



April 27, 2017

Via Email

Board of Directors
Central Arizona Water Conservation District
P.O. Box 43020
Phoenix, Arizona 85080

RE: Ak-Chin Indian Community v. CAWCD, Case No. CV-17-00918 ("Ak-Chin case")

Dear CAWCD Board Members:

The Arizona Municipal Water Users Association ("AMWUA") Board of Directors was troubled to learn that the Central Arizona Water Conservation District ("CAWCD") was asserting sovereign immunity in the Ak-Chin case. The AMWUA Board is concerned about the impact such a claim could have on our members' Central Arizona Project ("CAP") M&I subcontracts. For this reason, we appreciated being able to review the April 26, 2017 letter from Ted Cooke to Kirk Adams and Tom Buschatzke in which CAWCD states that it has no intention of asserting the defense of its own sovereign immunity in matters concerning its contracts and subcontracts.

While we appreciate CAWCD's statement that it will amend its position in the Ak-Chin case to substitute language for the current sovereign immunity defense, the AMWUA Board remains concerned about the confusion created from CAWCD's recent claims of sovereign immunity. These claims have weakened trust among subcontractors because they conflict with CAWCD's public and private statements. They also detract from the ability of the State, under the leadership of the Governor and the Department of Water Resources, to speak with one voice on Colorado River issues.

AMWUA does not agree that CAWCD has sovereign immunity. The Board of Directors urges CAWCD to rectify this situation by refraining from asserting that it has sovereign immunity in any matter. In this way, Arizona can speak with one voice, through the Governor and the Department of Water Resources, on Colorado River issues.

Sincerely,

A handwritten signature in black ink that reads "Thelda Williams". The signature is written in a cursive style with a large, looping initial "T".

Thelda Williams, President
AMWUA Board of Directors

c: Ted Cooke, CAWCD General Manager

Arizona Municipal Water Users Association