

STATE OF NEW MEXICO
County of Luna

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Linda Smrkovsky
Commissioner, District 2



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Media Release

Luna County’s Board of Commissioners unanimously voted Wednesday to enter into the New Mexico Central Arizona Project Entity, which will assure county officials a voice in shaping regional water projects.

The board hosted a community forum followed by a special meeting to consider a joint powers agreement to enter into the NM CAP Entity, which had already been approved by four regional governmental entities heading into the meeting. With approval of the JPA, Luna County joined the CAP Entity before the July 3, 2015 deadline established by the federal government for entities in the region to join or not.

The CAP Entity JPA was created by the Interstate Stream Commission, a collection of state and local officials tasked with creating a mechanism to carry out the Arizona Water Settlements Act, which decreed up to 14,000 acre feet of water from the Gila and San Francisco Rivers and approximately \$180 million of federal dollars for use in the region.

“We need to make sure the citizens get everything in this county that benefits them,” Commissioner Javier Diaz, of District No. 3, said. He has been working closely on the project for much of his two terms. “And here that’s money, or more importantly, water.”

By joining the CAP Entity, Luna County officials will have a say and voting authority to establish the group’s bylaws as well as plan, design, and construct a project, or projects, which uses a combination of the water and funding. Contrary to the false information used in opposition to the CAP Entity, joining will not obligate the county or county taxpayers into funding or supporting a project that is undesirable to locals.

No project has been selected for funding, and no projects have yet been approved that would divert water from the rivers. The CAP Entity will decide how to move forward once it begins meeting, which is expected after approval by the state Tax and Revenue Department. The Entity will have 30 days after state approval to create its bylaws and begin work toward planning, designing and constructing a project or projects.

Much of Wednesday’s meeting was spent by county officials balancing between dispelling false information surrounding the project while trying to move forward with the county’s vision for future water security.

Charles “Tink” Jackson, Luna County manager and former district manager for the Office of the State Engineer, repeatedly stressed that there is no project on the table at this point. The NM CAP Entity will plan and construct a project, or projects, following the guidance of its

members and federal permitting processes, such as environmental reviews. CAP Entity members are also not obligated to fund a project unless they vote to move forward with it and it is approved by the group. Additionally, CAP Entity members can pull out of the group at any point. Commissioner Linda Smrkovsky, of District No. 2, said an additional safeguard in place is that by law, Luna County voters themselves would need to approve any tax increase to fund the project, if additional funds were required. But Jackson said he has seen several project models that would utilize the available federal funding without any additional expense to local entities.

“I’d like to be at the table instead of looking in,” Commissioner Joe “Oleo” Milo, Jr., of District No. 1, added.

Jackson, who has been working on issues related to the AWSA and ISC for much of his career, described how safeguards are in place to protect the rivers.

“The majority of the time, we could only take water out of the river during flood stage,” he said. “As a matter of fact, it would protect the river with minimum flow rates.”

That is, federal constraints on future projects will limit how much water can be taken out of the river at any given time. Despite being decreed up to 14,000 acre feet of water, the future project would only be able to take water from the Gila or San Francisco Rivers if a minimum flow rate is met, which will ensure the river will not be pumped dry and it will maintain enough energy to flow naturally.

Once the CAP Entity begins meeting, it will have until November 2015 to meet a federal deadline for submission of the project(s) description.

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