

# GRANT COUNTY – NEW MEXICO

## RESOLUTION NO. R-04-10

### A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING CREATING THE "SOUTHWEST NEW MEXICO WATER PLANNING GROUP"

**WHEREAS**, the counties of Catron, Grant, Hidalgo, and Luna, and the Municipalities of Bayard, Deming, Hurley, Lordsburg, Reserve, Santa Clara, Silver City, and Virden, and the Black Range Soil and Water Conservation District, the Grant Soil and Water Conservation, the Hidalgo Soil and Water Conservation District, the Luna County Soil and Water Conservation District, and the San Francisco Soil and Water Conservation District, all such parties being political subdivisions or agencies concur that regional water planning is of utmost importance to the health, welfare and prosperity for the southwest region of the State of New Mexico; and

**WHEREAS**, the above mentioned entities recognize it to be beneficial to work together in order to secure water resources that will benefit the entire region; and

**WHEREAS**, there is unappropriated water from the Central Arizona Project, its tributaries and underground water sources available for New Mexico,

**NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF GRANT COUNTY COMMISSIONERS HEREBY APPROVE:**

The creation of the Southwest New Mexico Water Planning Group and adoption of the Memorandum of Understanding attached hereto.

**PASSED, APPROVED, AND ADOPTED** by the governing body at its meeting on this 8<sup>th</sup> day of April 2004.

#### BOARD OF GRANT COUNTY COMMISSION

  
HENRY TORRES, CHAIRMAN

  
JOSEPH ARELLANO, MEMBER

  
CHARLES KELLY, MEMBER

ATTEST:

  
JEFF CARBAJAL  
GRANT COUNTY CLERK

# MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT is made this \_\_\_\_ day of April, 2004, by the Counties of Catron, Grant, Hidalgo, and Luna, and the Municipalities of Bayard, Deming, Hurley, Lordsburg, Reserve, Santa Clara, Silver City, and Virden, and the Black Range Conservation and Development, the Grant Soil and Water Conservation District, the Hidalgo Soil and Water Conservation District, the Deming Soil and Water Conservation District, and the San Francisco Soil and Water Conservation District, all such parties being political subdivisions or agencies of and within the State of New Mexico.

WHEREAS, the Parties concur that regional water planning is of utmost importance to the health, welfare and prosperity for the southwest region of the State of New Mexico; and

WHEREAS, the Parties recognize that cooperation in obtaining water, or other economic resources and constructing the necessary infrastructure to divert, hold and distribute water for public and commercial use would be beneficial to all; and

WHEREAS, there exists an opportunity to obtain benefits from water available to New Mexico from the Gila River, its tributaries and underground water sources in New Mexico, and perhaps from other sources within the State of New Mexico, and that immediate steps to commence planning for the utilization of such water through direct use or through leasing to others should be taken, in the public interest; and

WHEREAS, the eventual formation of a Regional Water Commission ("Commission") to represent the Parties in matters regarding regional water planning and development is deemed to be a priority;

IT IS, THEREFORE, AGREED

1. The Parties hereto create the SOUTHWEST NEW MEXICO WATER PLANNING GROUP ("Planning Group") consisting of the Counties of Catron, Grant, Luna, and Hidalgo, and the Municipalities of Bayard, Deming, Hurley, Lordsburg, Reserve, Santa Clara, Silver City, and Virden, the Black Range Conservation and Development and the Deming Soil and Water Conservation District, Grant Soil and Water Conservation District, the Hidalgo Soil and Water Conservation District, and San Francisco Soil and Water Conservation District, for the limited purposes described herein:

2. The Group shall form an Executive Committee, comprised of seven members from the Planning Group, whose immediate function shall be to guide studies, work sessions and other activities designed to provide tangible information, make recommendations, and conduct other relevant activities. The Executive Committee shall:

- A. Provide information to the Planning Group regarding sources of water available to the region, with special emphasis on Gila Basin water resources that may be developed through exchange for Central Arizona Project water;
- B. Identifying alternatives for meeting the region's water needs;
- C. Identifying how the region can obtain maximum benefit from waters that may be available to it from the New Mexico Unit of the CAP;
- D. Identify infrastructures both existing and to be required in the diversion, holding and distribution of regional water supplies;
- E. Study the feasibility of various alternatives with regard to methods of diversion, holding and distribution of regional water supplies;
- F. Prioritize constructions of infrastructure, taking into account the needs

and aspirations of the various Parties;

- G. Study the environmental impact of various water management plans and environmental impact studies using available resources;
- H. Study and recommend the creation of user districts for purpose of assessments and taxation;
- I. Study and recommend alternative financing arrangements for Infrastructure construction, including opportunities for monetary income for the Parties from the sale or lease of water resources to be controlled by the Commission;
- J. Determine uniform and equitable formulas for the allocation of Commission controlled resources;
- K. Develop and recommend comprehensive bylaws for the internal Governance of the Commission, including allocation of voting rights;
- L. Share information with the various economic development groups, Public and private, so that economic development planning can be integrated into a comprehensive regional water plan;
- M. Arrange for and conduct public meetings throughout Southwest New Mexico to ensure maximum public input into the planning process;
- N. Maintain liaisons with State and Federal authorities;
- O. Recommend means and methods for funding the studies, planning, and other activities envisioned herein;
- P. Coordinate with the ongoing water planning efforts of the Southwest Region Water Planning Council; and
- Q. Decisions on the expenditure of funds and any recommendations of the Executive Committee shall be forwarded to the Planning Group upon a majority vote of a quorum of the Executive Committee members present at any meeting.

3. This Agreement shall not be subject to the Local Economic Development Act (5-10-1 through 5-10-13) and the requirements therein.

4. Decisions on expenditures of funds shall be made by the Executive Committee with the advice and consent of the representatives of the Planning Group. In no event, however, shall a deadlock be permitted to exist for more than 15 days on any particular expenditure and the Executive Committee will endeavor to use their best efforts to assure a fair and balanced plan of disbursement furthering the specific goals and purposes herein described. A fiscal agent subject to the State Procurement Code shall be appointed to administer Planning Group funds.

5. Once a Regional Water Commission or other entity is established to contract for, or administer, additional Gila River water, this Planning Group shall dissolve and the balance of any funds therein remaining shall be transferred to the Commission as start-up funding.

6. The sovereignty of each governmental Party shall remain intact, and nothing in this Agreement shall be deemed to abrogate any of the statutory and inherent powers, rights and duties of any of the Parties.

7. Meetings of the Executive Committee shall be considered public meetings subject to the New Mexico Open Meetings Act, and the records the Planning Group produces shall be considered public records for purposes of the Inspection of Public Records Act.

8. This Agreement shall not be subject to the Local Economic Development Act  
(5-10-1 through 5-10-13)

9. The initial funding of this Planning Group shall be through contributions of the  
Parties in a manner to be determined.

IN WITNESS WHEREOF, the Parties hereto affix their signature by their designated  
representative effective the date first written above.

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ED WEHRHEIM, Chair of the County Commission  
For and On Behalf of Catron County

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HENRY TORRES, Chair of the County Commission  
For and On Behalf of Grant County

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LOUISE PETERSON, Chair of the County Commission  
For and On Behalf of Hidalgo County

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DENNIS ARMIJO, Chair of County Commission  
For and On Behalf of Luna County

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RODOLPHO S. MARTINEZ, Mayor  
For and On Behalf of The City of Bayard

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SAM BACA, Mayor  
For and On Behalf of The City of Deming

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DAVID D. DIAZ, Mayor  
For and On Behalf of the Town of Hurley

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ARTHUR CLARK SMITH, Mayor  
For and On Behalf of The City of Lordsburg

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ROBERT GARRISON, Mayor  
For and On Behalf of The City of Reserve

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JOAN E. ATENCIO, Mayor  
For and On Behalf of The Village of Santa Clara

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TERRY FORTENBERRY, Mayor  
For and on Behalf of the Town of Silver City

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ARCHIE PAYNE, Mayor  
For and On Behalf of The Town of Virden

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RICH OLSEN, Coordinator  
For and On Behalf of the Black Range  
Conservation and Development

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RICK HOLDRIDGE, Chairman  
For and On Behalf of the Deming Soil and Water  
Conservation District

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WILLIAM WOODWARD, Secretary/Treasurer  
For and On Behalf of the Grant Soil and Water  
Conservation District

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JAY PETERSON, Chairman  
For and On Behalf of the Hidalgo Soil and  
Conservation District

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HOWARD HUTCHINSON, Vice Chairman  
For and On Behalf of the San Francisco Soil  
and Water Conservation District