RESOLUTION OF THE CARLSBAD IRRIGATION DISTRICT

Whereas Carlsbad Irrigation District (CID) at its January 8, 2013 Board of Directors meeting adopted a resolution regarding the failure of the Interstate Stream Commission to meet their full obligation to deliver water to CID under the Pecos Settlement Agreement of March 25, 2003; and

Whereas CID met with the parties to the Pecos Settlement Agreement to discuss a remedy to the failure to deliver water to CID; and

Whereas CID and PVACD jointly supported Senate Bill 462, Introduced by Senator Carroll H. Leavell in the 2013 NM Legislative Session; attended meetings with the OSE and ISC; attended hearings during the session to explain the consequences and economic consequences of the failure to deliver water or provide an appropriation to mitigate the effects of drought on CID; and

Whereas, CID had advised legislators that it would agree to a condition in the bill that it would not make a priority call until at least March 1, 2014 if the bill was funded; and

Whereas on March 1, 2013 the CID received an email report from the ISC that “The projected water supply for May 1st is 23,064 acre-feet, which is 36,936 acre-feet short of the Target Supply Contained in the Pecos Settlement. The amount of augmentation pumping required to meet the May 1st target Supply is not feasible”; and

Whereas Senate Bill 462 was not funded as part of House Bill 2; and

Whereas the Office of the Governor, through the ISC and OSE has not committed to any funding that would also prevent a priority call; and

Whereas the 2013 Legislative Session is about to end with no resolution of the anticipated failure to deliver water to CID under the Pecos Settlement Agreement; and

Whereas despite the efforts made to avoid a priority call allowed under the Pecos Settlement Agreement, CID has received no assurances by the legislature or governor’s office of any solution to the under delivery;

Now therefore be it resolved by the CID Board of Directors, that it must have an agreement in place prior to the expiration of the 51st Legislature-State of New Mexico-First Session, 2013 to resolve the under delivery of water under the Pecos Settlement Agreement or it will have no choice but to place a call for administration of priorities on the Pecos River Stream System with the State Engineer and seek other judicial remedies.

Dated this 14 day of March, 2013

[Signature]

Charles H. Jurva
Carlsbad Irrigation District Board President