

RESOLUTION NO. R2020-046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, OPPOSING THE TRANSFER OF 4TH PRIORITY COLORADO RIVER WATER FROM GSC FARMS, LLC TO THE TOWN OF QUEEN CREEK

WHEREAS, the City Council of the City of Yuma met in Regular Session on the 20th day of November, 2019 and unanimously approved Resolution R2019-051 Opposing the Transfer of Colorado River Water from La Paz County to the Town of Queen Creek (Transfer); and,

WHEREAS, on September 4, 2020, despite overwhelming opposition from Colorado River Communities to the Transfer and substantial evidence in the record of the devastating and deleterious impacts of the Transfer, the Arizona Department of Water Resources (ADWR) recommended that the U.S. Bureau of Reclamation (Reclamation) approve the transfer of 1,078.01 acre feet per year (af/yr) of GSC's 2,083.01 af/yr 4th priority Colorado River entitlement, and that GSC retain 1,005 af/yr of 4th priority Colorado River entitlement for future use on the land owned by GSC; and,

WHEREAS, this recommendation by ADWR reverses a long held policy reflected in a letter dated February 28, 1990, from then-ADWR Director Plummer to the Secretary of the Interior regarding Colorado River allocations in Arizona (1990 Letter), as well as an internal Reclamation memo in 1988 regarding a contract with the Central Arizona Water Conservation District (1988 Memo) affirming that 164,652 af/yr of 4th priority water of which GSC's entitlement is a part, is reserved for use on the mainstem of the Colorado River (communities and users located adjacent to the Colorado River) for agricultural, municipal and industrial uses; and,

WHEREAS, ADWR's reversal of the long-held policy established by the 1990 Letter and 1988 Memo undermines decades of water resource planning by Colorado River Communities and creates a dangerous precedent that could irrevocably disrupt the necessary and needed critical water supply Colorado River communities so heavily rely upon to serve their communities; and

WHEREAS, water is one of our most precious natural resources that is in jeopardy of being depleted if not managed adequately;

WHEREAS, water is essential for the continued growth and economic development of On-River communities;

WHEREAS, this Transfer and future transfers of water entitlements from the mainstem of the Colorado River to other basins could have adverse impacts on the environment including negative impacts on endangered species habitat in the five national wildlife refuges in the lower Colorado River Valley.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

1. The City Council of the City of Yuma opposes any transfer of Colorado River water from the mainstem of the Colorado River to central Arizona and considers such transfers as an unwelcome attack on the water rights and continued economic growth and viability of rural Arizona, and

2. The City Council of the City of Yuma asserts that approval by the Secretary of the Interior of this Transfer request is a major federal action which requires the Bureau of Reclamation to fully comply with public processes of the National Environmental Policy Act of 1969 (NEPA) and the Endangered Species Act of 1973, and such action requires the preparation of a full Environmental Impact Statement, and
3. The proposed recommended transfer of Colorado River mainstem water to central Arizona does not meet the criteria for a categorical exclusion from analysis or the criteria for the preparation of only an Environmental Assessment under NEPA.
4. The City Council of the City of Yuma further urges the Secretary of the Interior to delay consideration of the Transfer until such time as the Arizona Reconsultation Committee has had an opportunity to formulate guidances and policies relating to future Colorado River water transfers that take into account the needs of all Colorado River water users, and not just the needs of central Arizona's metropolitan areas.
5. In this particular case, the City of Yuma opposes the Transfer or any transfer of the 2,083.01 acre feet of 4th priority water from La Paz County to the Town of Queen Creek in central Arizona, disagrees with the ADWR recommendation to approve the transfer of 1,078.01 af/yr of GSC's 2,083.01 af/yr 4th priority Colorado River entitlement to the Town of Queen Creek, and requests the Secretary of the Interior deny approval of the Transfer in its entirety.
6. That the Clerk of the City of Yuma is directed to send a copy of this Resolution to the Secretary of the Interior, the Commissioner of the Bureau of Reclamation, the Governor of Arizona, our Federal and State legislators, the Mayor and Council of the Town of Queen Creek, Arizona, the Director of the Arizona Department of Water Resources, and the Statutory Agent of GSC Farm LLC, a Delaware limited liability company

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney