

## **RESOLUTION NO. R-20-33**

### **A RESOLUTION DECLARING THE COUNTY'S OPPOSITION TO POSSIBLE LITIGATION BY THE NEW MEXICO CENTRAL ARIZONA PROJECT ENTITY**

**WHEREAS**, Grant County is one of 14 voting members of the New Mexico Central Arizona Project Entity (CAP Entity); and

**WHEREAS**, the CAP Entity was established in 2015 to use federal funding provided by the Arizona Water Settlements Act of 2004 (AWSA) for the purposes of planning, designing, building, operating and maintaining one or more systems of diversion, conveyance, and storage of water from the Gila River and for the purpose of developing other water utilization alternatives to meet water supply demands in the Southwest Planning Region of New Mexico; and

**WHEREAS**, the AWSA requires a favorable Record of Decision from the Secretary of the Interior for any proposed Gila River diversion project to be built; and

**WHEREAS**, the New Mexico Interstate Stream Commission (ISC) has eliminated the funding needed by the CAP Entity to pursue a Record of Decision; and

**WHEREAS**, the CAP Entity has initiated a dispute resolution process with the ISC; and

**WHEREAS**, a failure to resolve the dispute between the CAP Entity and the ISC could potentially provoke some members of the CAP Entity to propose litigation against the ISC; and

**WHEREAS**, even though the executive director of the CAP Entity and Grant County's representative to the CAP Entity have publicly stated that any proposed litigation is unlikely to be brought forth by the CAP against the ISC, still; and

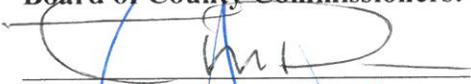
**WHEREAS**, Grant County is likely to experience a decrease in revenues in fiscal year 2020-2021, and has already reduced its budget for county operations;

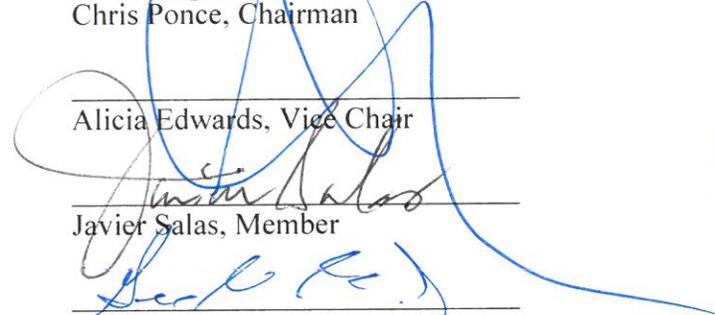
#### **NOW, THEREFORE, BE IT RESOLVED THAT:**

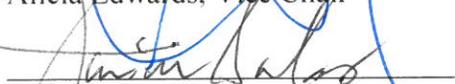
1. The Grant County Commission opposes any litigation against the ISC; and declares its intention NOT to fund any activities related to litigation against the ISC.

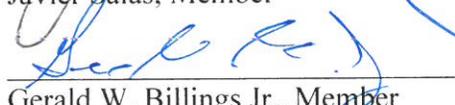
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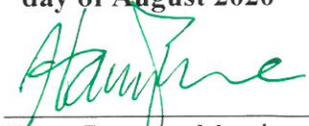
**PASSED, ADOPTED, AND APPROVED this 20<sup>th</sup> day of August 2020**  
**Board of County Commissioners:**

  
Chris Ponce, Chairman

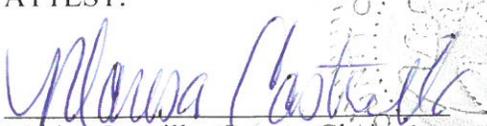
  
Alicia Edwards, Vice Chair

  
Javier Salas, Member

  
Gerald W. Billings Jr., Member

  
Harry Browne, Member

ATTEST:

  
Marisa Castrillo, County Clerk

