXIMATE STATION 76+32            |                           | N                                        |                               |
|                                                       |            |                |                                                                                                                                    |                           |                                          |                               |
| 4                                                     | 2026-048   | N              | 2026-L-036 COMCAST                                                                                                                 | \$3,420.00                |                                          | Y                             |
|                                                       |            |                | TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LOWER CHAMBERINO LATERAL AT APPROXIMATE STATION 164+00 |                           | N                                        |                               |
|                                                       |            |                |                                                                                                                                    |                           |                                          |                               |
| 5                                                     | 2026-049   | N              | 2026-L-037 BARRY BERNARD                                                                                                           | \$4,180.00                |                                          | Y                             |
|                                                       |            |                | TO OPERATE AND MAINTAIN AN EXISTING HARVEST GATE ON THE WEST DRAIN AT APPROXIMATE STATION 1111+90                                  |                           | Y                                        |                               |
|                                                       |            |                |                                                                                                                                    |                           |                                          |                               |
| 6                                                     | 2026-050   | N              | 2026-L-038 COMCAST                                                                                                                 | \$3,420.00                |                                          | Y                             |
|                                                       |            |                | TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LOWER CHAMBERINO LATERAL AT APPROXIMATE STATION 216+00 |                           | N                                        |                               |
|                                                       |            |                |                                                                                                                                    |                           |                                          |                               |
| 7                                                     | 2026-051   | N              | 2026-L-039 COMCAST                                                                                                                 | \$3,420.00                |                                          | Y                             |
|                                                       |            |                | TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LOWER CHAMBERINO LATERAL AT APPROXIMATE STATION 216+67 |                           | N                                        |                               |
|                                                       |            |                |                                                                                                                                    |                           |                                          |                               |
| 8                                                     | 2026-054   | N              | 2026-L-041 TRIPLE A FARMS / BUDDY ACHEN                                                                                            | \$3,420.00                |                                          | Y                             |
|                                                       |            |                | TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED 2" WATER LINE CROSSING THE RODRIGUEZ LATERAL AT APPROXIMATE STATION 31+95             |                           | Y                                        |                               |
|                                                       |            |                |                                                                                                                                    |                           |                                          |                               |
|                                                       |            |                | TOTAL CHARGED \$ (NO LAND FEE WAIVER)                                                                                              | \$21,280.00               | N                                        | Y                             |
|                                                       |            |                | TOTAL WAIVED \$ (REQUESTING LAND FEE WAIVER)                                                                                       | \$7,600.00                | Y                                        | Y                             |
|                                                       |            |                | TOTAL \$                                                                                                                           | \$28,880.00               | N                                        | Y                             |



## Elephant Butte Irrigation District

530 South Melendres Street

Las Cruces, NM 88005

575-526-6671

## RIGHT OF USE LICENSE

Special Use   X   Limited Use       

Engineering Job Number: 2026-040

License Number: 2026-L-032

Exhibits Attached: "A", "B"

(Place License Number on all exhibits)

Term:

From:   APRIL 8, 2026  

To:   APRIL 8, 2036  

Month Day Year

**Licensee** (Name and address)

VEXUS FIBER, LLC

4006 W LOOP 289

LUBBOCK, TX 79407

**Purpose** (Specify use requested: what, quantities, dimensions, etc.)

TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE PORTER LATERAL AT APPROXIMATE STATION 6+90 AS SHOWN IN EXHIBITS "A" AND "B", ATTACHED HERETO AND MADE A PART HEREOF.

**Description of Premises** Fee   x   Easement        (Specify legal description of land and major features such as reservoir, canal, etc.)

LOCATED IN THE SE<sup>1</sup>/<sub>4</sub> OF SW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 19, TOWNSHIP 23 SOUTH, RANGE 2 EAST, NMPM, OF THE USRS SURVEYS, DOCUMENTED UNDER QUITCLAIM DEED, RECORDED IN DONA ANA COUNTY, NEW MEXICO, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

**Special Conditions** (Where the property that is the subject of this License is held by the District other than as a fee simple estate, the Licensee shall be solely responsible for ascertaining whether the installation will encroach upon property belonging to entities or persons other than the District and for obtaining any additional permission or licenses that may be required from property owners other than the District. The Licensee shall obtain the requisite permission prior to the use of or encroachment upon the property.)

- AERIAL CROSSING MUST BE CONSTRUCTED AND MAINTAINED TO HAVE A SAG HEIGHT ABOVE THE BANK NO LESS THAN 22 FEET
- VEXUS: NMLS107 AREA 4, CANAL CODE 307

The Licensee has read and reviewed the language contained on the reverse side of the license application, and hereby accepts this License subject to the terms and conditions expressed or implied herein. The Licensee also understands the rules and regulations of the Elephant Butte Irrigation District and agrees to abide by same during the term of this License.

Sign name(s) as written in License. For partnerships, a general partner's signature is required. For corporations, an officer or other individual with proper authority evidenced by a corporate resolution granting such authority is required to sign. For a limited liability company, a member, manager, officer or other individual with proper authority evidenced by a company resolution granting such authority is required to sign. Any deviation from the required signatories must be approved by EBID.

**ASSIGN/MANAGING AGENCY**

**LICENSEE**

**AGENCY** ELEPHANT BUTTE IRRIGATION DISTRICT

**SIGNATURE**

**TITLE** TREASURER-MANAGER

**ATTEST**

**DATE**

**SIGNATURE**

**TITLE**

**ATTEST**

**DATE**

**\*\*LICENSE IS NOT VALID UNLESS ALL FEES ARE PAID AND SIGNED BY BOTH THE EBID AND THE LICENSEE\*\***

**DATE:**   APRIL 8, 2026  

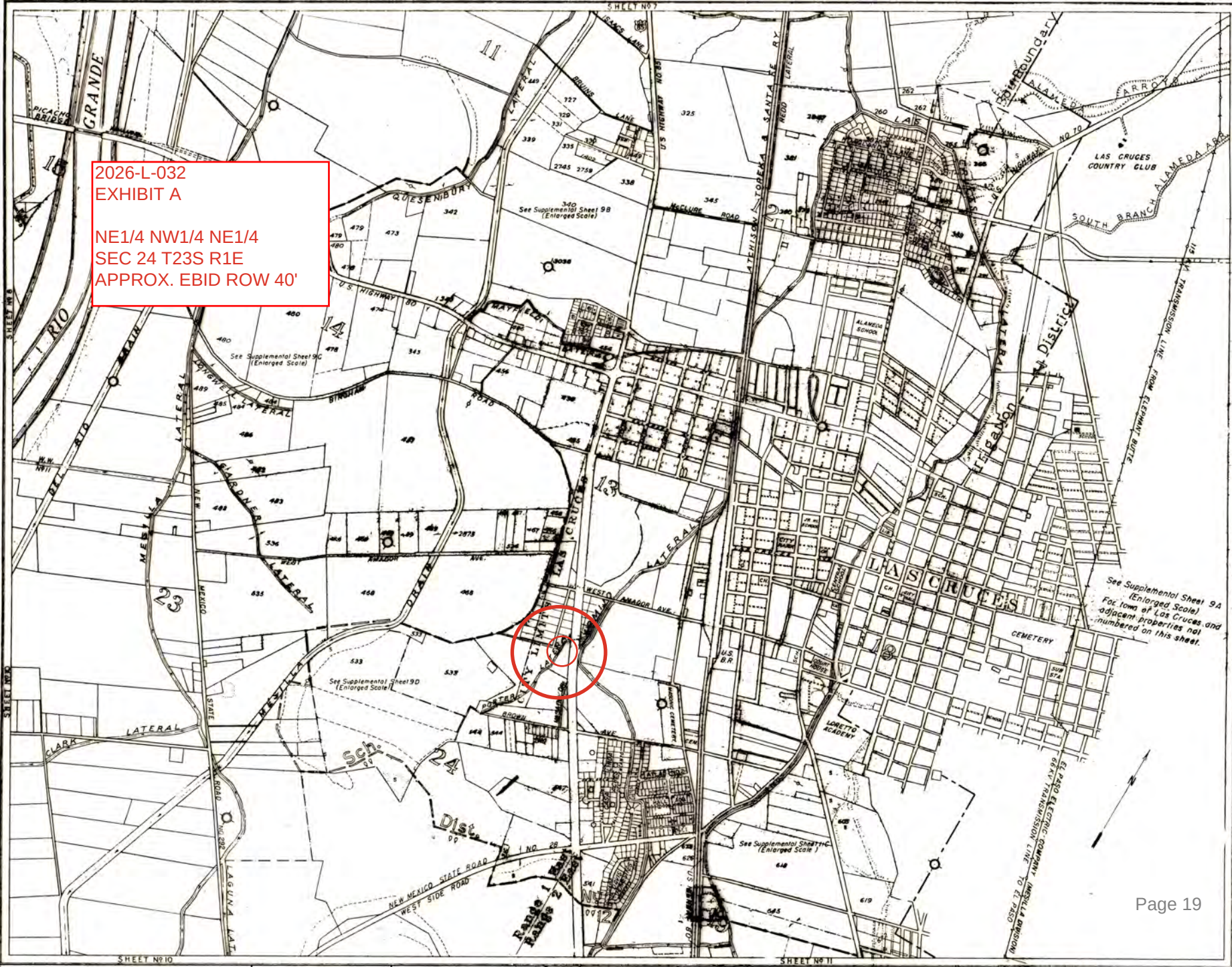
Approved by EBID Board of Directors

**SIGNATURE/DATE:**

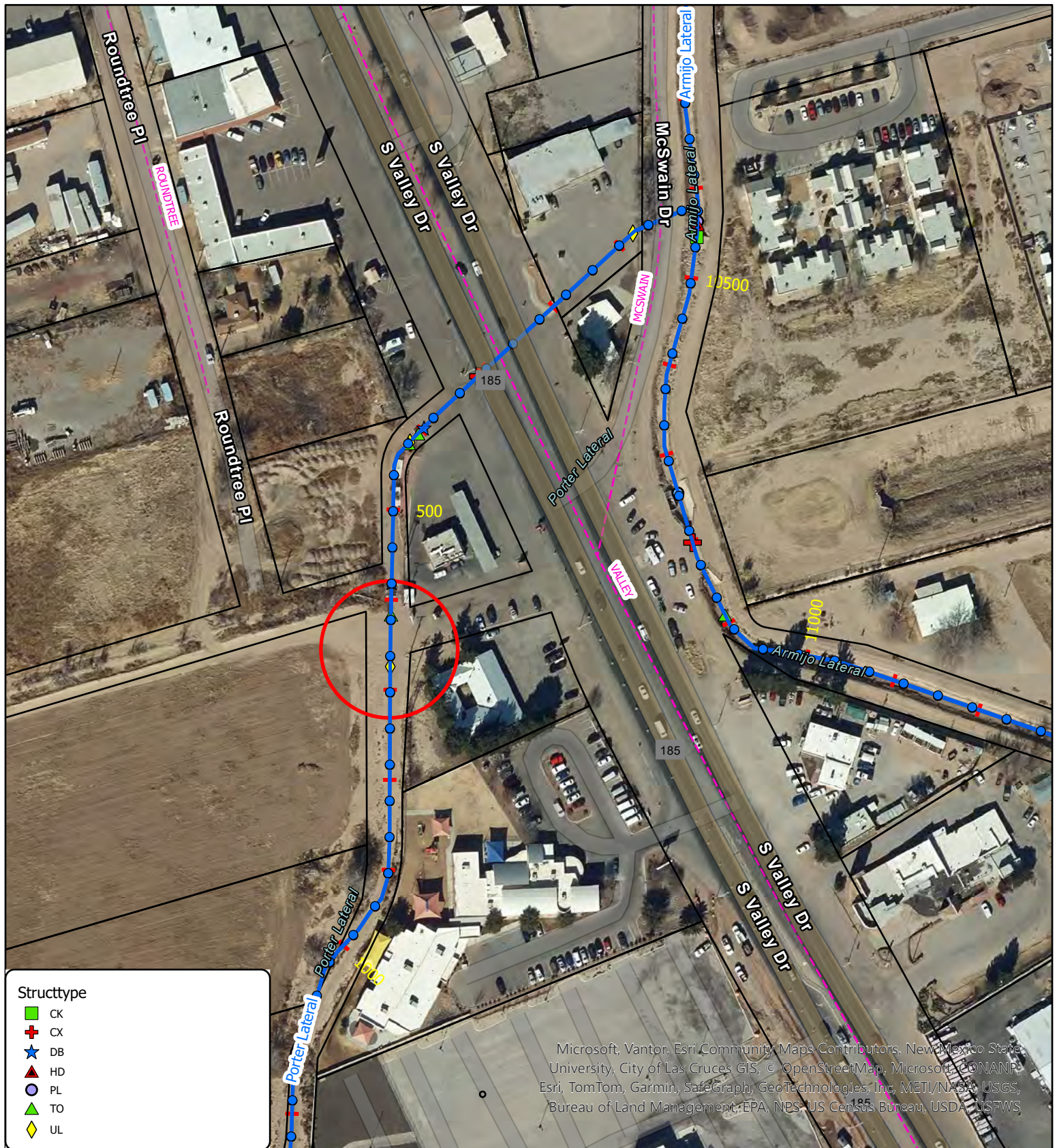
Approved by EBID Engineer

2026-L-032  
EXHIBIT A

NE1/4 NW1/4 NE1/4  
SEC 24 T23S R1E  
APPROX. EBID ROW 40'



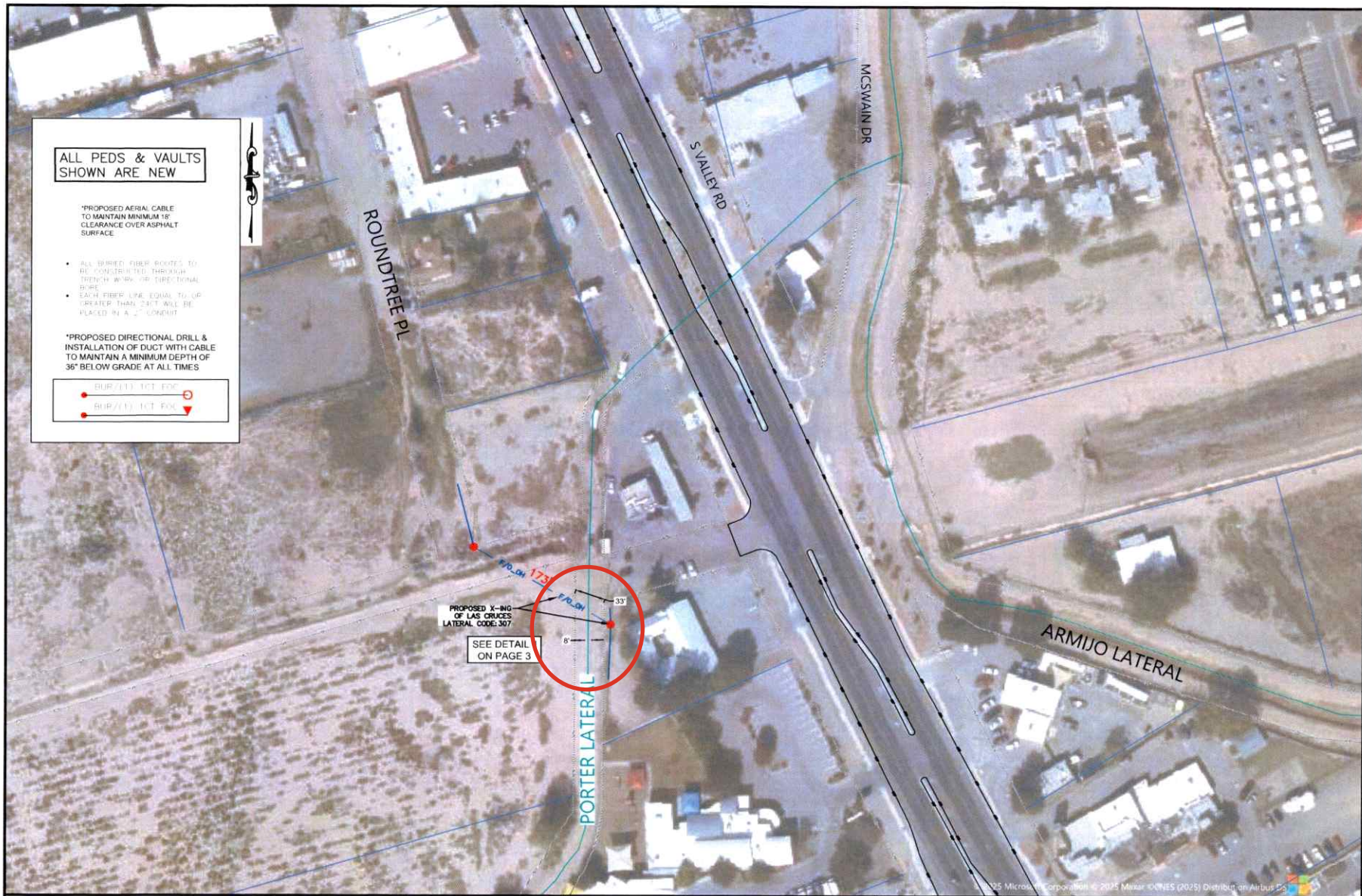
See Supplemental Sheet 9A  
(Enlarged Scale)  
For town of Las Cruces and  
adjacent properties not  
numbered on this sheet.



2026-L-032  
EXHIBIT B

TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE  
CROSSING THE PORTER LATERAL AT APPROXIMATE STATION 6+90,  
APPROX. EBID ROW 40'





**ALL PEDS & VAULTS SHOWN ARE NEW**

\*PROPOSED AERIAL CABLE TO MAINTAIN MINIMUM 18' CLEARANCE OVER ASPHALT SURFACE

- ALL BURIED FIBER ROUTES TO BE CONSTRUCTED THROUGH TRENCH WITH OR DIRECTIONAL DRILL
- EACH FIBER LINE EQUAL TO OR GREATER THAN 24"FT WILL BE PLACED IN A 2" CONDUIT

\*PROPOSED DIRECTIONAL DRILL & INSTALLATION OF DUCT WITH CABLE TO MAINTAIN A MINIMUM DEPTH OF 36" BELOW GRADE AT ALL TIMES

### CONSTRUCTION PLANS

**PROJECT NAME:**  
NMLS107 AREA 4  
FTTH PROJECT

**PROJECT LOCATION:**  
CANAL CODE:307  
LAS CRUCES, NM  
DONA ANA, COUNTY

- GENERAL NOTES:**
1. All existing utility locations shown are approximate and may not be accurate. It is the contractor's responsibility to locate (horizontally and vertically) within the area of construction and repair any utilities damaged during this construction described herein.
  2. Call underground service at least 48 hours prior to construction.
  3. Contractor is responsible for "potholing", locating and probing all utilities in the work area prior to construction to prevent damage.
  4. All underground facility road crossings must be at least 60" minimum depth below grade.
  5. Underground construction methods will be a combination of trenching and directional drilling.

**VEXUS**  
FIBER

**WILLIAMS**  
COMMUNICATIONS  
5024 Bee Caves Rd. Suite C-1  
Austin, Texas 78748  
(512) 328-2461  
www.williamscomm.com

|    |    |    |
|----|----|----|
| -- | -- | -- |
| -- | 02 | -- |
| -- | -- | -- |

**CALL BEFORE YOU DIG! 1-800-344-8377**  
ALL PEDS AND VAULTS SHOWN ARE NEW

BURIED OVERHEAD HANDHOLE

ANCHOR POLE  
 PEDESTAL

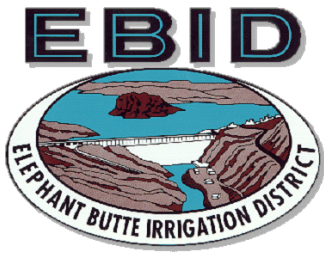
???' STRAND ONLY FTG  
 ???' OVERHEAD FTG  
 ???' BURIED FTG



DATE: \_\_\_\_\_  
SCALE: 1" = 50'  
CITY: LAS CRUCES, NM

DRAFTED BY: WILLIAMS  
COUNTY/PARISH: DONA ANA

PROJECT DESCRIPTION  
**SHEET 02 OF 03**



## Elephant Butte Irrigation District

530 South Melendres Street

Las Cruces, NM 88005

575-526-6671

## RIGHT OF USE LICENSE

Special Use   X   Limited Use       

Engineering Job Number: 2026-041

License Number: 2026-L-033

Exhibits Attached: "A" AND "B"

(Place License Number on all exhibits)

Term:

From:   APRIL 8, 2026  

To:   APRIL 8, 2036  

Month Day Year

**Licensee** (Name and address)

VEXUS FIBER, LLC

4006 W LOOP 289

LUBBOCK, TX 79407

**Purpose** (Specify use requested: what, quantities, dimensions, etc.)

TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE CROSSING THE ARMIJO LATERAL AT APPROXIMATE STATION 69+78 AS SHOWN IN EXHIBIT "A" AND "B", ATTACHED HERETO AND MADE A PART HEREOF.

**Description of Premises** Fee   x   Easement        (Specify legal description of land and major features such as reservoir, canal, etc.)

LOCATED IN THE NW $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF THE NE $\frac{1}{4}$  OF SECTION 13, TOWNSHIP 23 SOUTH, RANGE 1 EAST, NMPM, OF THE USRS SURVEYS, DOCUMENTED UNDER QUITCLAIM DEED, RECORDED IN DONA ANA COUNTY, NEW MEXICO, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

**Special Conditions** (Where the property that is the subject of this License is held by the District other than as a fee simple estate, the Licensee shall be solely responsible for ascertaining whether the installation will encroach upon property belonging to entities or persons other than the District and for obtaining any additional permission or licenses that may be required from property owners other than the District. The Licensee shall obtain the requisite permission prior to the use of or encroachment upon the property.)

- BURIED CROSSINGS MUST BE CONSTRUCTED NO LESS THAN 5 FEET BELOW THE WATERWAY DESIGN INVERT
- BURIED CROSSINGS MUST BE ENCASED THROUGHOUT EBID RIGHT OF WAY
- NO CONSTRUCTION ALLOWED DURING IRRIGATION SEASON
- VEXUS: NMLS107 AREA 1, CANAL CODE 304

The Licensee has read and reviewed the language contained on the reverse side of the license application, and hereby accepts this License subject to the terms and conditions expressed or implied herein. The Licensee also understands the rules and regulations of the Elephant Butte Irrigation District and agrees to abide by same during the term of this License.

Sign name(s) as written in License. For partnerships, a general partner's signature is required. For corporations, an officer or other individual with proper authority evidenced by a corporate resolution granting such authority is required to sign. For a limited liability company, a member, manager, officer or other individual with proper authority evidenced by a company resolution granting such authority is required to sign. Any deviation from the required signatories must be approved by EBID.

**ASSIGN/MANAGING AGENCY**

**LICENSEE**

**AGENCY** ELEPHANT BUTTE IRRIGATION DISTRICT

**SIGNATURE**

**TITLE** TREASURER-MANAGER

**ATTEST**

**DATE**

**SIGNATURE**

**TITLE**

**ATTEST**

**DATE**

**\*\*LICENSE IS NOT VALID UNLESS ALL FEES ARE PAID AND SIGNED BY BOTH THE EBID AND THE LICENSEE\*\***

**DATE:**   APRIL 8, 2026  

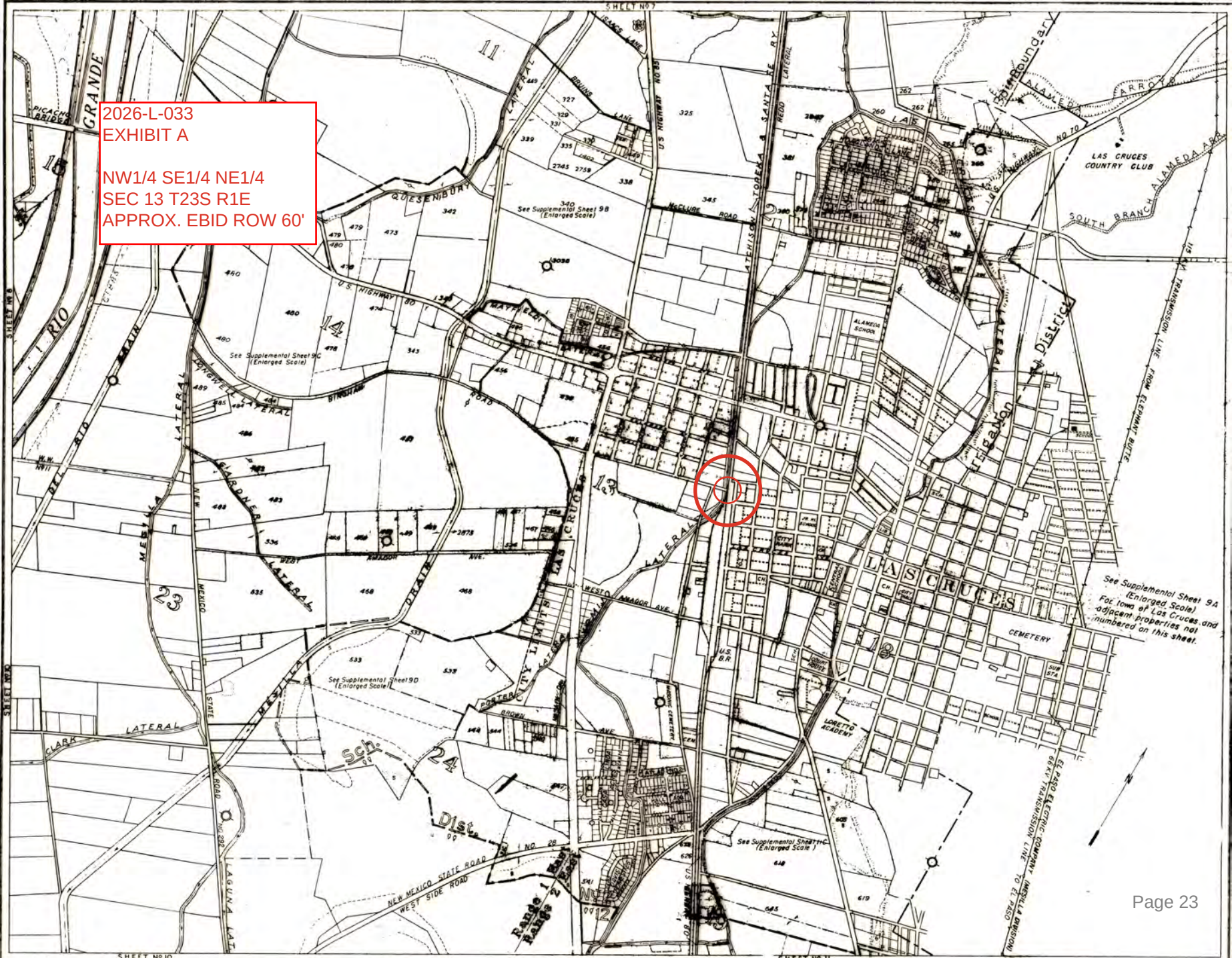
Approved by EBID Board of Directors

**SIGNATURE/DATE:**

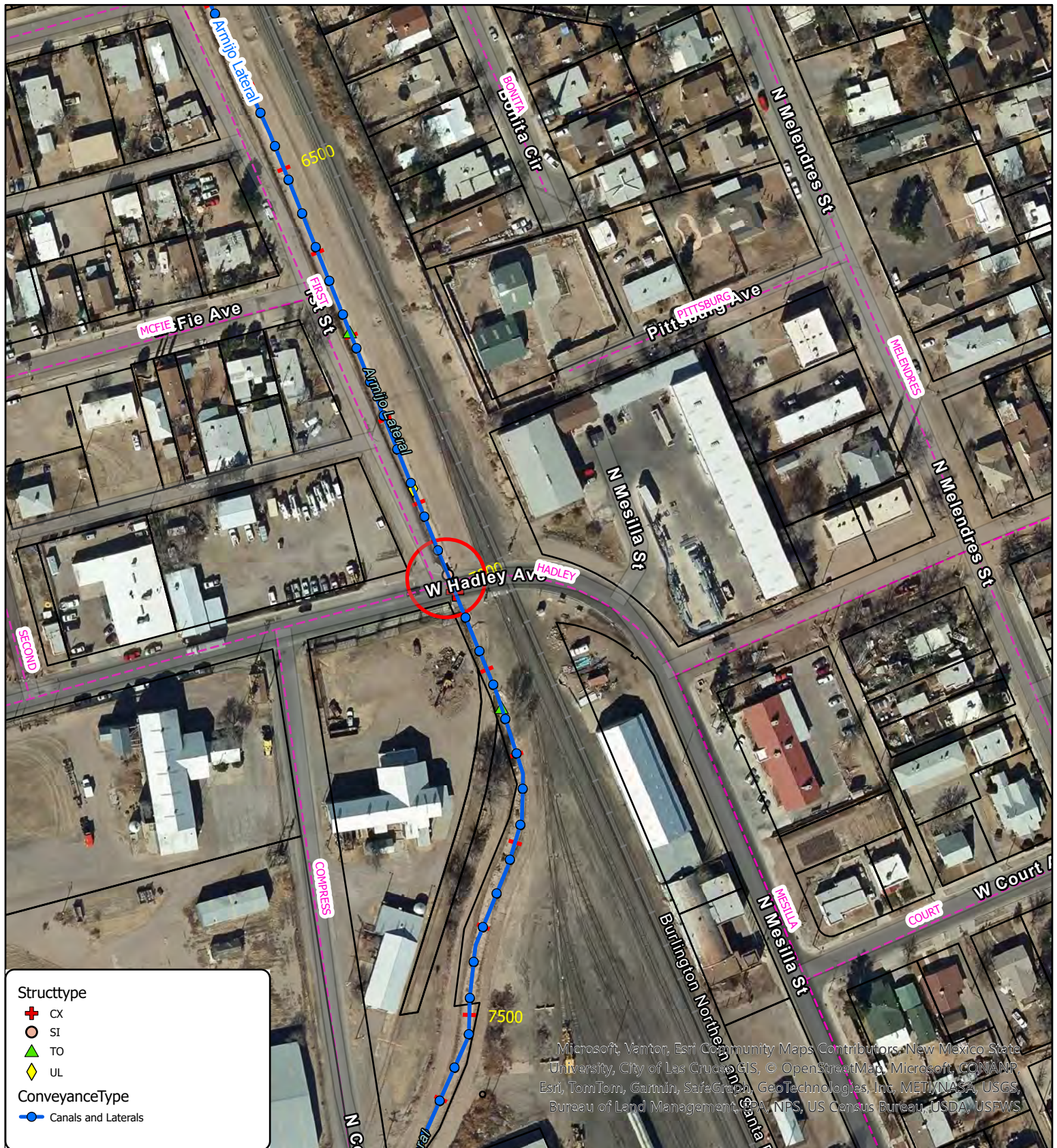
Approved by EBID Engineer

2026-L-033  
EXHIBIT A

NW1/4 SE1/4 NE1/4  
SEC 13 T23S R1E  
APPROX. EBID ROW 60'



See Supplemental Sheet 9A  
(Enlarged Scale)  
For town of Las Cruces and  
adjacent properties not  
numbered on this sheet.



2026-L-033  
EXHIBIT B

TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED FIBER OPTIC LINE  
CROSSING THE ARMIÑO LATERAL AT APPROXIMATE STATION 69+78,  
APPROX. EBID ROW 60'





ALL PEDS & VAULTS  
SHOWN ARE NEW

\*PROPOSED AERIAL CABLE  
TO MAINTAIN MINIMUM 15'  
CLEARANCE OVER ASPHALT  
SURFACE

- ALL BURIED FIBER ROUTES TO  
BE CONFINED THROUGH  
TRENCH WORK FOR DIRECTIONAL  
DRILL
- EACH FIBER LINE EQUAL TO OR  
GREATER THAN 24" FT. WILL BE  
PLACED IN A 2" DUCT

\*PROPOSED DIRECTIONAL DRILL &  
INSTALLATION OF DUCT WITH CABLE  
TO MAINTAIN A MINIMUM DEPTH OF  
36" BELOW GRADE AT ALL TIMES

BURIED 1ST FOG  
BURIED 1ST FOG

## CONSTRUCTION PLANS

PROJECT NAME:  
NMLS107 AREA 1  
FTTH PROJECT

PROJECT LOCATION:  
CANAL CODE:304  
LAS CRUCES, NM  
DONA ANA, COUNTY

## GENERAL NOTES:

1. All existing utility locations  
shown are approximate  
and may not be accurate.  
It is the contractor's  
responsibility to locate  
(horizontally and vertically)  
within the area of  
construction) and repair  
any utilities damaged  
during this construction  
described herein.
2. Call underground service  
at least 48 hours prior to  
construction.
3. Contractor is responsible  
for "potholing", locating and  
probing all utilities in the  
work area prior to  
construction to prevent  
damage.
4. All underground facility  
road crossings must be at  
least 60" minimum depth  
below grade.
5. Underground construction  
methods will be a  
combination of trenching  
and directional drilling.

**VEXUS**  
FIBER

**WILLIAMS**  
CONSTRUCTION  
SINCE 1978  
5524 Bee Cave Rd. Suite C-1  
Austin, Texas 78748  
(512) 228-1461  
www.williams.com

**CALL BEFORE YOU DIG! 1-800-344-8377**  
ALL PEDS AND VAULTS  
SHOWN ARE NEW

BURIED  
OVERHEAD  
HANDHOLE

F/O BUR  
F/O OH

ANCHOR  
POLE  
PEDESTAL

STRAND ONLY FTG  
OVERHEAD FTG  
BURIED FTG

SCALE  
0 25 50 75 100

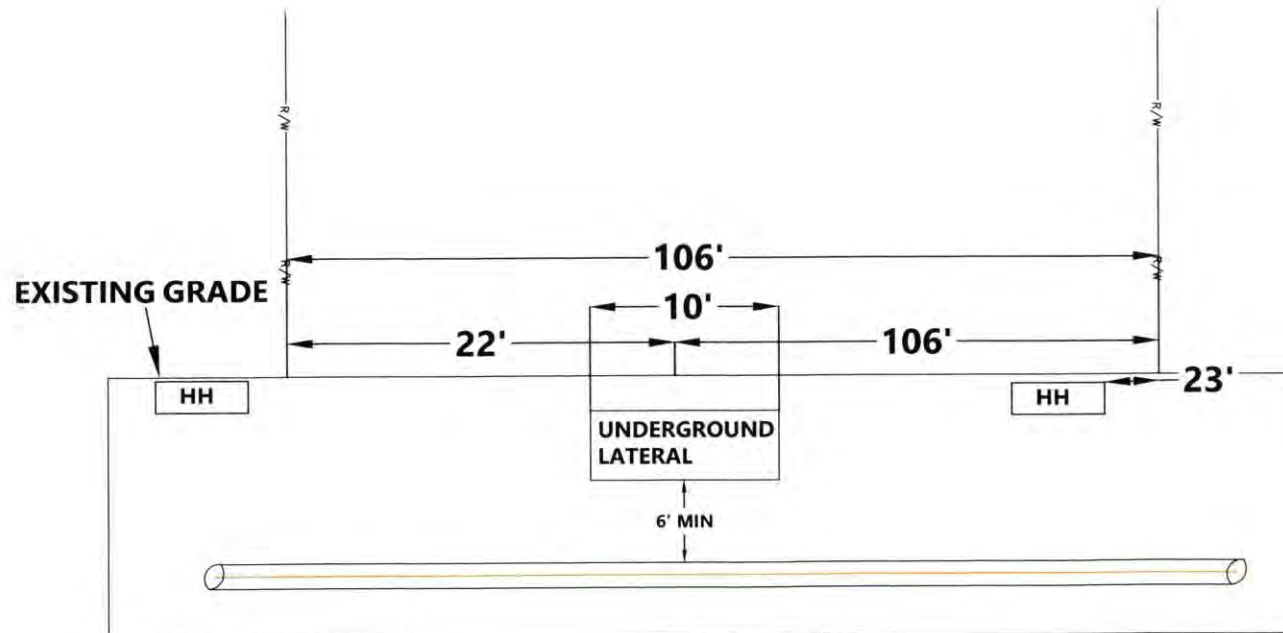


DATE:  
SCALE: 1" = 50'  
CITY: LAS CRUCES, NM

DRAFTED BY: WILLIAMS  
COUNTY/PARISH: DONA ANA

PROJECT  
DESCRIPTION  
SHEET 02 OF 03

# DETAIL 01: CANAL CODE 304



DRAWING NOT TO SCALE.

## CONSTRUCTION PLANS

PROJECT NAME:  
NMLS107 AREA 1  
FTTH PROJECT

PROJECT LOCATION:  
CANAL CODE:304  
LAS CRUCES, NM  
DONA ANA, COUNTY

## GENERAL NOTES:

1. All existing utility locations shown are approximate and may not be accurate. It is the contractor's responsibility to locate (horizontally and vertically) within the area of construction) and repair any utilities damaged during this construction described herein.
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**VEXUS**  
FIBER

**WILLIAMS**  
CONSTRUCTION  
16234 Bee Canyon Rd, Suite C-1  
Austin, Texas 78746  
(512) 325-2451  
www.williamscon.com

**CALL BEFORE YOU DIG! 1-800-344-8377**

ALL PEDS AND VAULTS  
SHOWN ARE NEW

BURIED  
OVERHEAD  
HANDHOLE



ANCHOR  
POLE  
PEDESTAL



STRAND ONLY FTG  
OVERHEAD FTG  
BURIED FTG



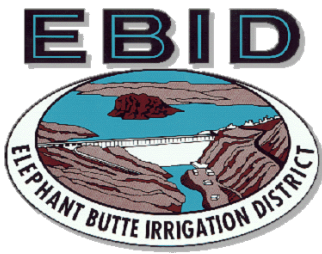
SCALE  
0 25 50 75 100



DATE  
SCALE 1" = 50'  
CITY: LAS CRUCES, NM

DRAFTED BY: WILLIAMS  
COUNTY/PARISH: DONA ANA

PROJECT  
DESCRIPTION  
SHEET 03 OF 03



## Elephant Butte Irrigation District

530 South Melendres Street

Las Cruces, NM 88005

575-526-6671

## RIGHT OF USE LICENSE

Special Use   X   Limited Use       

Engineering Job Number: 2026-042

License Number: 2026-L-034

Exhibits Attached: "A", "B"

(Place License Number on all exhibits)

Term:

From:   APRIL 8, 2026  

To:   APRIL 8, 2036  

Month Day Year

**Licensee** (Name and address)

VEXUS FIBER, LLC

4006 W LOOP 289

LUBBOCK, TX 79407

**Purpose** (Specify use requested: what, quantities, dimensions, etc.)

TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE ARMIJO LATERAL AT APPROXIMATE STATION 76+32 AS SHOWN IN EXHIBITS "A" AND "B", ATTACHED HERETO AND MADE A PART HEREOF.

**Description of Premises** Fee   x   Easement        (Specify legal description of land and major features such as reservoir, canal, etc.)

LOCATED IN THE NW $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF THE NE $\frac{1}{4}$  OF SECTION 13, TOWNSHIP 23 SOUTH, RANGE 1 EAST, NMPM, OF THE USRS SURVEYS, DOCUMENTED UNDER QUITCLAIM DEED, RECORDED IN DONA ANA COUNTY, NEW MEXICO, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

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- AERIAL CROSSING MUST BE CONSTRUCTED AND MAINTAINED TO HAVE A SAG HEIGHT ABOVE THE BANK NO LESS THAN 22 FEET
- VEXUS: NMLS107 AREA 2, CANAL CODE 304

The Licensee has read and reviewed the language contained on the reverse side of the license application, and hereby accepts this License subject to the terms and conditions expressed or implied herein. The Licensee also understands the rules and regulations of the Elephant Butte Irrigation District and agrees to abide by same during the term of this License.

Sign name(s) as written in License. For partnerships, a general partner's signature is required. For corporations, an officer or other individual with proper authority evidenced by a corporate resolution granting such authority is required to sign. For a limited liability company, a member, manager, officer or other individual with proper authority evidenced by a company resolution granting such authority is required to sign. Any deviation from the required signatories must be approved by EBID.

**ASSIGN/MANAGING AGENCY**

**LICENSEE**

**AGENCY** ELEPHANT BUTTE IRRIGATION DISTRICT

**SIGNATURE**

**TITLE** TREASURER-MANAGER

**ATTEST**

**DATE**

**SIGNATURE**

**TITLE**

**ATTEST**

**DATE**

**\*\*LICENSE IS NOT VALID UNLESS ALL FEES ARE PAID AND SIGNED BY BOTH THE EBID AND THE LICENSEE\*\***

**DATE:**   APRIL 8, 2026  

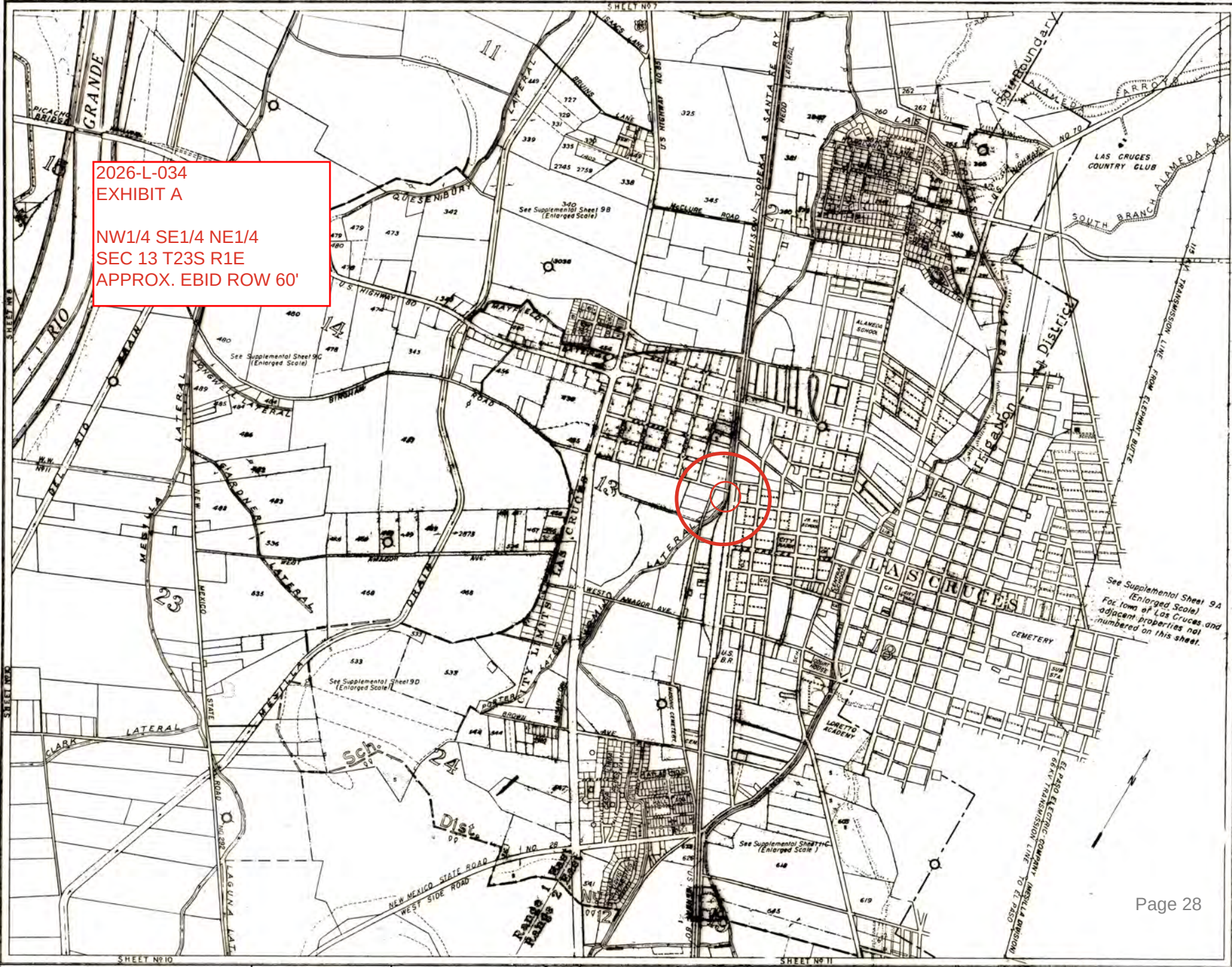
Approved by EBID Board of Directors

**SIGNATURE/DATE:**

Approved by EBID Engineer

2026-L-034  
EXHIBIT A

NW1/4 SE1/4 NE1/4  
SEC 13 T23S R1E  
APPROX. EBID ROW 60'



See Supplemental Sheet 9A  
(Enlarged Scale)  
For town of Las Cruces and  
adjacent properties not  
numbered on this sheet.

| EXPLANATION             |             |                               |
|-------------------------|-------------|-------------------------------|
| Canals                  | Levees      | Drains                        |
| Suspended Areas         | Roads       | Community and Private Ditches |
| Various Classifications | Sand        | Limits of Irrigable Area      |
|                         | Valley Land |                               |

**AUTHORITIES**  
Compiled from Topographic and Location Surveys by the Bureau of Reclamation. Property lines are from the best information available (Private Surveys, Deed Notes, Etc.) but with no assurance that they are either authentic or valid.

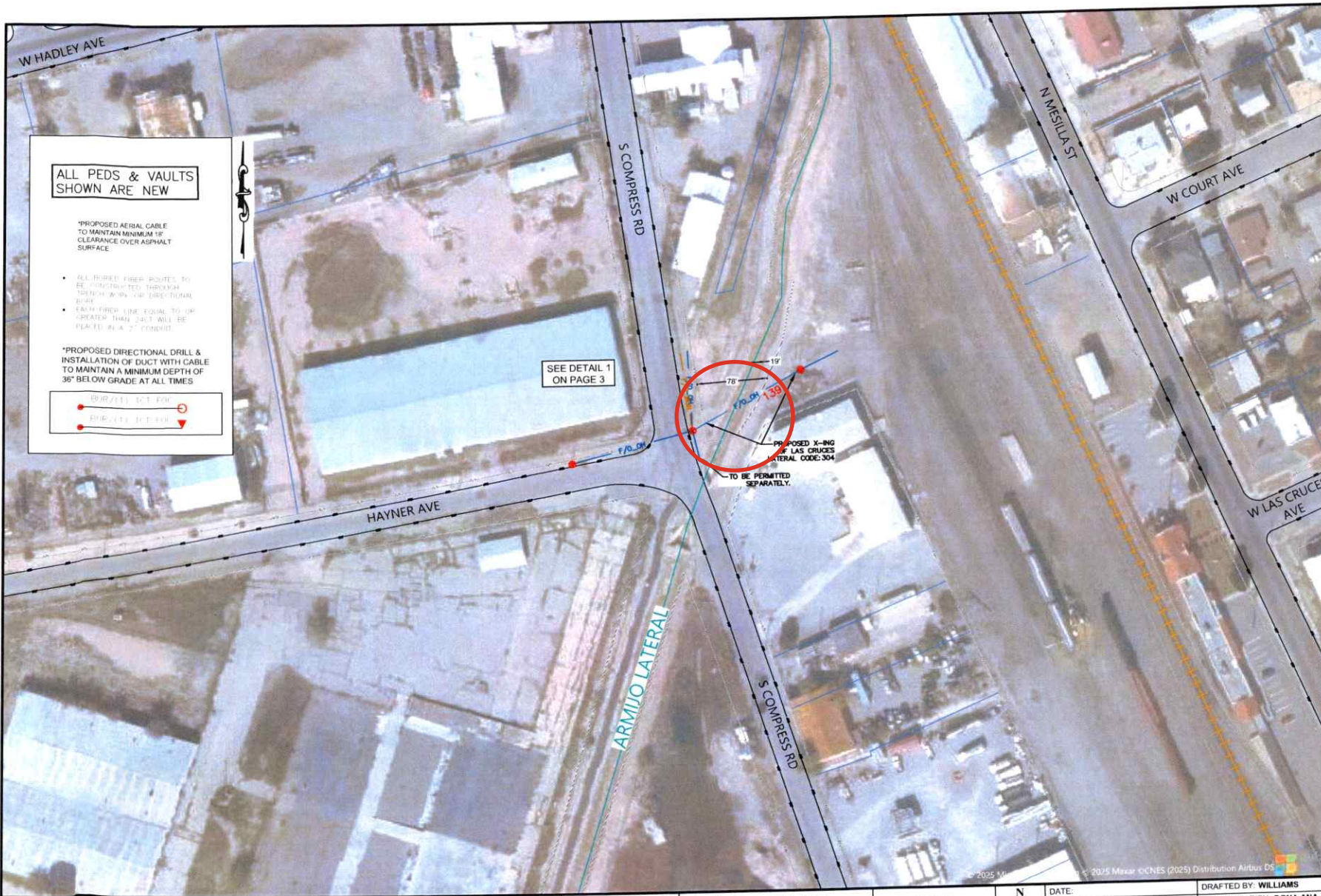
**SCALE**  
0 1000 2000 3000  
T 23S. R 1E 2E  
DATE 1958 REVISED

**PROPERTY NUMBERS**  
Project Serial No. of a Property is the Sheet No. followed by Tract No. thus, 991, 9 being the No. of this sheet, 91 being the Tract No. on this sheet. Dona Ana Co. Plat No. 541.

**BUREAU OF RECLAMATION—RIO GRANDE PROJECT**  
**IRRIGABLE AREA AND PROPERTY MAP**  
ELEPHANT BUTTE IRRIGATION DISTRICT

**MESILLA VALLEY**  
**SHEET**  
**LAS CRUCES**  
**9**





## CONSTRUCTION PLANS

**PROJECT NAME:**  
NMLS107 AREA 2  
FTTH PROJECT

**PROJECT LOCATION:**  
CANAL CODE:304  
LAS CRUCES, NM  
DONA ANA, COUNTY

## GENERAL NOTES:

- All existing utility locations shown are approximate and may not be accurate. It is the contractor's responsibility to locate (horizontally and vertically) within the area of construction and repair any utilities damaged during this construction described herein.
- Call underground service at least 48 hours prior to construction.
- Contractor is responsible for "potholing", locating and probing all utilities in the work area prior to construction to prevent damage.
- All underground facility road crossings must be at least 60" minimum depth below grade.
- Underground construction methods will be a combination of trenching and directional drilling.

**VEXUS**  
FIBER

**WILLIAMS**  
COMMUNICATIONS INC.  
5524 Bee Caves Rd. Suite C-1  
Austin, Texas 78746  
(512) 325-9461  
www.williams.com

|    |    |    |
|----|----|----|
| -- | -- | -- |
| -- | 02 | -- |
| -- | -- | -- |

**CALL BEFORE YOU DIG! 1-800-344-8377**  
ALL PDS AND VAULTS  
SHOWN ARE NEW

BURIED  
OVERHEAD  
HANDHOLE

F/O\_BUR  
F/O\_OH

ANCHOR  
POLE  
PEDESTAL

STRAND ONLY FTG  
OVERHEAD FTG  
BURIED FTG

SCALE  
0 25 50 75 100

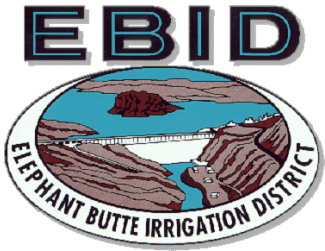


DATE:  
SCALE: 1" = 50'  
CITY: LAS CRUCES, NM

DRAFTED BY: WILLIAMS

COUNTY/PARISH: DONA ANA

PROJECT  
DESCRIPTION  
SHEET 02 OF 03



## Elephant Butte Irrigation District

530 South Melendres Street

Las Cruces, NM 88005

575-526-6671

## RIGHT OF USE LICENSE

Special Use   X   Limited Use       

Engineering Job Number: 2026-048

License Number: 2026-L-036

Exhibits Attached: "A", "B"

(Place License Number on all exhibits)

Term:

From:   APRIL 8, 2026  

To:   APRIL 8, 2036  

Month Day Year

**Licensee** (Name and address)

COMCAST OF NEW MEXICO, LLC

4611 MONTBEL PLACE NE

ALBUQUERQUE, NEW MEXICO 87107

**Purpose** (Specify use requested: what, quantities, dimensions, etc.)

TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LOWER CHAMBERINO LATERAL AT APPROXIMATE STATION 164+00 AS SHOWN IN EXHIBITS "A" AND "B", ATTACHED HERETO AND MADE A PART HEREOF.

**Description of Premises** Fee   x   Easement        (Specify legal description of land and major features such as reservoir, canal, etc.)

LOCATED IN THE SW $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF THE NE  $\frac{1}{4}$  OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 3 EAST, NMPM, OF THE USRS SURVEYS, DOCUMENTED UNDER QUITCLAIM DEED, RECORDED IN DONA ANA COUNTY, NEW MEXICO, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

**Special Conditions** (Where the property that is the subject of this License is held by the District other than as a fee simple estate, the Licensee shall be solely responsible for ascertaining whether the installation will encroach upon property belonging to entities or persons other than the District and for obtaining any additional permission or licenses that may be required from property owners other than the District. The Licensee shall obtain the requisite permission prior to the use of or encroachment upon the property.)

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**ASSIGN/MANAGING AGENCY**

**LICENSEE**

**AGENCY** ELEPHANT BUTTE IRRIGATION DISTRICT

**SIGNATURE**

**TITLE** TREASURER-MEMBER

**ATTEST**

**DATE**

**SIGNATURE**

**TITLE**

**ATTEST**

**DATE**

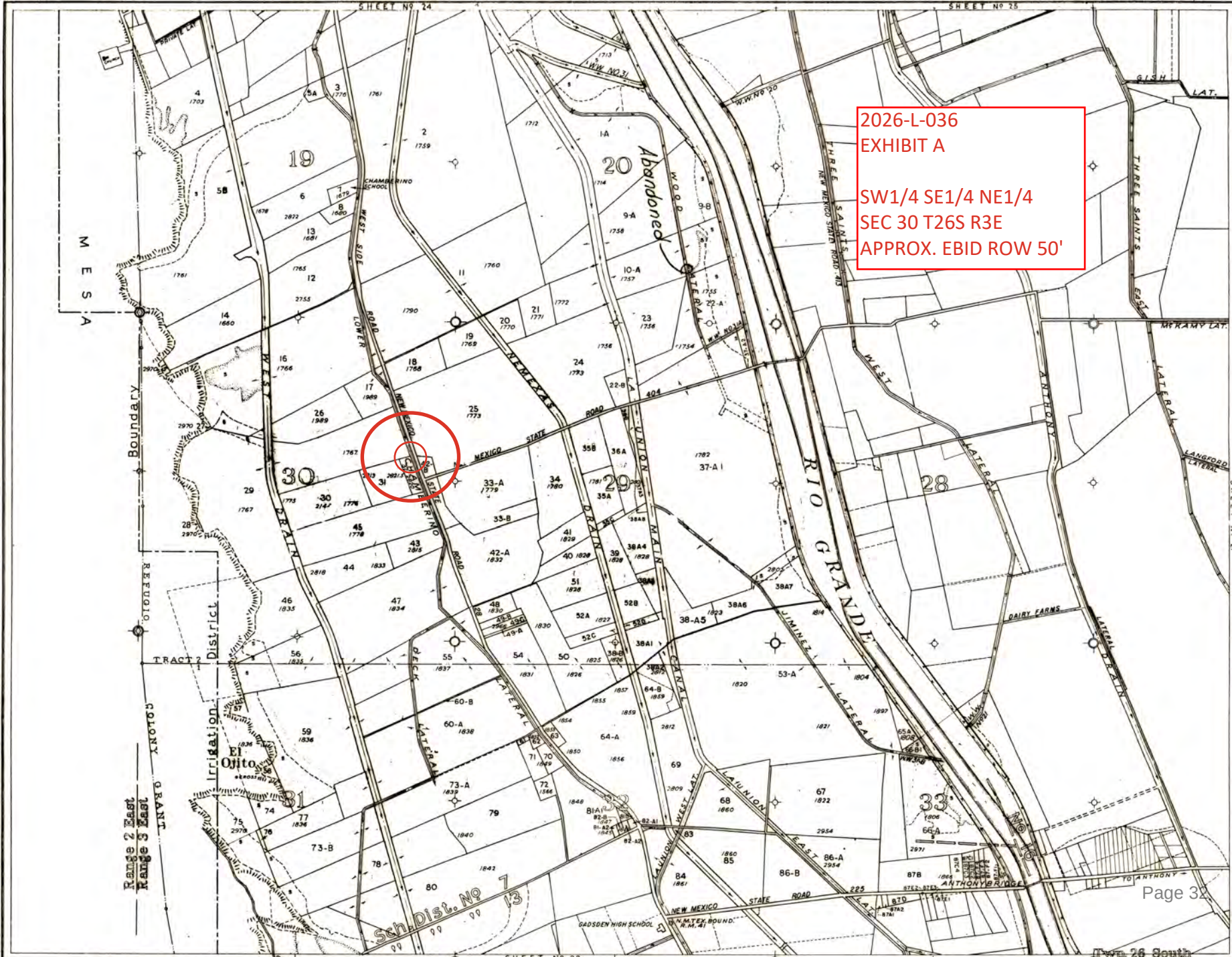
**\*\*LICENSE IS NOT VALID UNLESS ALL FEES ARE PAID AND SIGNED BY BOTH THE EBID AND THE LICENSEE\*\***

**DATE:**   APRIL 8, 2026  

Approved by EBID Board of Directors

**SIGNATURE/DATE:**

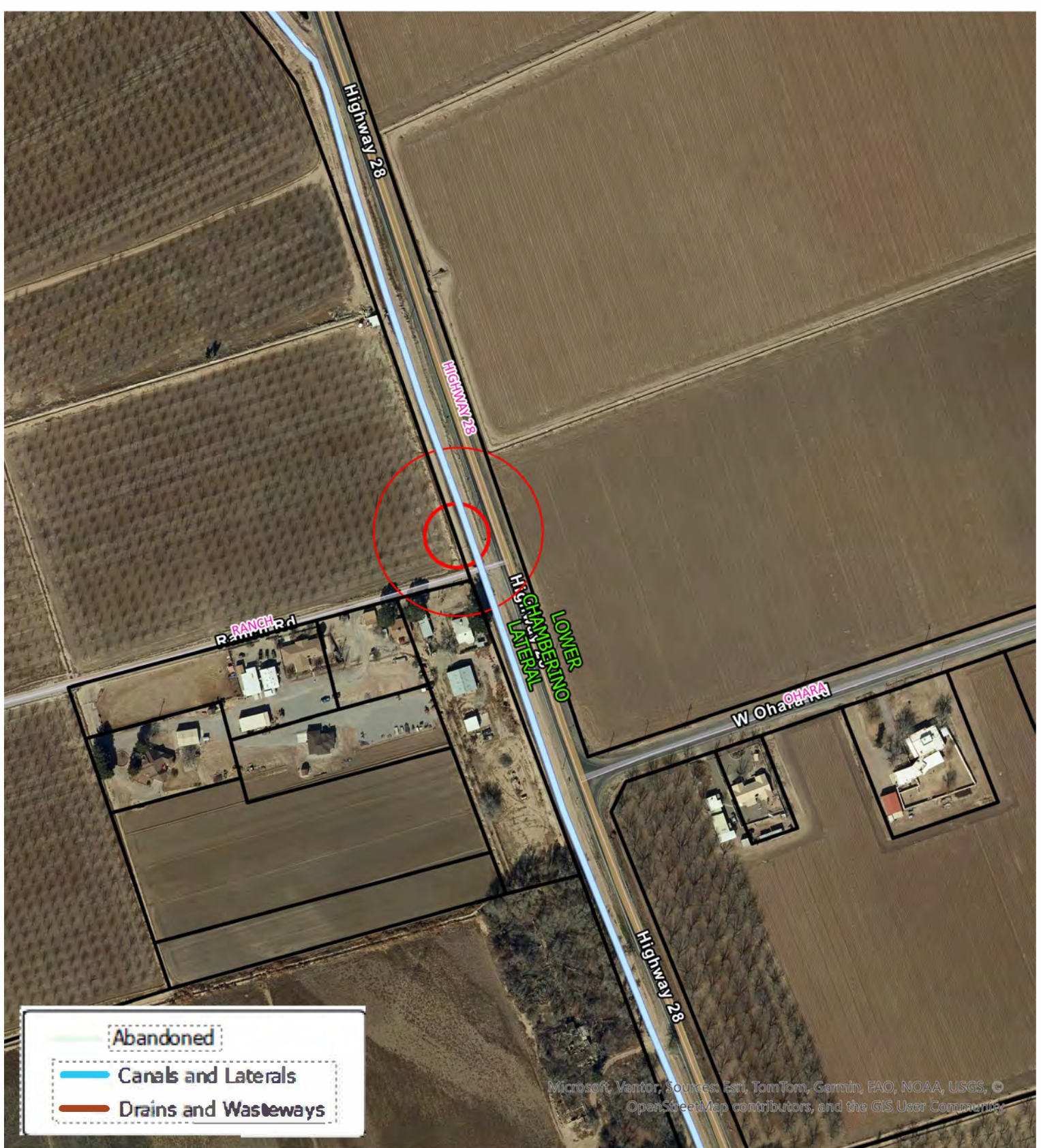
Approved by EBID Engineer



2026-L-036  
EXHIBIT A

SW1/4 SE1/4 NE1/4  
SEC 30 T26S R3E  
APPROX. EBID ROW 50'

| EXPLANATION                                                                                                                                                                           | AUTHORITIES                                                                                                                                                                                                                                                                                    | SCALE                       | PROPERTY NUMBERS                                                                                                                                                                            | BUREAU OF RECLAMATION - RIO GRANDE PROJECT<br>IRRIGABLE AREA AND PROPERTY MAP<br>ELEPHANT BUTTE IRRIGATION DISTRICT |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <p>Canals</p> <p>Suspended Areas</p> <p>Various Classifications</p> <p>Sand</p> <p>Valley Land</p> <p>Drains</p> <p>Community and Private Ditches</p> <p>Limits of Irrigable Area</p> | <p>Compiled from Topographic and Location Surveys by the Bureau of Reclamation. Property lines are from the best information available (Private Surveys, Deeds, Notes, etc.) but with no assurance that they are either authentic or valid.</p> <p>T 26S R3E</p> <p>DATE 1933 REVISED 1958</p> | <p>0 500 1000 1500 2000</p> | <p>Project Serial No. of a Property is the Sheet No. followed by Tract No. thus 26.84, 26 being the No. of this sheet, 84 being the Tract No. on this sheet, Dona Ana Co. Plat No. 1867</p> | <p>MESILLA VALLEY<br/>SHEET No 26<br/>LOWER CHAMBERINO</p>                                                          |



2026-L-036  
EXHIBIT B

TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING  
THE LOWER CHAMBERINO LATERAL AT APPROX. STA. 164+00, APPROX. EBID ROW 50'

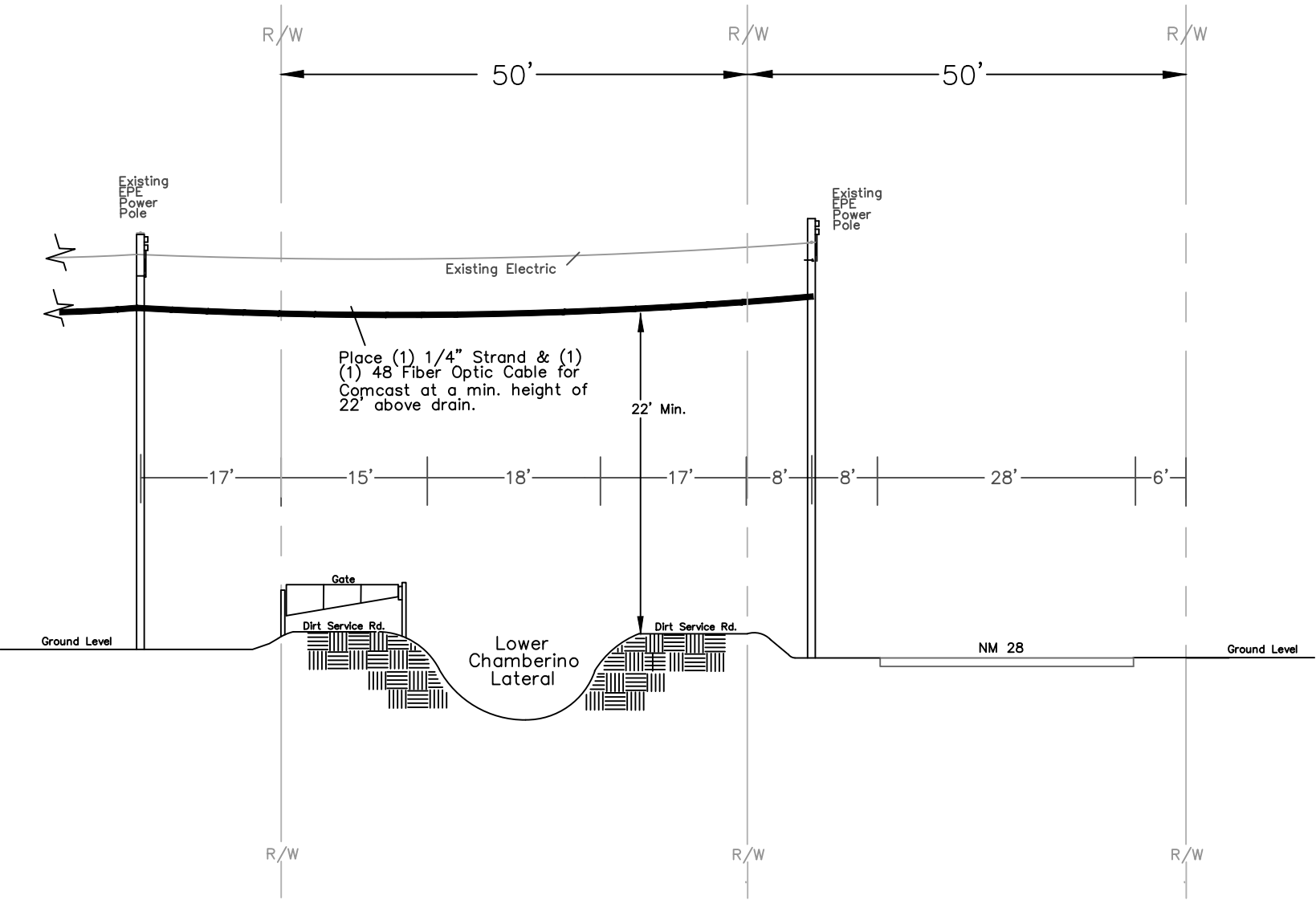
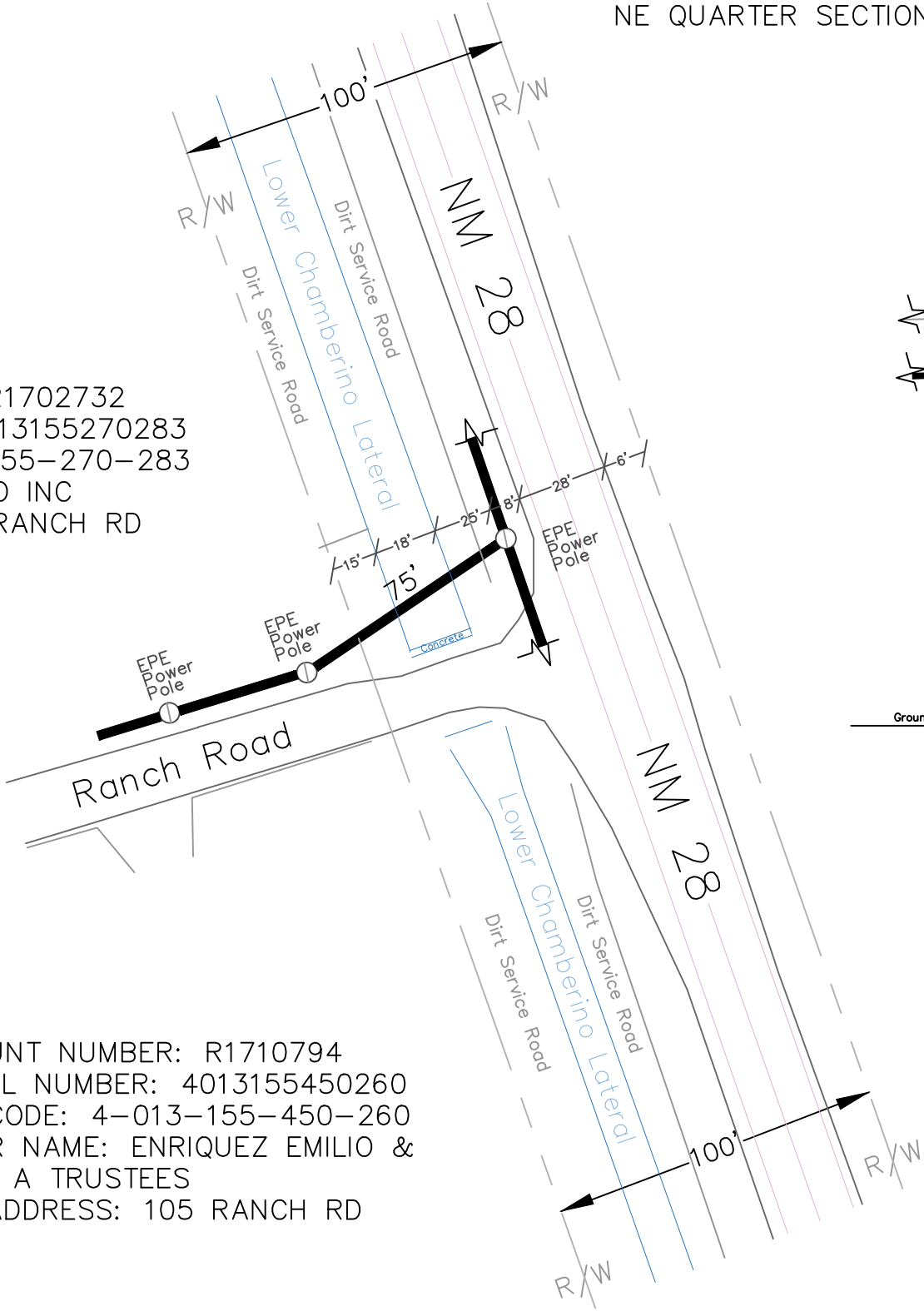


PROJECTED T26S R3E SEC. 30  
NE QUARTER SECTION

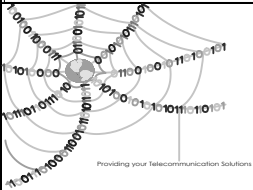
Utility Profile  
Lower Chamberino Lateral  
Looking North At Crossing

ACCOUNT NUMBER: R1702732  
PARCEL NUMBER: 4013155270283  
MAP CODE: 4-013-155-270-283  
OWNER NAME: DILASO INC  
SITE ADDRESS: 104 RANCH RD

ACCOUNT NUMBER: R1710794  
PARCEL NUMBER: 4013155450260  
MAP CODE: 4-013-155-450-260  
OWNER NAME: ENRIQUEZ EMILIO &  
MARIA A TRUSTEES  
SITE ADDRESS: 105 RANCH RD



Note:  
Contractor is responsible for providing  
Proof of Insurance to EBID and for  
Locating all existing Utilities at time of  
Construction. Utility & R/W Locations  
Shown on Map are Approximate Only,  
taken from available Utility & Plat Maps  
and Utility Spots still visible in Field.

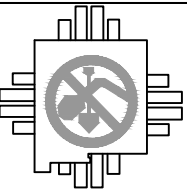


Communication  
Network Solutions  
(505)238-0404

|                 |  |  |  |
|-----------------|--|--|--|
| DONA ANA COUNTY |  |  |  |
|                 |  |  |  |
|                 |  |  |  |
|                 |  |  |  |
|                 |  |  |  |
| DOC:            |  |  |  |

Comcast

| APPROVAL RECORD |            |
|-----------------|------------|
| DRAWN           | Y.HARRISON |
| DESIGNED        | Y.HARRISON |
| CHECKED         | ---        |
| APPROVED        | ---        |
| SCALE           | NTS        |

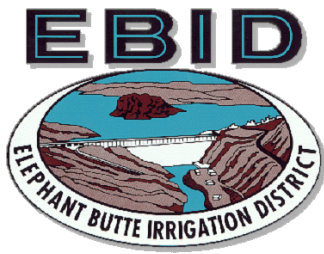


NEW MEXICO  
ONE CALL  
SYSTEM, INC.  
CALL BEFORE  
YOU DIG !  
(505) 260-1990



JB2007877

|                                          |      |
|------------------------------------------|------|
| JB Number: EBID Lower Chamberino Lateral |      |
| FILE NAME EBID License Drawing           |      |
| CONFIG. .DWG                             |      |
| DRAWING 1                                | OF 1 |



## Elephant Butte Irrigation District

530 South Melendres Street

Las Cruces, NM 88005

575-526-6671

## RIGHT OF USE LICENSE

Special Use ☒ Limited Use ☐

Engineering Job Number: 2026-049

License Number: 2026-L-037

Exhibits Attached: "A", "B"

(Place License Number on all exhibits)

Term:

From: APRIL 8, 2026

To: APRIL 8, 2036

Month Day Year

**Licensee** (Name and address)

**BARRY BERNARD**

**P.O. BOX 53**

**LA MESA, NM 88044**

**Purpose** (Specify use requested: what, quantities, dimensions, etc.)

**TO OPERATE AND MAINTAIN AN EXISTING HARVEST GATE ON THE WEST DRAIN AT APPROXIMATE STATION 1111+90 AS SHOWN IN EXHIBITS "A" AND "B", ATTACHED HERETO AND MADE A PART HEREOF.**

**Description of Premises** Fee ☒ Easement ☐ (Specify legal description of land and major features such as reservoir, canal, etc.)

**LOCATED IN THE SE<sup>1</sup>/<sub>4</sub> OF SE<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub> OF SECTION 15, TOWNSHIP 25 SOUTH, RANGE 2 EAST, NMPM, OF THE USRS SURVEYS, DOCUMENTED UNDER QUITCLAIM DEED, RECORDED IN DONA ANA COUNTY, NEW MEXICO, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

**Special Conditions** (Where the property that is the subject of this License is held by the District other than as a fee simple estate, the Licensee shall be solely responsible for ascertaining whether the installation will encroach upon property belonging to entities or persons other than the District and for obtaining any additional permission or licenses that may be required from property owners other than the District. The Licensee shall obtain the requisite permission prior to the use of or encroachment upon the property.)

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**ASSIGN/MANAGING AGENCY**

**LICENSEE**

**AGENCY** ELEPHANT BUTTE IRRIGATION DISTRICT

**SIGNATURE**

**TITLE** TREASURER-MANAGER

**ATTEST**

**DATE**

**SIGNATURE**

**TITLE**

**ATTEST**

**DATE**

**\*\*LICENSE IS NOT VALID UNLESS ALL FEES ARE PAID AND SIGNED BY BOTH THE EBID AND THE LICENSEE\*\***

**DATE:** APRIL 8, 2026

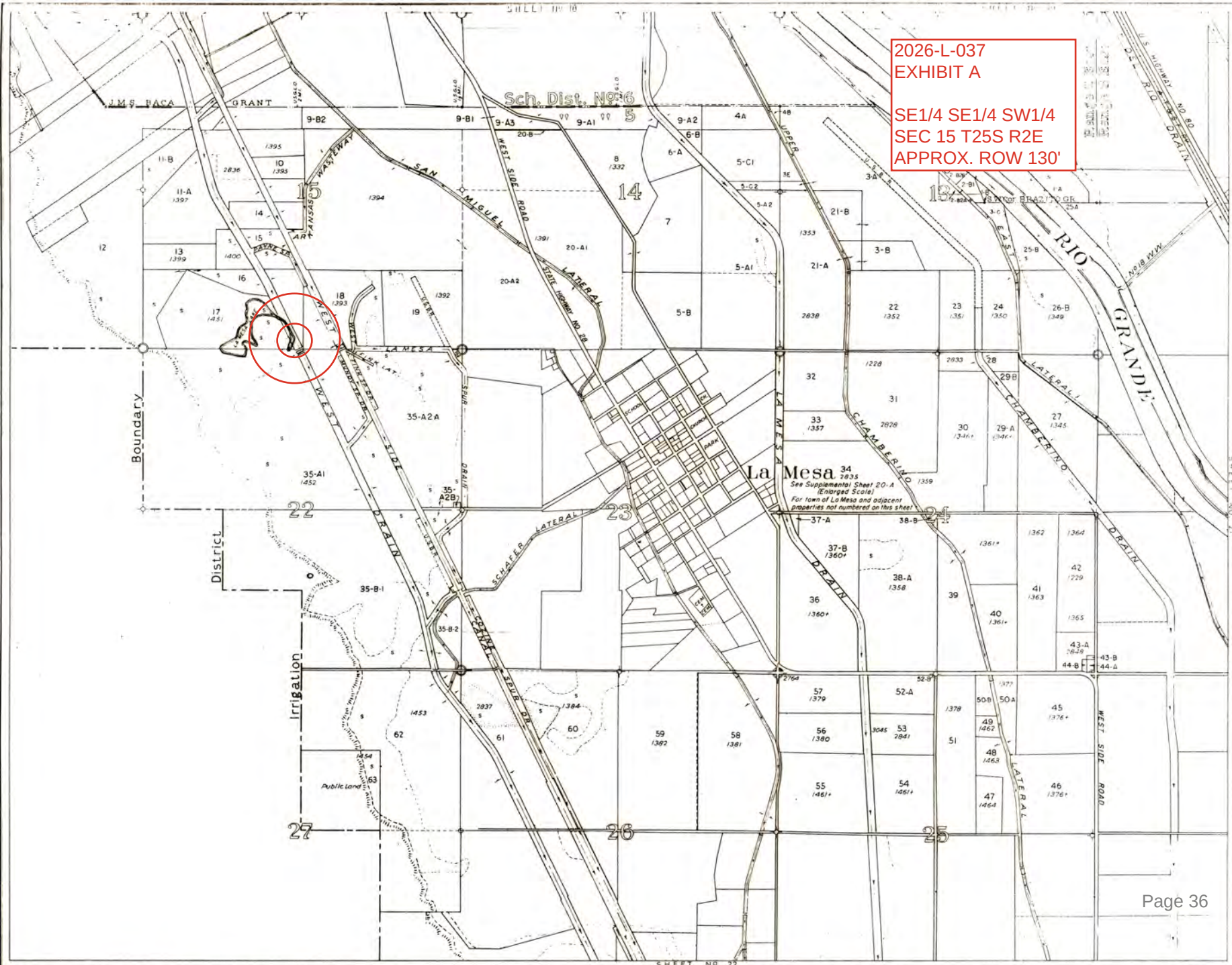
Approved by EBID Board of Directors

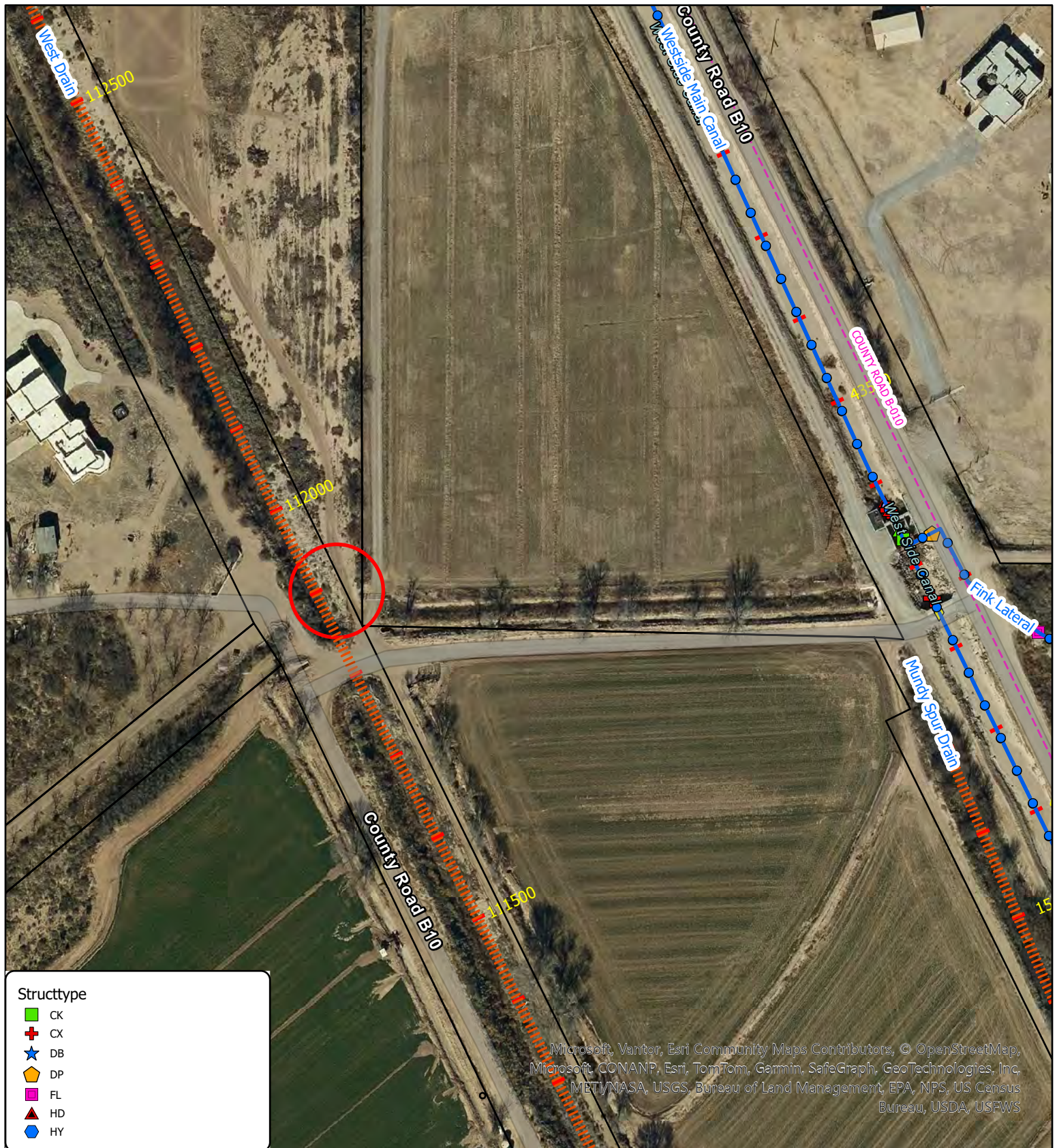
**SIGNATURE/DATE:**

Approved by EBID Engineer

2026-L-037  
EXHIBIT A

SE1/4 SE1/4 SW1/4  
SEC 15 T25S R2E  
APPROX. ROW 130'





2026-L-037  
EXHIBIT B

TO OPERATE AND MAINTAIN AN EXISTING HARVEST GATE ON THE WEST DRAIN  
AT APPROX. STA. 1111+90, APPROX. EBID ROW 130'

0 50 100 200 300 US Feet



**1988-ENG6**

**POLICY SUBJECT:** INSTALLATION OF GATE(S) ON THE RIGHT OF WAY OF IRRIGATION AND DRAINAGE FACILITIES WITHIN THE ELEPHANT BUTTE IRRIGATION DISTRICT.

**DATE APPROVED:** MARCH 2, 1988

**PURPOSE:**

To provide an acceptable gate(s) on canal, laterals, and drains to protect the safety and welfare of the farming community and the facilities of Elephant Butte Irrigation District.

**POLICY SEC I**      **INSTALLATION**

- A. Final gate location shall be selected by the District.
- B. All lockable gates will be locked with lock provided by the District.
- C. Gate may be subject to opening or closing by District employees at any time.
- D. District will not be held liable for damage to private property associated with the use of gate.
- E. Permit for installation of approved gate shall be issued for a period not to exceed ten (10) years. Permit subject to renewal.

**POLICY SEC II**      **DESIGN STANDARDS**

- A. Requester shall submit design and location map to the District Engineers and shall meet the minimum requirement as per Standard Drawing (SD-87-4).
- B. Shall have a minimum 12.0' gate opening for gates placed on canals and laterals and a 24.0' gate opening for gates placed on drains.
- C. Cable or barbed wire gates shall be prohibited.
- D. Any substitute shall require prior approval by the District.

**POLICY SEC III**      **REPAIR/REPLACEMENT**

Existing gates that have been determined to be unsatisfactory or hamper the operation of the District, shall be replaced with a suitable gate as established by this policy.

Cost of repair or replacement shall be determined as per Section 5.

SECTION IV: REMOVAL OF GATE

- A. Gate that has been determined to be unsatisfactory or hamper the operation of the District shall be removed by District Board action if:
  - 1. Ownership cannot be established within 60 days.
  - 2. Ownership is established and corrective measures are not effective within 30 days after notification by the District.
  - 3. Existing non-compliance gates on canal, laterals, and drains have ten years to comply as outlined by this policy.

SECTION V: EXPENSES

- A. All costs for gate shall be sole responsibility of property owner(s).
- B. For multiple owners, the cost breakdown shall be equally distributed.
- C. Landowner will absorb all costs associated for licensing and permits.

SECTION VI: HARVEST GATES/LIVESTOCK GATES

- A. Shall be allowed on the Right-of-Way of irrigation and drainage facilities within the Elephant Butte Irrigation District on a seasonal basis to protect the safety and welfare of the farming community.
  - 1. INSTALLATION
    - A. Final gate location shall be selected by the District.
    - B. All lockable gates will be locked with lock provided by the District.
    - C. Gate may be subject to opening or closing by District employees at any time.
    - D. District will not be held liable for damage to private property associated with the use of gate.
  - 2. DESIGN STANDARD
    - A. Requester shall submit design and location map to the District Engineers and shall meet the minimum requirement as per Standard Drawing (SD-87-4)

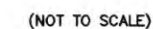
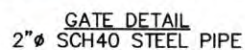
- B. "Shall have minimum 12.0' gate opening for gates placed on canals and laterals and 24.0' gate opening on gates placed on drains".

3. REPAIR AND REPLACEMENT

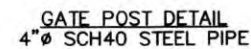
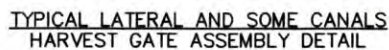
- A. Existing gates that have been determined to be unsatisfactory or hamper the operation of the District shall be replaced with a suitable gate as established by this policy.
- B. Cost in repair or replacement shall be determined as per Section 5.

4. REMOVAL OF GATE

- A. Ownership cannot be established within 60 days.
- B. Ownership cannot be established and corrective measures are not effective within thirty days after notification by the District.
- C. Gate shall be removed and/or security left open once harvest has been completed.



HINGE DETAIL  
1" STEEL PLATE

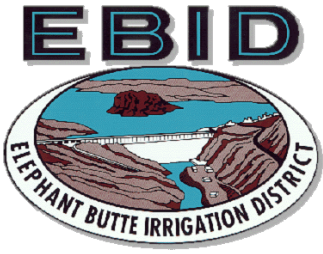


HG1

**ELEPHANT BUTTE IRRIGATION DISTRICT**

LEASBURG MAIN  
NEW HARVEST GATES  
AT RANCHO ALGODONES RD  
GATE #13

|             |                               |           |      |
|-------------|-------------------------------|-----------|------|
| DWG FILE:   | HARVEST GATES FOR PERMITS.DWG |           |      |
| ENG. JOB#   | ----                          | MAINT.#   | ---- |
| DESIGNED:   | Z. LIBBIN                     | TASK #    | ---- |
| DRAWN:      | GREG BUSTILLOS                | APPROVED: |      |
| LAYOUT:     | HARVEST GATE STD 13FT         |           |      |
| PRINT DATE: | 10/31/22                      |           |      |



**Elephant Butte Irrigation District**  
530 South Melendres Street  
Las Cruces, NM 88005  
575-526-6671

## RIGHT OF USE LICENSE

Special Use   X   Limited Use       

Engineering Job Number: 2026-050

License Number: 2026-L-038

Exhibits Attached: "A", "B"

(Place License Number on all exhibits)

Term:

From:   APRIL 8, 2026  

To:   APRIL 8, 2036  

Month Day Year

**Licensee** (Name and address)

COMCAST OF NEW MEXICO, LLC  
4611 MONTBEL PLACE NE  
ALBUQUERQUE, NEW MEXICO 87107

**Purpose** (Specify use requested: what, quantities, dimensions, etc.)

TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LOWER CHAMBERINO LATERAL AT APPROXIMATE STATION 216+00 AS SHOWN IN EXHIBITS "A" AND "B", ATTACHED HERETO AND MADE A PART HEREOF.

**Description of Premises** Fee   x   Easement        (Specify legal description of land and major features such as reservoir, canal, etc.)

LOCATED IN THE NE<sup>1</sup>/<sub>4</sub> OF SW<sup>1</sup>/<sub>4</sub> OF THE NW <sup>1</sup>/<sub>4</sub> OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 3 EAST, NMPM, OF THE USRS SURVEYS, DOCUMENTED UNDER QUITCLAIM DEED, RECORDED IN DONA ANA COUNTY, NEW MEXICO, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

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**ASSIGN/MANAGING AGENCY**

**LICENSEE**

**AGENCY** ELEPHANT BUTTE IRRIGATION DISTRICT

**SIGNATURE**

**TITLE** TREASURER-MEMBER

**ATTEST**

**DATE**

**SIGNATURE**

**TITLE**

**ATTEST**

**DATE**

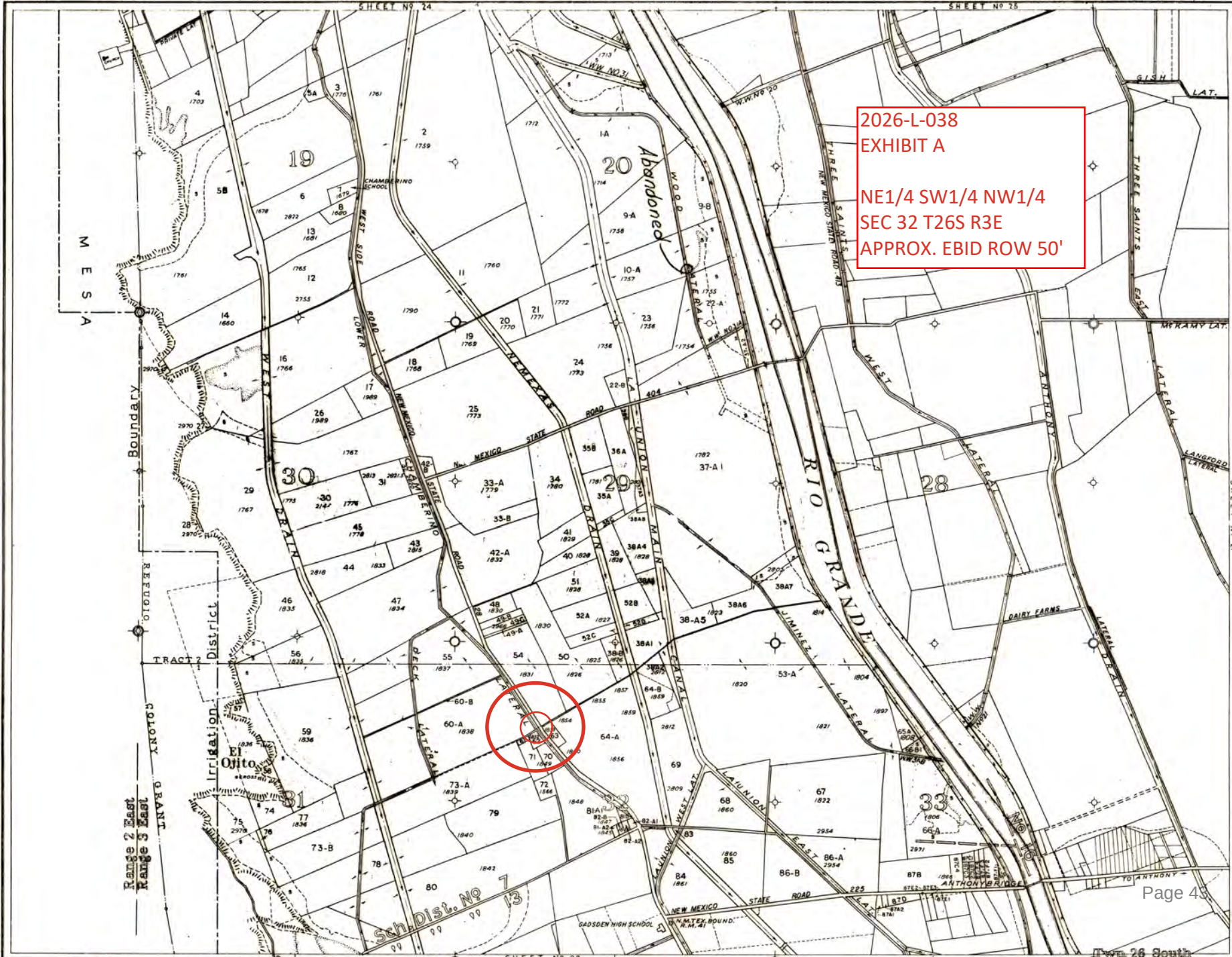
**\*\*LICENSE IS NOT VALID UNLESS ALL FEES ARE PAID AND SIGNED BY BOTH THE EBID AND THE LICENSEE\*\***

**DATE:**   APRIL 8, 2026  

Approved by EBID Board of Directors

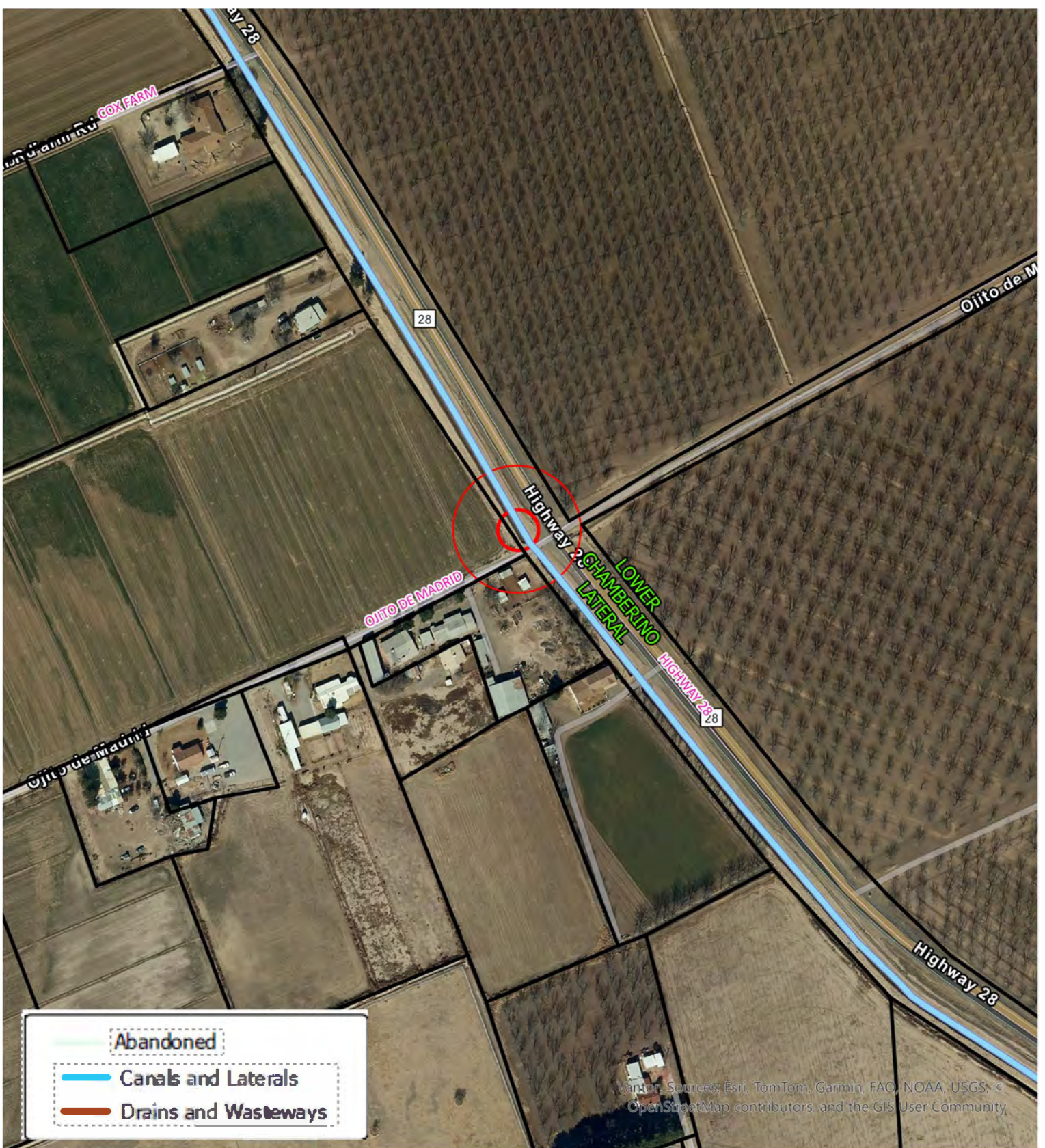
**SIGNATURE/DATE:**

Approved by EBID Engineer



2026-L-038  
EXHIBIT A  
NE1/4 SW1/4 NW1/4  
SEC 32 T26S R3E  
APPROX. EBID ROW 50'

| EXPLANATION                                                                                                                                                                           | AUTHORITIES                                                                                                                                                                                                                                                                                     | SCALE                     | PROPERTY NUMBERS                                                                                                                                                                            | BUREAU OF RECLAMATION - RIO GRANDE PROJECT<br>IRRIGABLE AREA AND PROPERTY MAP<br>ELEPHANT BUTTE IRRIGATION DISTRICT |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <p>Canals</p> <p>Suspended Areas</p> <p>Various Classifications</p> <p>Sand</p> <p>Valley Land</p> <p>Drains</p> <p>Community and Private Ditches</p> <p>Limits of Irrigable Area</p> | <p>Compiled from Topographic and Location Surveys by the Bureau of Reclamation. Property lines are from the best information available (Private Surveys, Deeds, Notes, etc.) but with no assurance that they are either authentic or valid.</p> <p>T 26S R 3E</p> <p>DATE 1933 REVISED 1958</p> | <p>500 1000 1500 2000</p> | <p>Project Serial No. of a Property is the Sheet No. followed by Tract No. thus 26.84, 26 being the No. of this sheet, 84 being the Tract No. on this sheet, Dona Ana Co. Plat No. 1867</p> | <p>MESILLA VALLEY<br/>SHEET No 26<br/>LOWER CHAMBERINO</p>                                                          |



2026-L-038  
EXHIBIT B

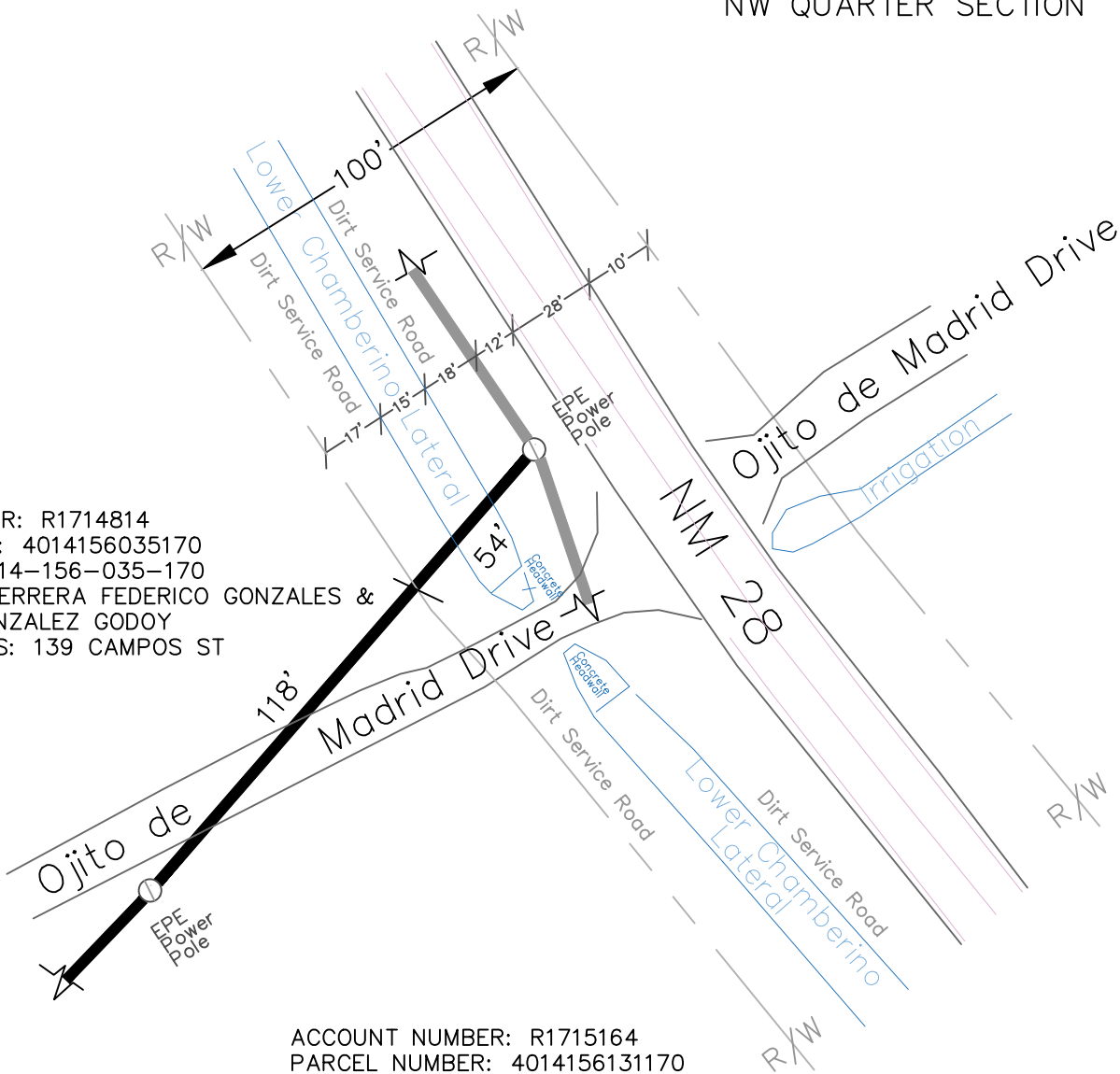
TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LOWER CHAMBRINO LATERAL AT APPROX. STA. 216+00, APPROX. EBID ROW 50'



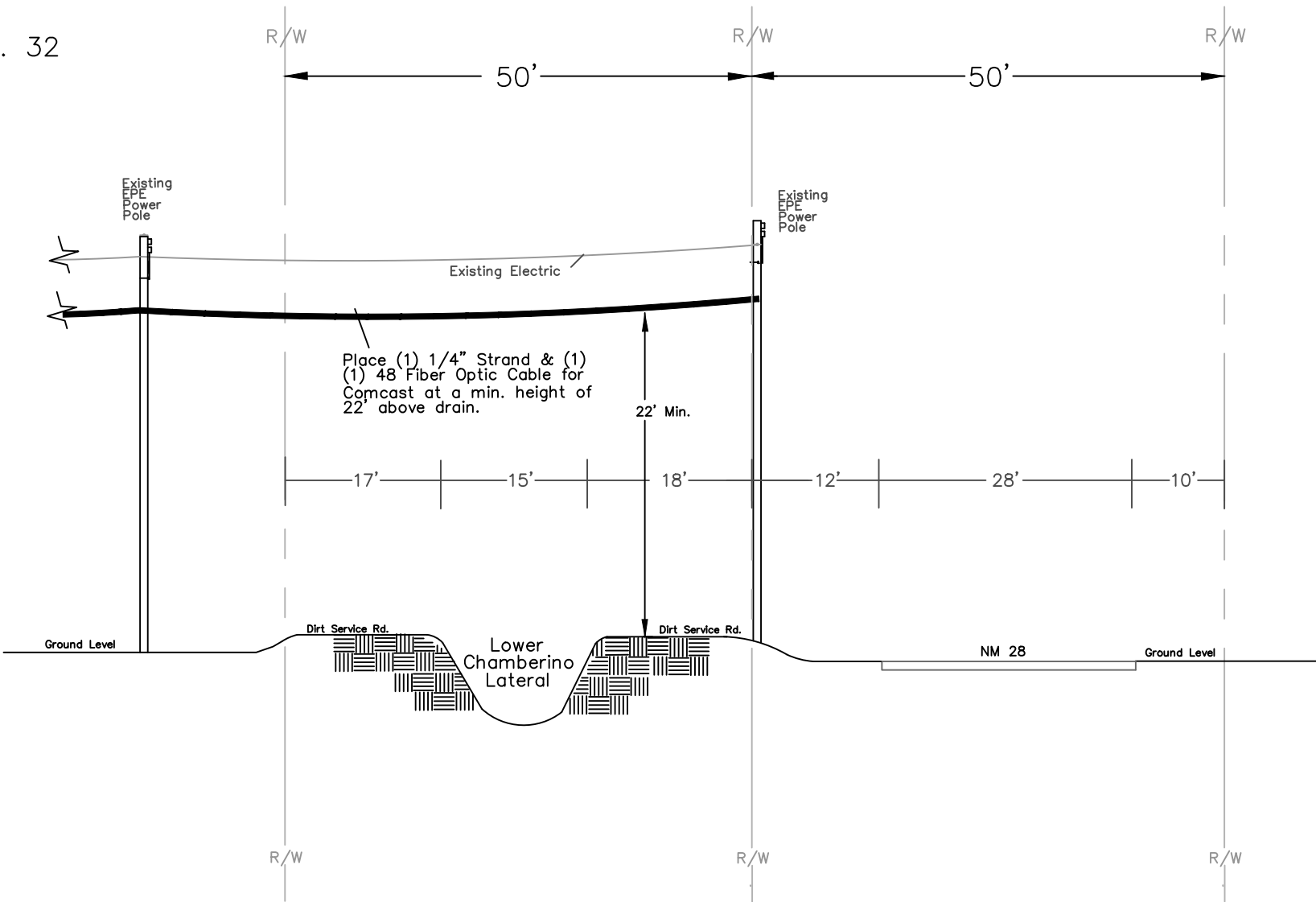
Utility Profile  
Lower Chamberino Lateral  
Looking North At North Crossing

PROJECTED T26S R3E SEC. 32  
NW QUARTER SECTION

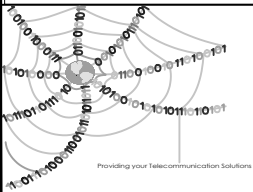
ACCOUNT NUMBER: R1714814  
PARCEL NUMBER: 4014156035170  
MAP CODE: 4-014-156-035-170  
OWNER NAME: HERRERA FEDERICO GONZALES &  
GUILLERMINA GONZALEZ GODOY  
MAILING ADDRESS: 139 CAMPOS ST  
CITY: CANUTILLO  
STATE: TX  
ZIP: 79835



ACCOUNT NUMBER: R1715164  
PARCEL NUMBER: 4014156131170  
MAP CODE: 4-014-156-131-170  
OWNER NAME: MADRID RAUL A  
MAILING ADDRESS: 121 W OJITO DE MADRID  
CITY: ANTHONY  
STATE: NM  
ZIP: 88021



Note:  
Contractor is responsible for providing  
Proof of Insurance to EBID and for  
Locating all existing Utilities at time of  
Construction. Utility & R/W Locations  
Shown on Map are Approximate Only,  
taken from available Utility & Plat Maps  
and Utility Spots still visible in Field.

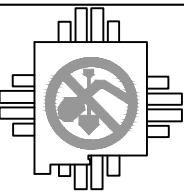


Communication  
Network Solutions  
(505)238-0404

|  |                 |  |  |  |
|--|-----------------|--|--|--|
|  | DONA ANA COUNTY |  |  |  |
|  |                 |  |  |  |
|  |                 |  |  |  |
|  |                 |  |  |  |
|  |                 |  |  |  |
|  | DOC:            |  |  |  |

Comcast

| APPROVAL RECORD |            |      |          |
|-----------------|------------|------|----------|
| DRAWN           | Y.HARRISON | DATE | 02/26/26 |
| DESIGNED        | Y.HARRISON | DATE | 02/26/26 |
| CHECKED         | --         | DATE | --       |
| APPROVED        | --         | DATE | --       |
| SCALE           | NTS        |      |          |

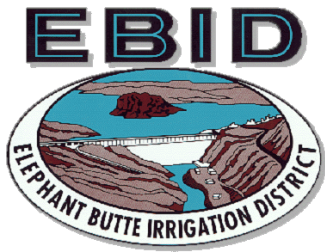


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SYSTEM, INC.  
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(505) 260-1990



JB2007877

|                                          |   |    |   |
|------------------------------------------|---|----|---|
| JB Number: EBID Lower Chamberino Lateral |   |    |   |
| FILE NAME EBID License Drawing           |   |    |   |
| CONFIG. .DWG                             |   |    |   |
| DRAWING                                  | 1 | OF | 1 |



## Elephant Butte Irrigation District

530 South Melendres Street

Las Cruces, NM 88005

575-526-6671

## RIGHT OF USE LICENSE

Special Use   X   Limited Use       

Engineering Job Number: 2026-051

License Number: 2026-L-039

Exhibits Attached: "A", "B"

(Place License Number on all exhibits)

Term:

From:   APRIL 8, 2026  

To:   APRIL 8, 2036  

Month Day Year

**Licensee** (Name and address)

COMCAST OF NEW MEXICO, LLC

4611 MONTBEL PLACE NE

ALBUQUERQUE, NEW MEXICO 87107

**Purpose** (Specify use requested: what, quantities, dimensions, etc.)

TO CONSTRUCT, OPERATE, AND MAINTAIN AN AERIAL FIBER OPTIC LINE CROSSING THE LOWER CHAMBERINO LATERAL AT APPROXIMATE STATION 216+67 AS SHOWN IN EXHIBITS "A" AND "B", ATTACHED HERETO AND MADE A PART HEREOF.

**Description of Premises** Fee   x   Easement        (Specify legal description of land and major features such as reservoir, canal, etc.)

LOCATED IN THE NW $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 3 EAST, NMPM, OF THE USRS SURVEYS, DOCUMENTED UNDER QUITCLAIM DEED, RECORDED IN DONA ANA COUNTY, NEW MEXICO, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

**Special Conditions** (Where the property that is the subject of this License is held by the District other than as a fee simple estate, the Licensee shall be solely responsible for ascertaining whether the installation will encroach upon property belonging to entities or persons other than the District and for obtaining any additional permission or licenses that may be required from property owners other than the District. The Licensee shall obtain the requisite permission prior to the use of or encroachment upon the property.)

- **AERIAL CROSSING MUST BE CONSTRUCTED AND MAINTAINED TO HAVE A SAG HEIGHT ABOVE THE BANK NO LESS THAN 22 FEET.**

The Licensee has read and reviewed the language contained on the reverse side of the license application, and hereby accepts this License subject to the terms and conditions expressed or implied herein. The Licensee also understands the rules and regulations of the Elephant Butte Irrigation District and agrees to abide by same during the term of this License.

Sign name(s) as written in License. For partnerships, a general partner's signature is required. For corporations, an officer or other individual with proper authority evidenced by a corporate resolution granting such authority is required to sign. For a limited liability company, a member, manager, officer or other individual with proper authority evidenced by a company resolution granting such authority is required to sign. Any deviation from the required signatories must be approved by EBID.

**ASSIGN/MANAGING AGENCY**

**LICENSEE**

**AGENCY** ELEPHANT BUTTE IRRIGATION DISTRICT

**SIGNATURE**

**TITLE** TREASURER-MEMBER

**ATTEST**

**DATE**

**SIGNATURE**

**TITLE**

**ATTEST**

**DATE**

**\*\*LICENSE IS NOT VALID UNLESS ALL FEES ARE PAID AND SIGNED BY BOTH THE EBID AND THE LICENSEE\*\***

**DATE:**   APRIL 8, 2026  

Approved by EBID Board of Directors

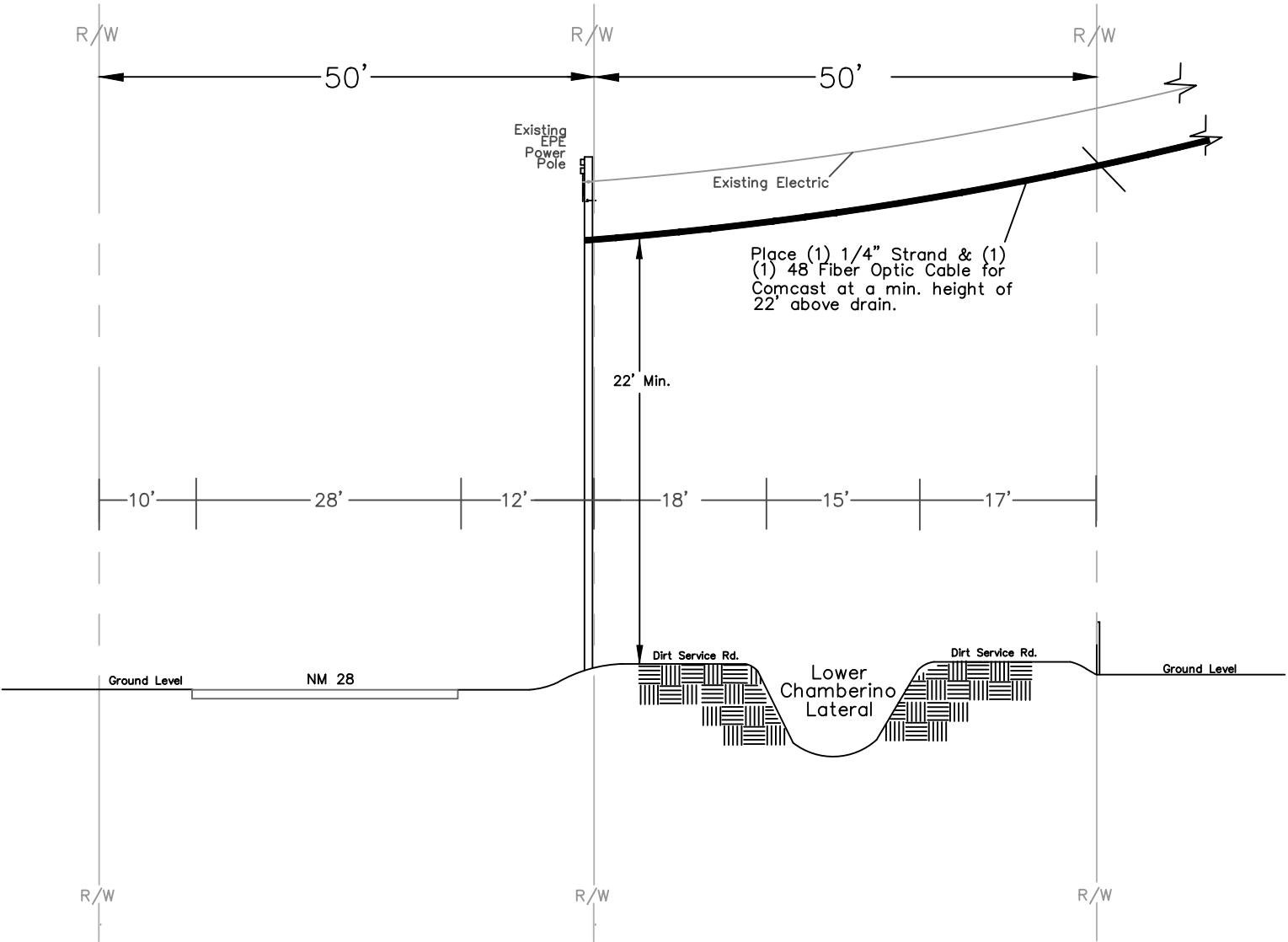
**SIGNATURE/DATE:** \_\_\_\_\_

Approved by EBID Engineer



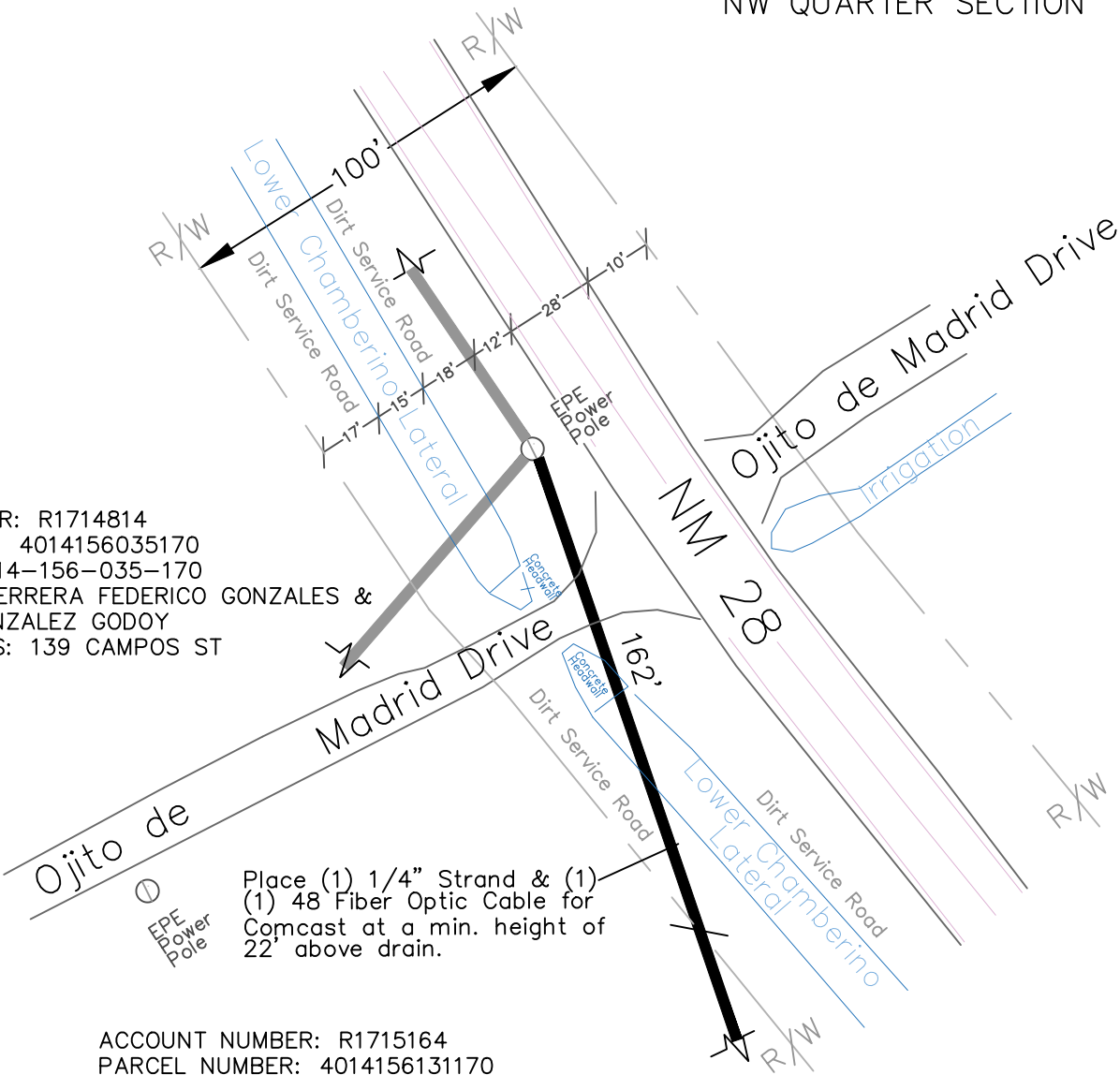


Utility Profile  
Lower Chamberino Lateral  
Looking South At South Crossing



Note:  
Contractor is responsible for providing Proof of Insurance to EBID and for Locating all existing Utilities at time of Construction. Utility & R/W Locations Shown on Map are Approximate Only, taken from available Utility & Plat Maps and Utility Spots still visible in Field.

PROJECTED T26S R3E SEC. 32  
NW QUARTER SECTION



ACCOUNT NUMBER: R1714814  
PARCEL NUMBER: 4014156035170  
MAP CODE: 4-014-156-035-170  
OWNER NAME: HERRERA FEDERICO GONZALES &  
GUILLERMINA GONZALEZ GODOY  
MAILING ADDRESS: 139 CAMPOS ST  
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ZIP: 79835

ACCOUNT NUMBER: R1715164  
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STATE: NM  
ZIP: 88021

Communication  
Network Solutions

(505)238-0404

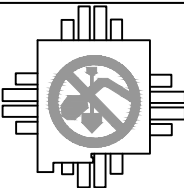
DONA ANA COUNTY

DOC:

Comcast

APPROVAL RECORD

|          |            |      |          |
|----------|------------|------|----------|
| DRAWN    | Y.HARRISON | DATE | 02/26/26 |
| DESIGNED | Y.HARRISON | DATE | 02/26/26 |
| CHECKED  | --         | DATE | --       |
| APPROVED | --         | DATE | --       |
| SCALE    | NTS        |      |          |



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JB2007877

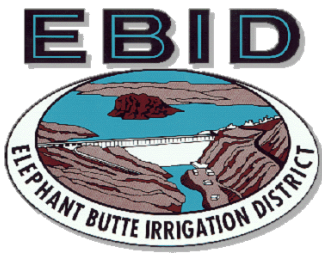
JB Number: EBID Lower Chamberino Lateral

FILE NAME EBID License South Drawing

CONFIG. .DWG

DRAWING 1

OF 1



## Elephant Butte Irrigation District

530 South Melendres Street

Las Cruces, NM 88005

575-526-6671

## RIGHT OF USE LICENSE

Special Use   X   Limited Use       

Engineering Job Number: 2026-054

License Number: 2026-L-041

Exhibits Attached: "A", "B"

(Place License Number on all exhibits)

Term:

From:   APRIL 8, 2026  

To:   APRIL 8, 2036  

Month Day Year

**Licensee** (Name and address)

**BUDDY ACHEN / TRIPLE A FARMS**

**4320 PANTERA CIRCLE**

**LAS CRUCES, NM 88007**

**Purpose** (Specify use requested: what, quantities, dimensions, etc.)

**TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED 2" WATER LINE CROSSING THE RODRIGUEZ LATERAL AT APPROXIMATE STATION 31+95 AS SHOWN IN EXHIBITS "A" AND "B", ATTACHED HERETO AND MADE A PART HEREOF.**

**Description of Premises** Fee   x   Easement        (Specify legal description of land and major features such as reservoir, canal, etc.)

**LOCATED IN THE NE<sup>1</sup>/<sub>4</sub> OF NW<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub> OF SECTION 29 TOWNSHIP 23 SOUTH, RANGE 2 EAST, NMPM, OF THE USRS SURVEYS, DOCUMENTED UNDER QUITCLAIM DEED, RECORDED IN DONA ANA COUNTY, NEW MEXICO, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

**Special Conditions** (Where the property that is the subject of this License is held by the District other than as a fee simple estate, the Licensee shall be solely responsible for ascertaining whether the installation will encroach upon property belonging to entities or persons other than the District and for obtaining any additional permission or licenses that may be required from property owners other than the District. The Licensee shall obtain the requisite permission prior to the use of or encroachment upon the property.)

- **BURIED UTILITY CROSSINGS CONSTRUCTED ABOVE EXISTING CULVERT PIPE SHALL HAVE NO LESS THAN 12" OF COVER BETWEEN THE TOP OF CULVERT PIPE TO BOTTOM OF UTILITY CASING AND NO LESS THAN 12" COVER FROM TOP OF UTILITY CASING TO FINAL GRADE**
- **BURIED CROSSINGS MUST BE ENCASED THROUGHOUT EBID RIGHT OF WAY**
- **SEE ATTACHED DRAWING "D" FOR EBID UTILITY CROSSING STANDARDS**
- **NO CONSTRUCTION ALLOWED DURING IRRIGATION SEASON**

The Licensee has read and reviewed the language contained on the reverse side of the license application, and hereby accepts this License subject to the terms and conditions expressed or implied herein. The Licensee also understands the rules and regulations of the Elephant Butte Irrigation District and agrees to abide by same during the term of this License.

Sign name(s) as written in License. For partnerships, a general partner's signature is required. For corporations, an officer or other individual with proper authority evidenced by a corporate resolution granting such authority is required to sign. For a limited liability company, a member, manager, officer or other individual with proper authority evidenced by a company resolution granting such authority is required to sign. Any deviation from the required signatories must be approved by EBID.

**ASSIGN/MANAGING AGENCY**

**LICENSEE**

**AGENCY** ELEPHANT BUTTE IRRIGATION DISTRICT

**SIGNATURE**

**TITLE** TREASURER-MANAGER

**ATTEST**

**DATE**

**SIGNATURE**

**TITLE**

**ATTEST**

**DATE**

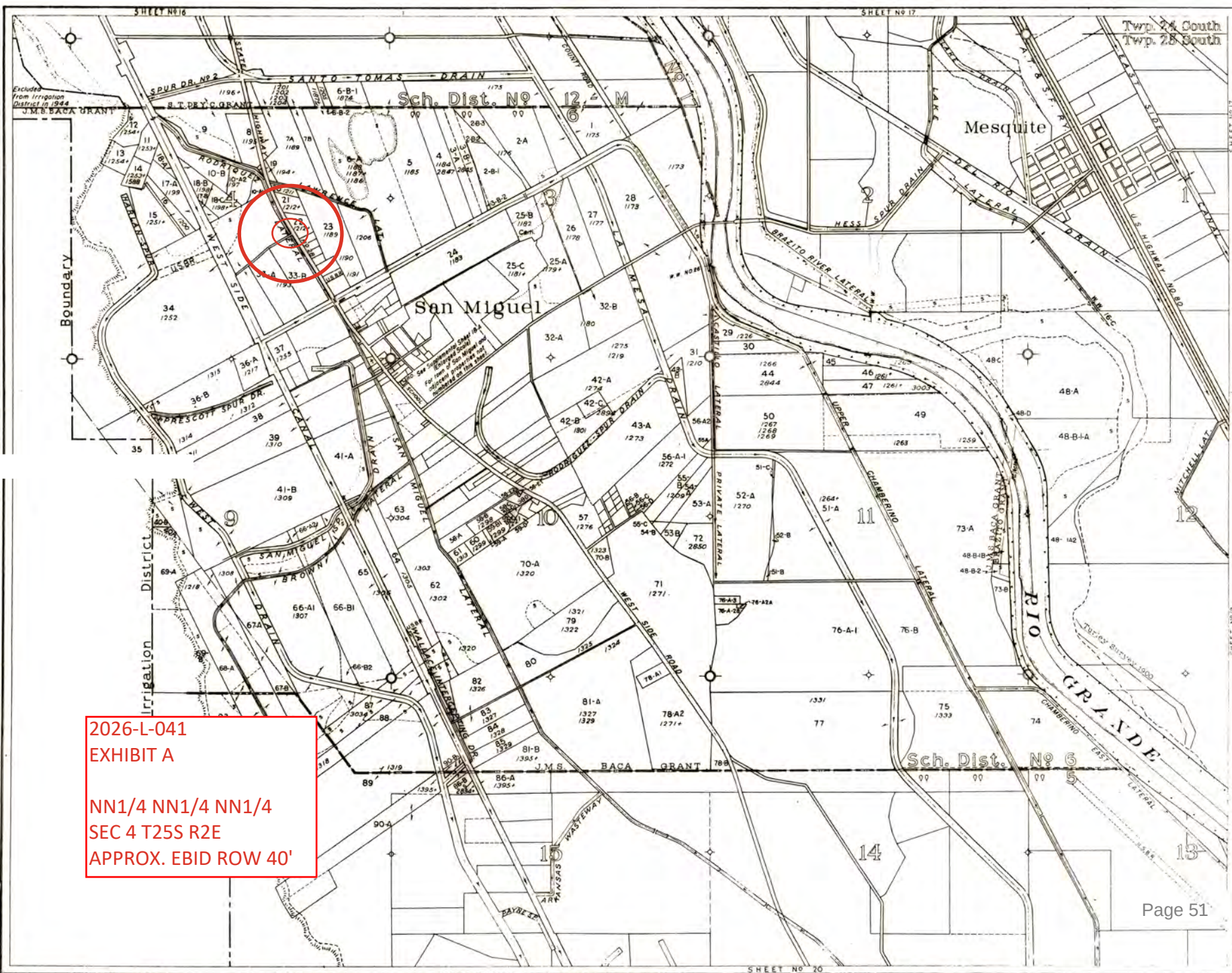
**\*\*LICENSE IS NOT VALID UNLESS ALL FEES ARE PAID AND SIGNED BY BOTH THE EBID AND THE LICENSEE\*\***

**DATE:**   APRIL 8, 2026  

Approved by EBID Board of Directors

**SIGNATURE/DATE:**

Approved by EBID Engineer



2026-L-041  
EXHIBIT A

NN1/4 NN1/4 NN1/4  
SEC 4 T25S R2E  
APPROX. EBID ROW 40'

**EXPLANATION**

Canals  
Suspended Areas  
Various Classifications

Levees  
Roads  
High Land  
Limits of Valley Land Area

Drains  
Community and Private Ditches  
Limits of Irrigable Area

**AUTHORITIES**

Compiled from Topographic and Location Surveys by the Bureau of Reclamation. Property lines are from the best information available (Private Surveys, Deed Notes, Etc.) but with no assurance that they are either authentic or valid.

**SCALE**

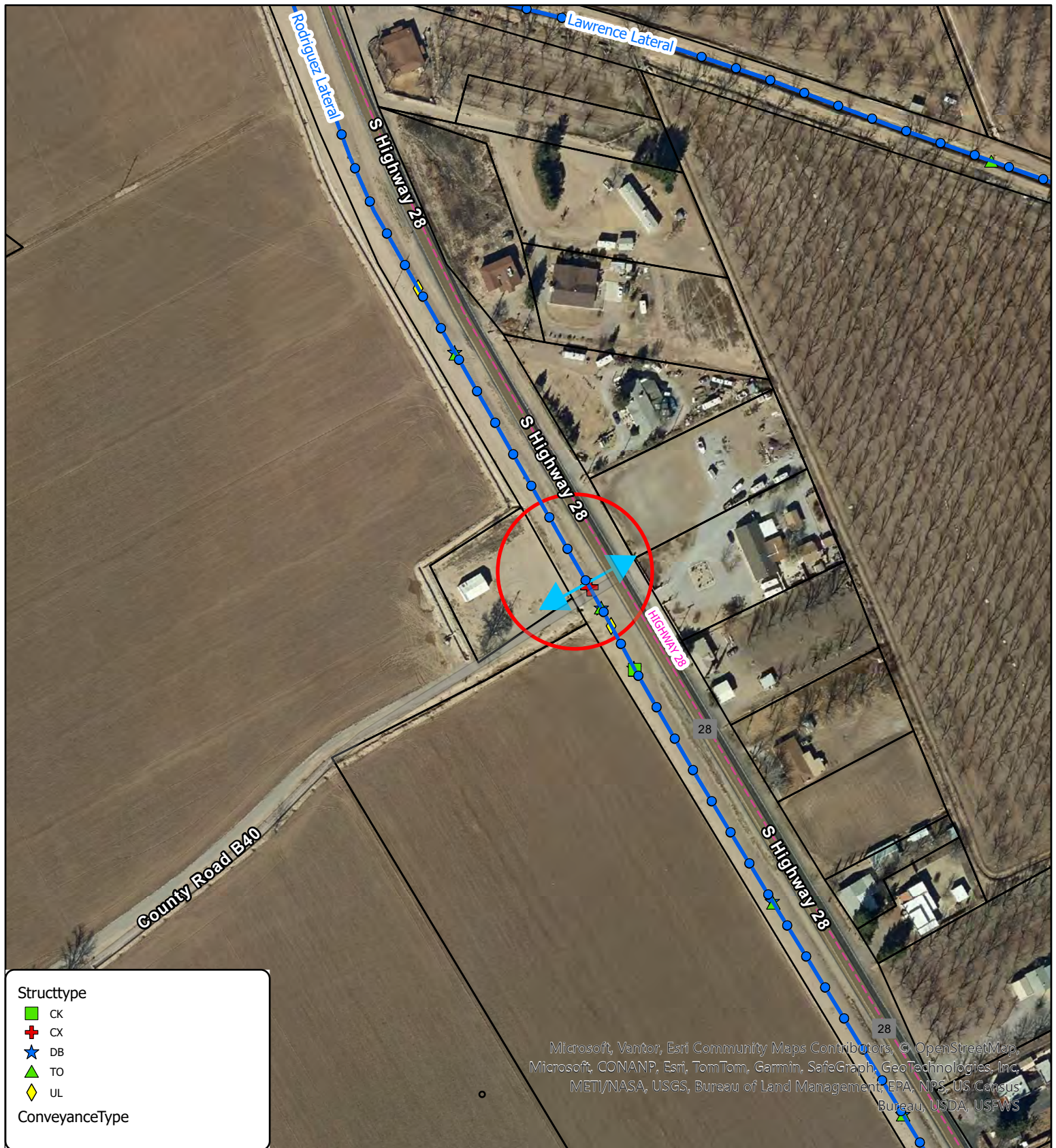
T 25S R 2E  
DATE 1934 REVISED 1957

**PROPERTY NUMBERS**

Project Serial No. of a Property is the Sheet No. followed by Tract No. thus 18B1, 18 being the No. of this sheet, 18 being the Tract No. on this sheet. (Don't Add Cu. Plat. No. 1327)

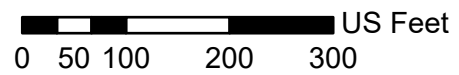
**BUREAU OF RECLAMATION-RIO GRANDE PROJECT**  
**IRRIGABLE AREA AND PROPERTY MAP**  
ELEPHANT BUTTE IRRIGATION DISTRICT

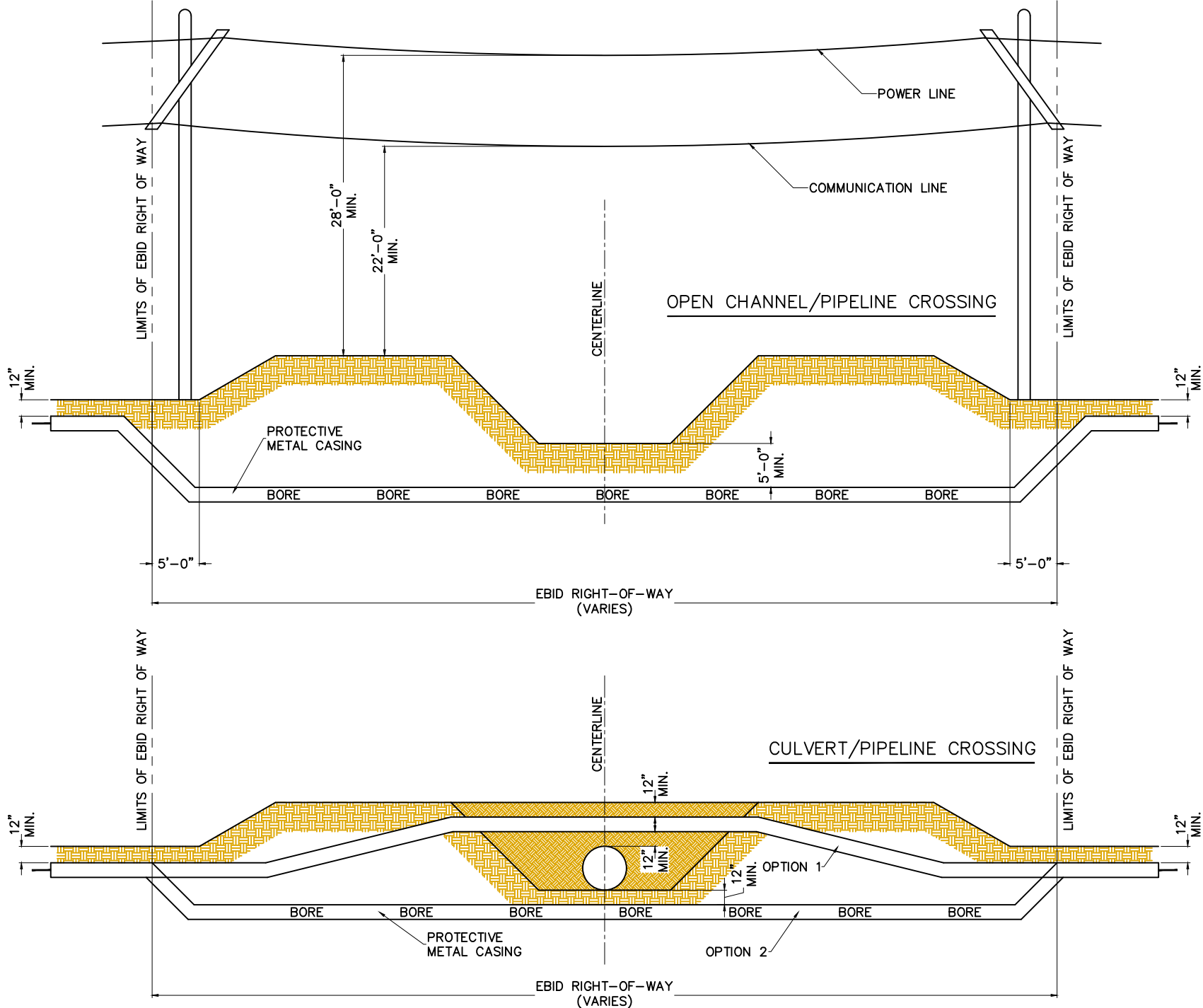
**MESILLA VALLEY**  
**SHEET 18**  
SAN MIGUEL



2026-L-054  
EXHIBIT B

TO CONSTRUCT, OPERATE, AND MAINTAIN A BURIED 2" WATER LINE CROSSING THE RODRIGUEZ LATERAL AT APPROXIMATE STATION 31+95, APPROX. EBID ROW 40'





**NOTES:**

1. BURIED UTILITIES MUST BE METAL PIPE OR WITHIN METAL CASING FOR THE ENTIRE WIDTH OR EBID'S RIGHT OF WAY.
2. IN SOME INSTANCES, A CONCRETE CAP CAN BE ALLOWED AS AN ALTERNATIVE TO METAL PIPE/CASING.
3. PERMITTED POLES FOR AERIAL UTILITY CROSSING WILL ONLY BE ALLOWED WITHIN THE OUTSIDE 5' OF EBID RIGHT OF WAY WHERE THEY WILL NOT OBSTRUCT EBID OPERATIONS OR MAINTENANCE OF FACILITIES.

# ELEPHANT BUTTE IRRIGATION DISTRICT

Page 153

SHEET 1 OF 1

**REVISIONS**

DATE REMARKS

UTILITIES CROSSING  
TYPICAL EBID FACILITIES  
DETAILS

ENG. JOB #  
DWG FILE  
DESIGNED  
DRAWN

TYPICAL DRAWINGS (PERMITS).dwg  
H. MAGALLANEZ  
J.M. Morales

APRIL 5, 2011  
MARCH 11, 2026





## Use of EBID Facilities

The Elephant Butte Irrigation District (EBID) is a political subdivision of the State of New Mexico. EBID operates, maintains, and owns the irrigation distribution system of the Rio Grande Project which was acquired and constructed by the United States Bureau of Reclamation (BOR), including the canals, laterals, drains, wasteways, canal/drain banks, and structures. EBID property and right-of-ways are authorized for use by EBID personnel only. Use of, or on, EBID facilities requires authorization from EBID in the form of a special use permit, limited use permit, joint powers agreement, or other written contract agreement. Permits and contracts are issued for terms of 1, and 10 years, depending on the type of use. Permits will not be issued for a term longer than 10 years. All permits longer than 1 year require approval of EBID's Board of Directors at a board meeting. Applications often take at least one month for full signed approval and may take as long as 2 months. Please plan accordingly and contact EBID's Engineering Department about your application as soon as possible. A summary of the procedures, guidelines, and criteria for the issuance of licenses and permits, where to find more information, and the fees associated with the consideration of applications for right of use are described below.

### EBID Facilities Include:

- EBID canals, laterals, drains, wasteways, rights-of-way (ROW), structures, and other District owned properties
- Canal/drain banks (operation/ maintenance access)
- EBID-sponsored flood control dams and channels
- Diversion dams with EBID/BOR agreements

**Types of use:** All uses or structures that utilize, cross, or parallel EBID facilities require a permit or contract including, but not limited to:

- Culverts and bridges
- Utilities and pipelines
- Harvest gates
- Discharge/agricultural runoff
- Trails/bike paths
- Irrigation siphons or flumes
- Beehives
- Removal of dirt, sand, or trees
- Pump in/take out during EBID irrigation season

**OBTAINING AUTHORIZATION** — Everyone: Private individuals, EBID members, utilities, firms or corporations, and governmental agencies must obtain written permission prior to use.

**APPLYING FOR A RIGHT-OF-USE PERMIT** — The EBID "Right of Use and License Policy" establishes the procedures, guidelines, and criteria for the issuance of licenses and permits as provided by the applicable laws, regulations, and rules of the State of New Mexico and the EBID. The entire policy is available for viewing at the EBID Engineering Department, and on the EBID website. The process for obtaining an authorization for the right to use EBID facilities is described in the attached table. It is recommended that you visit or contact the EBID Engineering Department for specific instructions regarding your right-of-use permit application as soon as possible.

### AT RISK NOTICE

Canals, laterals, and drains are protected under NM Tort Claims Act as irrigation works and are **ONLY** intended for the storage and diversion of water. Therefore, canal, lateral and drain banks, being part of the irrigation works, are not intended to be used as roads.

### PENALTY

Failure to obtain proper authorization for use of EBID facilities may result in the removal of encroachments from EBID facilities and/or other action at the owner's expense.

### NOT AUTHORIZED

Use of EBID canal/drain banks, operation/ maintenance access or rights-of-way for parallel **INGRESS/ EGRESS** to private property

**TRESPASS** (motorized or otherwise) onto EBID facilities without permit, license, or agreement

**ENCROACHMENT** of structures, fencing, earthwork, parked vehicles, landscaping, pavement, driveways, plowing/farming, or any use onto EBID facilities without permit, license, or agreement.

**DUMPING** of yard waste, dirt, spoil, concrete rubble, trash, manure, or demolition waste.

Elephant Butte Irrigation District; 530 S. Melendres, Las Cruces, NM 88005; 575-526-6671, [www.ebid-nm.org](http://www.ebid-nm.org)

#### EBID Engineering Department—Ext. 4

- Senior Engineering Manager: Alex Rubio, [arubio@ebid-nm.org](mailto:arubio@ebid-nm.org)
- License and GIS Administrator: Juan Caballero, [jcaballero@ebid-nm.org](mailto:jcaballero@ebid-nm.org)
- Licensing & Land Technician: Scott Gamboa, [sgamboa@ebid-nm.org](mailto:sgamboa@ebid-nm.org)
- Engineering and Land Assistant: Tammie Deon, [tdeon@ebid-nm.org](mailto:tdeon@ebid-nm.org)

## THE EBID PERMIT PROCESS

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION:</b>          | You must submit a right-of-use permit application to EBID's District Engineer. The required application is available at EBID's Engineering Department and our website at <a href="https://www.ebid-nm.org/permits-policies">https://www.ebid-nm.org/permits-policies</a> . A non-refundable application fee is required. Permit applications should be submitted in person and include the following:                                                                                                                            |
| Contact Information          | Permit application contact, business name, address, phone number, email address, and EBID customer number or DAC parcel number (if applicable).                                                                                                                                                                                                                                                                                                                                                                                  |
| Design                       | Discussion with EBID's Engineering Department as soon as possible for design criteria is recommended. Certain structures can only be designed and installed by EBID. Major works such as bridges, concrete box culverts, inverted siphons, large culverts, relocations of irrigation facilities must be designed and sealed by a professional engineer. Three (3) copies of detailed construction design plans are required, in some instances electronic document submission is an acceptable substitute for two of the copies. |
| Site Plan                    | Maps showing the location and siting of structures are required. Photos of all four directions of crossing (north, south, east, and west) are recommended. Any other pertinent information that will help EBID determine the location and any potential conflicts should be included.                                                                                                                                                                                                                                            |
| Pump-in Permits              | Farming groundwater pump in/take out permits have special requirements including the installation of an RTU (remote telemetry unit) for metering the discharged flow in real time and testing of the pumped water prior to discharge. The NMOSE LRG well number is also required information. See EBID Board Policy 2003-OP10 for more information.                                                                                                                                                                              |
| Conditions                   | General conditions, requirements, and responsibilities can be found on the Right of Use Application. Please review these thoroughly. Special conditions may be added. Permittees may be required to furnish such insurance protection as EBID Board or Officials deem necessary.                                                                                                                                                                                                                                                 |
| <b>REVIEW:</b>               | Your application, design, and plans will be evaluated by the District Engineer and pertinent Staff. When internal reviews are complete, your permit application will be submitted to EBID's Board of Directors and Staff will provide a recommendation.                                                                                                                                                                                                                                                                          |
| <b>APPROVAL:</b>             | EBID's Board of Directors usually meets the second Wednesday of each month. You do not need to be present, however, should questions arise during the meeting, your permit may be delayed until all questions and/or requirements are satisfied. The Board may approve, deny, or table your request. Special Conditions may be assigned at this time. You will be notified in writing of the Board's decision.                                                                                                                   |
| <b>FEES:</b>                 | If your permit application is approved, you will be invoiced for the fees assessed. Permit/License Schedule is available at EBID Engineering Department or EBID's website. EBID Engineering Department can also assist with estimating fees. Fees may include but are not limited to those described below:                                                                                                                                                                                                                      |
| Application Fee              | The minimum administrative fee is \$300.00 plus tax and is non-refundable. Fee is due at the time of application submittal.                                                                                                                                                                                                                                                                                                                                                                                                      |
| Administrative Fee           | The actual administration fee will usually exceed \$300.00 since the applicant will be required to pay all administrative costs in excess of the initial deposit for the preparation of the right-of-use document, and any engineering review, ROW investigation, legal review, coordination with other agencies, construction inspection, document preparation, rights-of-use assistance, appraisals.                                                                                                                           |
| Land Use Fee                 | Fair market value of the right and privilege requested for use of the EBID facilities. Surety or Performance Bond and/or insurance protection or indemnification may be required as the Board may deem necessary.                                                                                                                                                                                                                                                                                                                |
| Discharge Fee                | Based on flow or volume discharged. (Excludes well discharge for irrigation)                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Fee Waiver Request           | Permit fees can only be waived by the District's Board of Directors consistent with legal limitations. Use for farming activities may be waived at the Board's discretion. Please indicate a request for waiver of fees at the time of application.                                                                                                                                                                                                                                                                              |
| <b>FINALIZE:</b>             | Your permit will be mailed to you as soon as possible following Board approval. Your permit is not valid until you pay the fees, sign and return the documents to EBID, and the permit is signed by EBID officials. A copy will be returned to you for your records.                                                                                                                                                                                                                                                             |
| <b>CONSTRUCTION NOTICE:</b>  | New construction/installation must be completed within two years of approval. <u>Construction and/or use cannot begin until your permit is valid.</u> You must notify EBID Engineering Department when construction or use begins and ends. Construction usually can only take place during the non-irrigation season. EBID will inspect all completed structures may have additional inspection requirements.                                                                                                                   |
| <b>Amendment of Permits:</b> | Licensee cannot transfer or assign a permit/license without EBID consent. A new permittee or landowner can request amendment/reassignment in writing or with a right-of-use permit application and a service charge of \$50 plus tax.                                                                                                                                                                                                                                                                                            |

**Design Criteria:** Criteria have been prepared to serve as a guide for the design of installations to be constructed on EBID facilities. The general requirements that apply to most installations are available at our Engineering Department and the pertinent policy and application are available on our website.

**Construction/Installation of Structures:** All construction activities must be coordinated with EBID. Construction is usually not permitted during irrigation season. You must notify EBID Engineering prior to construction provide a written schedule of planned construction activities, and allow for inspection when finished.

# Elephant Butte Irrigation District

## Engineering Department

Phone: 575-526-6671

Office/Mailing Address: 530 South Melendres Street, Las Cruces, NM 88005

### RIGHT OF USE LICENSE APPLICATION

1. APPLICATION DOES NOT GUARANTEE APPROVAL.
2. INITIAL ADMINISTRATIVE FEE OF \$300.00 PLUS TAX IS DUE AT THE TIME OF APPLICATION AND IS NON-REFUNDABLE WHETHER THE APPLICATION IS APPROVED OR DENIED.
3. THIS APPLICATION WILL NOT BE PROCESSED UNLESS ALL ITEMS ARE LEGIBLE, COMPLETED IN ENTIRETY, AND ATTACHED AS DESCRIBED BELOW.
4. ALLOW 60-90 DAYS FOR PROCESSING.
5. CONTACT EBID ENGINEERING DEPARTMENT FOR ASSISTANCE IN COMPLETING REQUIREMENTS.

Applicant's Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Mailing Address & Zip: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

#### Type of Use (or Agreement)

Area: \_\_\_\_\_ Beehive \_\_\_\_\_ Use of ROW \_\_\_\_\_ Blanket Agreement # \_\_\_\_\_  
Crossing: \_\_\_\_\_ Utility\* \_\_\_\_\_ Bridge \_\_\_\_\_ Culvert \_\_\_\_\_ Flume \_\_\_\_\_ Siphon  
Discharge: \_\_\_\_\_ De-watering \_\_\_\_\_ Lift Pump \_\_\_\_\_ Stormwater \_\_\_\_\_ Well Pump (for LRG- \_\_\_\_\_)  
Parallel: \_\_\_\_\_ Harvest Gate \_\_\_\_\_ Trail/path \_\_\_\_\_ Turnout \_\_\_\_\_ Utilities\*  
Removal: \_\_\_\_\_ Sediment (dirt, sand) \_\_\_\_\_ Trees or Bamboo \_\_\_\_\_ Water Extraction  
Other: \_\_\_\_\_ Encroachment Agreement

\*For Utilities, specify: \_\_\_\_\_ Cable \_\_\_\_\_ Electric \_\_\_\_\_ Gas \_\_\_\_\_ Sewer \_\_\_\_\_ Telephone \_\_\_\_\_ Water

Purpose (describe what you propose to do, quantities, dimensions, etc.) \_\_\_\_\_

Location (describe exactly where the activity will take place – name the canal, lateral, drain or other EBID facility.) \_\_\_\_\_ Aerial \_\_\_\_\_ Buried

EBID Facility: \_\_\_\_\_ Station ID \_\_\_\_\_

Nearest physical address (if different from above): \_\_\_\_\_

EBID Customer# \_\_\_\_\_ Parcel No. \_\_\_\_\_

#### Site Plan (plan view of construction/installation)

1. Attach a map(s) showing location and site of requested use including EBID facilities. Include a north arrow, rights-of-way, easements, property lines, and features affected by construction. Survey may be required to define property boundaries, if so, please provide a signed and sealed copy.
2. Provide site photos in four/all directions (north, south, east, west).

#### Construction/Design Drawing (engineering design details-exact size, length, width, height, materials, specifications, etc.)

1. Provide detailed design/construction plans. Drawings and specifications must comply with EBID design criteria (available at EBID office or online at [www.ebid-nm.org](http://www.ebid-nm.org)).
2. Provide estimated construction dates. Include beginning and ending dates. (General Conditions Section 9 still applies)
3. A cross section or design profile of the EBID facility and adjacent land is required for crossings and most applications.

Design to be performed by: ☐ Self ☐ EBID ☐ Professional-Name \_\_\_\_\_

Construction to be performed by: ☐ Self ☐ EBID ☐ Professional-Name \_\_\_\_\_

Provide three (3) sets of final design plans, site plan, and photos in compliance with the District's design criteria. Alternatively, provide one (1) hard copy set and one (1) PDF digital copy (CD or jump drive) of all site plan, photos, and design drawings/plans.

Sign name(s) as written in License application. For partnerships, a general partner's signature is required. For corporations, an officer or other individual with proper authority evidenced by a corporate resolution granting such authority is required to sign. For a limited liability company, a member, manager, officer or other individual with proper authority evidenced by a company resolution granting such authority is required to sign. Any deviation from the required signatories must be approved by EBID.

#### LICENSEE

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

☐ License is for agricultural operations - land use fees requested waived.

I have read and reviewed the General Conditions language contained on the reverse side of this Application, and hereby accept the terms and conditions expressed or implied herein. I also agree to comply with all additional Special Conditions that may apply as specified on the Right of Use License. I further agree to pay all applicable License fees within 30 days of Board approval or this application becomes void. I understand the rules and regulations of Elephant Butte Irrigation District and agree to abide by same during the term of the Right of Use License.

THIS APPLICATION WILL BE RESEARCHED AND PRESENTED TO EBID BOARD OF DIRECTORS FOR APPROVAL. IF APPROVED AND THE LICENSE FEES ARE PAID IN FULL, A LICENSE WILL BE ISSUED TO YOU. IF DENIED, A LETTER WILL BE MAILED TO YOU.

**THIS APPLICATION IS NOT A LICENSE**

#### FOR USE BY EBID ONLY:

License Administrative Fee Paid ☐

ENG Job No. \_\_\_\_\_

Limited Use \_\_\_\_\_ Special Use \_\_\_\_\_

Government \_\_\_\_\_ Individual \_\_\_\_\_

Total Fees: \_\_\_\_\_

Board Date: \_\_\_\_\_

Approved ☐ Denied ☐

Remarks: \_\_\_\_\_

## General Conditions

**SECTION 1. Rights of Elephant Butte Irrigation District (EBID):** The Elephant Butte Irrigation District (hereinafter Licensors) operates and maintains the New Mexico portion of the Rio Grande Project. It has fee simple and easement rights over canals, ditches and other rights-of-way within the District boundaries.

**SECTION 2. Assignment and Binding Nature:** Licensee shall not assign this license, in whole or in part, without Licensors' prior written consent, and absent such consent, any attempted assignment shall be void. Licensee shall make all requests for Licensors' consent to an assignment, modification, or amendment of the license in writing and shall accompany each request with an Administrative fee of \$50.00 Plus Applicable Taxes. Such service charge shall be the property of Licensors and not refundable to Licensee. Consent to assign to Licensee's subsidiary, parent, successor or affiliated entity will not be unreasonably withheld.

**SECTION 3. Termination of the License:**

3.1 Either party may terminate this license with or without cause upon not less than thirty (30) days written notice, provided that the Licensee shall be given thirty days after written notice to cure the circumstances giving rise to termination for cause. Fees will only be reimbursed on a prorated basis if EBID terminates the license without cause. Fees shall not be reimbursed under any other situation unless determined otherwise by EBID Board on a case-by-case basis.

3.2 If Licensee fails to comply with the conditions set forth herein, or if either party terminates this license, Licensee shall remove at its own cost, within thirty (30) calendar days after written notice from Licensors, any materials, improvements or facilities placed on Licensed Property by Licensee, its directors, officers, employees, or agents. If Licensee fails to remove any of the materials, improvements or facilities within the thirty (30) day period, Licensors at its election, (i) with or without giving notice to Licensee, may remove and store the materials, improvements of facilities or (ii) give written notice to Licensee that Licensors will retain the materials, improvements or facilities. Upon Licensors' giving said written notice to Licensee that Licensors will retain the materials, improvements, or facilities, Licensee's right, title and interest in the materials, improvements, or facilities immediately shall vest in Licensors.

3.3 If Licensors removes any materials, improvements or facilities pursuant to Section 3.2, Licensee shall reimburse Licensors for the costs of such removal or storage (as conclusively determined by Licensors) within ten (10) calendar days after Licensors presents Licensee a statement of such costs. Licensee hereby releases Licensors from any and all damages resulting to Licensee from such removal or storage. The provisions of this Section shall survive termination of this license.

3.4 If Licensee's right, title and interest in any of the materials, improvements or facilities vest in Licensors pursuant to Section 3.2, then Licensee shall execute, acknowledge and deliver to Licensors an instrument, acceptable to Licensors, transferring to Licensors all Licensee's right, title and interest in the materials, improvements or facilities. The provisions of this Section shall survive termination of this license.

**SECTION 4. Maintenance of Licensed Property and Interface with Licensors' Use of Licensed Property:**

4.1 Licensee, at its own expense, shall maintain the Licensed Property and all Licensee's materials, improvements and facilities thereon in good, sanitary and safe condition as conclusively determined by Licensors. Such maintenance shall involve but not be limited to, (a) repair and upkeep of the structure(s); (b) the removal of deposited sediment, trash, and other debris from within and adjacent to the structure(s); (c) control of vectors and other pests associated with the structure(s); and (d) repair of damages to the affected facilities of the Rio Grande Project as determined by EBID. Such maintenance shall be conducted by the Licensee annually or on request by EBID between the end of each irrigation season and December 31 of the same year, or at other times upon written notification by EBID. Such maintenance shall not interfere in any manner whatsoever with the construction, operation, and maintenance of any part of the Rio Grande Project. EBID shall be notified at least forty-eight (48) hours in advance of any planned maintenance, unless emergency conditions prevent such notification, and then notification will be given as soon as possible. Neither Licensee nor its agents shall interfere with the use of the Licensed Property by Licensors, or the interest of any other individual or entity in the Licensed Property.

4.2 If Licensee defaults in the performance of any provision of Section 4.1, as conclusively determined by Licensors, and Licensors gives notice of the default, Licensee shall correct such default to the satisfaction of Licensors within the required period of time set forth in the notice (Correction Period). If Licensee fails to correct the default within the Correction Period, Licensors may take any action determined by Licensors to be necessary to correct such default, including without limitation making any repair or modification to or removing any such materials, improvements or facilities. Licensee shall reimburse Licensors for the costs of correcting such default, as conclusively determined by Licensors, within ten (10) calendar days after Licensors presents Licensee a statement of such costs. Licensee hereby releases Licensors from all damages resulting to Licensee from correcting such default, so long as Licensee has complied with this provision, including without limitation those damages arising from all repairs or modifications to or removal of any materials, improvements, or facilities on the Licensed Property.

**SECTION 5. Nonexclusive Rights:** This license is nonexclusive and nothing herein shall prevent Licensors from accessing or using the Licensed Property or prohibit Licensors from licensing another entity to access or use the Licensed Property. Licensors shall not be liable to Licensee for any damage to public or private property or installations located upon the Licensed Property. Nothing in this license shall be construed to deny or lessen the powers and privileges granted Licensors by the laws of the State of New Mexico.

**SECTION 6. Existing Easements and Licenses:** This license is subject to all existing easements, licenses and matters of record.

**SECTION 7. For "Individual" Licenses Only - Indemnification:** "Individual" Licenses are defined to be all those Licenses issued to Licensees other than Governmental Entities. Non-Governmental entity Licensee (Indemnitor), its successors and assigns, shall indemnify and hold harmless Licensors (Indemnitee), and the directors, officers, employees, agents, successors and assigns thereof, against and from any claim, demand, lawsuit or action of any kind for damages or loss; whether directly or indirectly arising out of (a) acts or omissions of Licensee, its agents, officers, directors, or employees, (b) Licensee's use or occupancy of the Licensed Property for the purposes contemplated by this License, including but not limited to claims by third parties who are invited or Licensed onto the Licensed Property, either expressly or implied, by Licensee or by the nature of Licensee's development or other use pursuant to this License, or (c) Licensee's failure to comply with or fulfill its obligations established by this license or by law, and whether such damage or loss is to person or property. Such obligation to indemnify shall extend to and encompass all costs incurred by Licensors in defending against subject claims, demands, lawsuits, or actions, including though not limited to attorney, witness and expert witness fees, and any other litigation related expenses. Licensee shall have no obligation to indemnify Licensors against liability directly attributable to the negligence or willful actions of the Licensors, its directors, officers, employees, agents, successors or assigns. The provisions of this section shall survive termination of this license. Regardless of this Paragraph nothing in this License should be construed as a waiver of immunity, defenses, or limitations of liability provided to EBID by the New Mexico Tort Claims Act or other applicable law.

**For "Government" Licenses Only - Tort Claims Act:** By entering into this Agreement, the District and its "public employees" as defined in the New Mexico Tort Claims Act, and the Licensee and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense(s) and/or do not waive any limitation(s) of liability pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act. However, within the limitations above stated, each party shall be responsible for their own negligent acts. This Agreement is not intended by any of its provisions to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to this Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

**SECTION 8. Insurance:** Without limiting any liabilities or any other obligations or duties of Licensee, EBID at its option may require insurance and proof of insurance as a condition to this License. If the insurance is required, the Licensee will be notified by letter, which letter shall specify the amount and type of insurance required by EBID.

**SECTION 9. Construction:**

9.1 Prior to making any installations on the Licensed Property, Licensee shall submit to Licensors for its approval a detailed plan showing the location of any such installations, and pay Licensors all review and inspection fees required by Licensors. All construction on the Licensed Property shall be performed in accordance with specifications approved by Licensors. At least ten (10) days prior to the beginning of any construction on the Licensed Property, Licensee shall provide Licensors notice of the date that construction will begin and a schedule listing all construction activities and the dates when such construction activities will be performed. Licensee shall give Licensors written notice of all changes in the schedule and delays in construction immediately upon it being reasonably foreseeable that such change or delay will occur.

9.2 Licensee shall contact Licensors a minimum of 72 hours in advance of start of construction to obtain a construction clearance. Phone Number: (575) 526-6671. NOTE: A CONSTRUCTION CLEARANCE DOES NOT ASSURE THAT THE CANALS, LATERALS OR DRAINS WILL BE WITHOUT WATER.

9.3 Licensee's materials, facilities, improvements, and appurtenances constructed, installed, operated and maintained on the Licensed Property shall not interfere with Licensors's use of Licensors's existing and/or any future irrigation facilities on or adjacent to the Licensed Property.

9.4 Licensors may regulate the scheduling of construction, if any, located on the Licensed Property relating to irrigation operation, traffic control, backfilling, compacting, or paving and locating or relocating the materials, facilities, improvements or appurtenances.

9.5 If relocation of Licensee's materials, facilities, improvements or appurtenances is necessitated by Licensors's use of existing facilities or the construction of improvements by or on behalf of Licensors, Licensee shall bear the entire cost of relocating said materials, facilities, improvements and appurtenances.

9.6 Licensors shall not exercise its right to require relocation of Licensee's facilities in an unreasonable or arbitrary manner.

**SECTION 10. Licenses, Statutes and Codes:** Licensee shall comply with the applicable requirements of all statutes, acts, ordinances, regulations, codes, and standards of legally constituted authorities with jurisdiction, including continuous compliance with all Board of Directors Policies in place governing the use of EBID property. Licensee shall obtain or cause to be obtained at its expense, all Licenses, approvals and authorizations required by Licensee's actions pursuant to this license taking effect. The provisions of this Section shall survive termination of this license.

**SECTION 11. Licensors' Right to Inspect:**

11.1 Licensors may enter any part of the Licensed Property at all reasonable times to make an inspection thereof. During any construction by Licensee, Licensors may inspect all trenching, backfilling and other related items and require conformance with all requirements and specifications established by Licensors.

11.2 Licensee shall release Licensors for all damages arising out of any delay, whether reasonable or unreasonable, or foreseeable or unforeseeable, by Licensors in Licensing or inspecting any work on the Licensed Premises. The provisions of this section shall survive termination of this license.

**SECTION 12. Service of Notice:** All notices and demands required or Licensed by this license shall be in writing and shall be deemed to have been given properly when (i) sent by certified mail (postage fully prepaid) to the respective address as furnished by either party to the other pursuant to this section; (ii) delivered personally to the parties hereto.

**SECTION 13. Administrative and Land Use Fees:** Licensee shall pay all fees, including administrative costs in excess of the initial \$300.00 deposit already paid at the time of application for the preparation of the right-of-use document and land use fees pursuant to EBID Board Policy regarding Right of Use of EBID facilities. All costs will be invoiced either at the time of issuance of the License or at a later date as the same shall become known and due. Failure to pay within 30 days of such invoice will result in termination of the License.

**SECTION 14. Waiver:** No waiver by either party of any breach of any of the covenants or conditions of this license which are to be performed by the other party shall be construed as a waiver of any succeeding breach of the same or any other covenant or condition. There shall be no waiver by implication, all formal waivers must be approved in writing by the waiving party.

**SECTION 15. Attorneys' Fees upon Default:** If Licensee defaults in the timely performance of its obligations, under this license, the Licensors shall be entitled to recover all reasonable expenses and attorney's fees incurred by Licensors in enforcing its rights under the license including pre-suit fees and expenses and court costs, including expert witness fees and the like, as determined by a Court in any suit or proceeding. The foregoing shall not in any way limit or restrict any right or remedy at law or equity which would otherwise be available to such party in default.

**SECTION 16. Force Majeure:** If either party is rendered unable, wholly or in part, by force majeure to carry out its obligations under this License, other than the obligation of Licensee to make payments of amounts due hereunder, then the obligations of both Licensee and Licensors, so far as they are affected by such force majeure, shall be suspended during the continuance of any inability so caused, but for no longer period, and such cause shall so far as possible be remedied within a reasonable time. The term "force majeure" as employed in this license shall mean acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemies, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, interruptions by government not due to the fault of the parties, civil disturbances, explosions, or unforeseeable action or nonaction by governmental bodies in approving the applications for approvals or Licenses or any material change in circumstances arising out of legislation, regulation or litigation. Nothing in this section shall require Licensors to settle a strike.

**SECTION 17. Entire Agreement; Changes After Execution:** This License, including its specified addenda and exhibits, if any, constitutes the entire agreement between the parties, and any amendment hereto must be in writing, and signed by both parties.

**SECTION 18. Water Damage:** Licensors shall not be liable for any loss sustained by Licensee, its officers, employees, agents, assigns or invitees on the Licensed Property because of water damage from any sources whatsoever, including but not limited to, flood, drainage, or run-off, irrespective of any prior knowledge by Licensors of the possibility of such flood, drainage, or run-off, or any act, omission or negligence of Licensors, members of its governing body, directors, officers, employees, agents or assigns, arising from operation or maintenance of any Rio Grande Project dam, canal, drain or other works.

**SECTION 19. Expiration:** Construction authorized by the license must be initiated no later than two years after final approval by the EBID Board of Directors. Failure to comply with the two-year time limit invalidates the permit or license. All fees paid shall be forfeited.

**PROCEDURE FOR THE EBID BOARD OF DIRECTORS  
WHEN SITTING AS A BOARD TO HEAR A  
SUSPENSION AND TRANSFER APPLICATION(S)  
2026-S&T-04 April 8, 2026**

I. Call to Order and Roll Call.

II. Announcement of purpose of meeting.

Chairman:

**The Board is convened to act upon applications by landowners in the District to transfer water rights appurtenant to lands within the District which are not suitable for irrigation or capable of being properly irrigated to other lands within the District. These applications are filed under Section 73-13-4 of the New Mexico Statutes. This Board will decide if, within their judgment, the other lands within the District may be profitably and advantageously irrigated.**

III. Application and Publication.

Chairman.

**The applicants are identified as listed on Exhibit A.**

**The applicants were required to publish notice in any newspaper published within Dona Ana County of EBID taking action to consider a resolution allowing the transfer. The publication should have listed the time and place of this meeting, listed the action to be taken by this Board, listed a description of the move to and move from lands, and listed the reason for the requested transfer.**

Questions of Staff:

**Does Staff have a copy of the Notice of Publication?**

**Were all the required points in the publication?**

**Was the last publication date made prior to this hearing?**

If so, continue with the hearing.

IV. Testimony.

Chairman:

**We will now proceed with presentation by Staff. After that, the Board members can ask questions of the Staff.**

Staff makes a presentation:

1. The Staff is to discuss why the move from land is not suitable for irrigation or capable of being properly irrigated. Examples: land is going into subdivision and no provision will be made to provide access to water, problems with the soil, problems with accessing water, etc.
2. The Staff is to specifically address the condition of the move to lands. The Staff should discuss their inspection of the move to lands which includes where it is in the system and the ability of the system to get water to the property. They should also discuss engineering criteria looked at such as soil type, elevation, drainage, etc.

3. The Staff should end their presentation with a recommendation for approval or disapproval.
4. Questions by the Board members.

Chairman:

**At this point in time, the Board will take evidence and testimony from the applicants or their representatives, or any person(s) who are here to protest the applications.**

**We will proceed with any presentation by the Applicants. After that, the Board members and EBID Staff can ask questions of the applicants. Would the applicants or their representatives introduce themselves?**

Applicant(s) speak.

Questions by the Board members.

Questions from EBID Staff.

**Are there any Protestants who wish to speak? If so, please identify yourselves for the record.**

Protestant(s) speak.

Questions by the Board members.

Questions from EBID Staff.

Chairman:

**Are there any other comments?**

V. Resolution by the Board of Directors.

Chairman:

**The Chair will now entertain a Motion to have a Resolution to approve or disapprove the applications. Need Motion, Second, Vote.**

Chairman:

**I will ask that 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.**

**If there are any Protestants who disagrees with the action of the Board, you may appeal this decision directly to the District Court as provided under Section 73-13-4 of the New Mexico Statutes.**

VI. Adjournment.

Chairman:

**The Chair will entertain a motion to adjourn the Board sitting to hear the applications.**

**RESOLUTION 2026-S&T-004**

**WATER SUSPENSION HEARING**

**April 8, 2026**

**WHEREAS**, the Applicants, as identified in Exhibit A as landowners within the boundaries of the Elephant Butte Irrigation District (District) have applied to the District for the suspension of water rights appurtenant to land within EBID which are no longer suitable for irrigation or capable of being properly irrigated to later be transferred by EBID to other lands within EBID under Section 73-13-4 New Mexico Statutes Annotated, and

**WHEREAS**, EBID properly published notice of this action to be taken, and

**WHEREAS**, the District held a hearing on the applications on the 8<sup>th</sup> day of April 2026 and approved the suspension and transfer to EBID owned property and no protest was received, and

**WHEREAS**, it is in the best interest of the District to approve these transfers and/or reclassifications per EBID Policy 2003-ENG12.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Elephant Butte Irrigation District, that the Manager is authorized to transfer project water rights as allowed by Section 73-13-4 NMSA under the name of the Applicants from the lands currently carried on the District assessment rolls as identified in Exhibit A as "Move From Land" for a total of 1.00 acres to EBID owned property.

**SUBJECT TO** subsequent action and revision that may be taken by the District upon completion by the applicant of transfer of the project water rights with the stream adjudication court and further proceedings before the State Engineer with respect to the request to transfer and/or reclassification of groundwater rights from the Move From Land.

**DATED** this 8<sup>th</sup> day of April 2026.

\_\_\_\_\_  
Rafael Roviroso, President

\_\_\_\_\_  
Randy Garay, Secretary

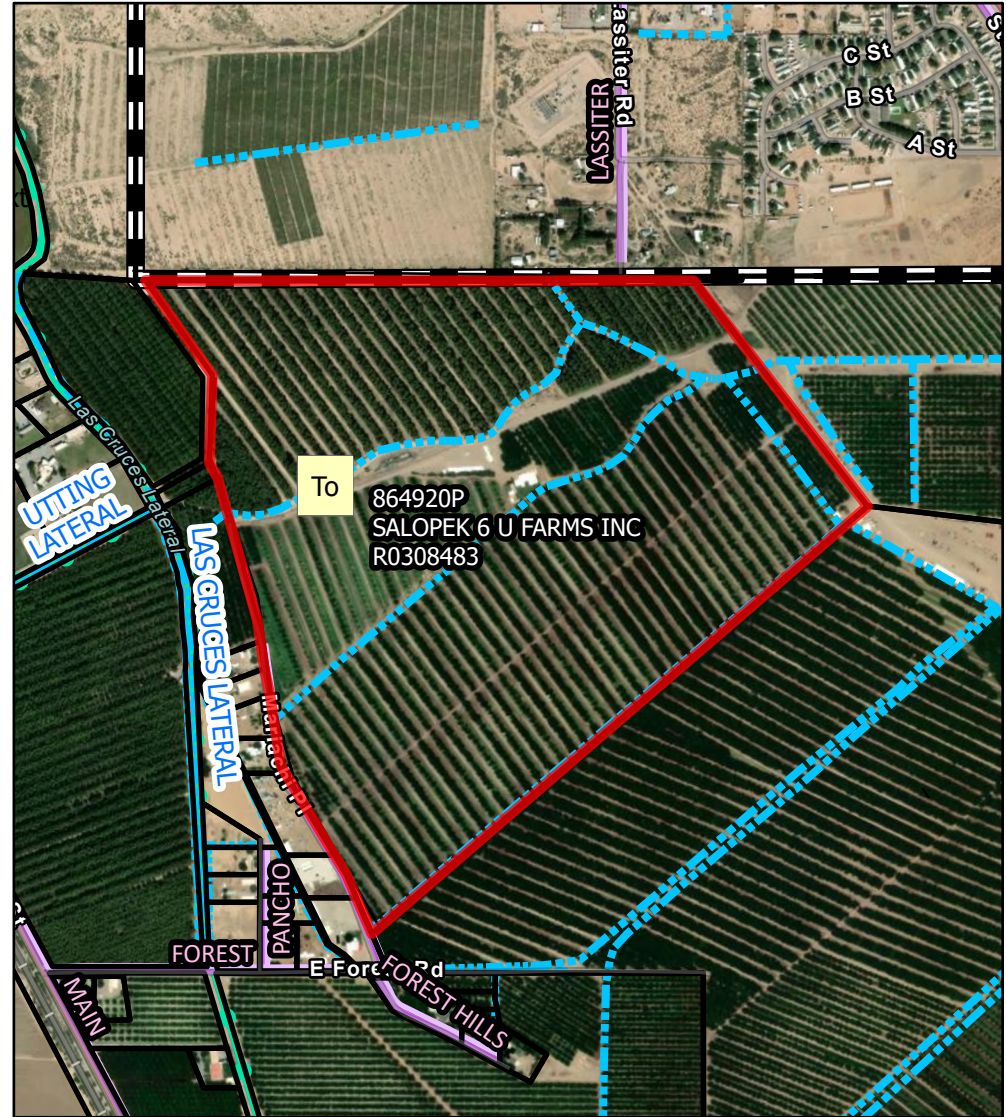
**Exhibit A**  
**Elephant Butte Irrigation District**

| WATER RIGHT "SUSPENSION FROM /TRANSFER TO PARCEL TRANSFER ON BOARD AGENDA: April 8, 2026 |                          |                 |          |       |                      |                     |          |
|------------------------------------------------------------------------------------------|--------------------------|-----------------|----------|-------|----------------------|---------------------|----------|
| MOVE FROM:                                                                               |                          |                 |          |       | MOVE TO:             |                     | PAGE 1   |
| TRANSFER#                                                                                | NAME                     | MAP-SERIAL      | PARCEL   | ACRES | NAME                 | MAP-SERIAL          | PARCEL   |
| 2026-WT-003                                                                              | Duane A & Nancy Perrault | 13-19A16A1 TR A | 1508700P | 1.00  | Salopek 6U Farms Inc | 13-32A, 33B, 40A pt | 864920 P |
|                                                                                          |                          |                 |          |       |                      |                     |          |
|                                                                                          |                          |                 |          |       |                      |                     |          |

**TOTAL ACRES PAGE 1      1.00**

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

# 2026-WT-003 Perrault to Salopek 6U Farms Inc



0 500 1,000 2,000 3,000 US Feet

FROM: Duane & Nancy Perrault  
 Gross - 1.00  
 WRA - 1.00  
 If Approved Suspend - 1.00  
 New WRA - 0

TO: Salopek 6U Farms Inc  
 GROSS - 188.90  
 WRA - 159.52  
 If Approved Transfer - 1.00  
 New WRA - 160.52