

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
SPECIAL/EXECUTIVE MEETING HELD ON
Tuesday, March 14, 2017**

A special meeting of the Cochise County Board of Supervisors was held on Tuesday, March 14, 2017 at 11:00 a.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Patrick G. Call, Vice-Chairman; Peggy Judd, Member

Staff Present: Edward T. Gilligan, County Administrator
Britt W. Hanson, Chief Civil Deputy County Attorney
Arlethe G. Rios, Clerk of the Board
Sara Ransom, Civil Deputy County Attorney

Attendees: Lynn M. Coronado, Citizen
Richard E. Bouilly, Citizen
Pamela G. Bouilly, Citizen
Louis Gasper, Citizen
Jo Ann Gasper, Citizen
Ron DeMarco, Citizen
Linda DeMarco, Citizen
Anna George, Citizen

Chairman English called the meeting to order at 11:06 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ACTION

Board of Supervisors

1. Authorize the County Attorney, on behalf of Cochise County and the Board of Supervisors, to intervene in The General Adjudication of All Rights to Use Water in the Gila River System and Source, in order to protect the interests of the County and its residents in the availability of water in the Sierra Vista Subwatershed of the Upper San Pedro River.

Vice-Chairman Call moved to authorize the County Attorney, on behalf of Cochise County and the Board of Supervisors, to intervene in The General Adjudication of All Rights to Use Water in the Gila River System and Source, in order to protect the interests of the County and its residents in the availability of water in the Sierra Vista Subwatershed of the Upper

San Pedro River. Supervisor Judd seconded the motion.

Ms. Ransom gave background on herself and the case and said she had prior experience in water litigation. She stated that if the Board approved today's item, the County Attorney's Office would take action to represent the County's interest in ongoing litigation. She added that the County would also be pursuing a non-litigation agreement by working with all interested parties to see if the group could effectively preclude any sort of enforcement measures.

Mr. Hanson said that this matter applied to all rivers in the State with water rights in all cases dating back to territorial days. He stated that the main issue is that at this time all rivers are burdened and a process has to be decided by the courts to see who has priority of use of that water. He added that Cochise County is interested in the Gila River adjudication as decisions of water rights for this river could affect private wells in our County.

Vice-Chairman Call said that reason this was brought forward is because the County wants to be a part of the discussion.

Chairman English said she would allow citizens to speak about their concerns at this time.

Mr. Louis Gasper, Hereford resident, addressed the Board regarding his concern about the County entering into an agreement with the Bureau of Land Management (BLM). He added that he had experience in this type of issue and had drawn up an amendment that would grandfather all wells that are in existence at the time of adjudication in Cochise County and provided it for Vice-Chairman Call and urged the Board to consider the underlying law amendment.

Ms. Pam Bouilly, Hereford resident, addressed the Board regarding her concern over communications related to this issue and asked for the County to keep citizens informed on the ongoing process of adjudication.

Supervisor Judd said that she thought it was a good idea to hold community information meetings.

Vice-Chairman Call said he thought community meetings were fine, but the situation was fluid and it was difficult to keep everyone updated with the latest information. He added that the Board was committed to staying engaged in this issue, as well as keeping citizens informed. He noted that the main concern was if environmental agencies will push whoever receives water rights to enforce control over the water.

Chairman English thanked everyone for their attendance and said she wanted to ensure the public was aware of the situation and the County's plan moving forward.

Chairman English called for the vote and it was approved 3-0.

Pursuant to A.R.S. § 38-431(A)(3) and (A)(4), the Board may go into executive session for legal advice with the attorney of the public body and to consider its position and instruct its attorney regarding the public body's position regarding pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.

Chairman English adjourned the meeting at 11:30 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Arlthe G. Rios, Clerk of the Board