

NEW MEXICO INTERSTATE STREAM COMMISSION

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RESOLUTION OF THE NEW MEXICO INTERSTATE STREAM COMMISSION APPROVING THE JOINT POWERS AGREEMENT TO CREATE THE NEW MEXICO CAP ENTITY AND DESIGNATING THE COMMISSION'S SIGNATORY TO THE JOINT POWERS AGREEMENT

WHEREAS, on December 10, 2004, the President of the United States signed into law the Arizona Water Settlements Act (AWSA), Public Law 108-451; and

WHEREAS, on November 24, 2014, the State of New Mexico, acting through its Interstate Stream Commission, gave notice to the United States Secretary of the Interior that it intends to construct the New Mexico Unit of the Central Arizona Project (CAP) pursuant to the AWSA; and

WHEREAS, the AWSA provides for a New Mexico CAP Entity to be formed or designated by the State of New Mexico, acting through its Interstate Stream Commission, to enter into the New Mexico Unit Agreement with the United States Secretary of the Interior; and

WHEREAS, the Joint Powers Agreements Act, New Mexico Statutes Annotated 1978, Section 11-1-3, authorizes public agencies to enter into agreements to jointly exercise powers that are common to the contracting parties; and

WHEREAS, Interstate Stream Commission staff has prepared a Joint Powers Agreement creating the New Mexico CAP Entity (Joint Powers Agreement); and

WHEREAS, in developing the Joint Powers Agreement, Commission staff has distributed it in draft form to, and solicited comments from, members of the public, including potential parties to the Agreement, stakeholders, state and federal agencies and non-governmental organizations; and

WHEREAS, the Interstate Stream Commission has reviewed the Joint Powers Agreement prepared by its staff to create the New Mexico CAP Entity; and,

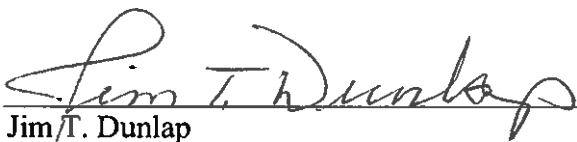
WHEREAS, in accordance with the terms of the Joint Powers Agreement, each party to the Agreement, including the Interstate Stream Commission, must adopt a resolution of its governing body identifying its signatory and representing that the governing body supports that party's commitment to beneficially use the water available to New Mexico under the AWSA.

NOW THEREFORE, BE IT RESOLVED that the Interstate Stream Commission hereby approves the terms and contents of the Joint Powers Agreement prepared by its staff and presented to the Commission at its June 9, 2015 meeting; and

BE IT FURTHER RESOLVED that the Interstate Stream Commission authorizes and directs its Chairman, Mr. Jim T. Dunlap, to sign the Joint Powers Agreement, in substantially the same form as that version approved by the Commission at its June 9, 2015 meeting, on behalf of the Interstate Stream Commission; and,

BE IT FURTHER RESOLVED that the Chairman's signature on the Joint Powers Agreement represents the Commission's commitment to the beneficial use of water available to New Mexico under the AWSA.

Approved this 9th day of June 2015, at the meeting of the New Mexico Interstate Stream Commission in Albuquerque, New Mexico.

BY: 
Jim T. Dunlap
Chairman
New Mexico Interstate Stream Commission