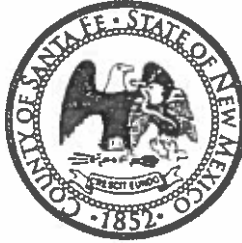


**Henry P. Roybal**  
*Commissioner, District 1*

**Miguel M. Chavez**  
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*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**Date:** May 13, 2015  
**To:** Board of County Commissioners  
**From:** Penny Ellis-Green, Growth Management Director   
**Via:** Katherine Miller, County Manager  
**Re:** Growth Management Monthly Report April 2015

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This report is a summary of projects for Growth Management with statistics from April 2015. Growth Management consists of 4 divisions; Planning, Economic Development, GIS and Building and Development Services.

### **Planning Division**

#### **Affordable Housing**

##### **Home Sales**

One new home sale was made in Rancho Viejo. The buyer was a tier 3 buyer and the County issued an affordability lien in the amount of \$12,250 (soft second).

##### **Down Payment Assistance**

Down Payment assistance was granted to a tier 3 buyer in the amount of \$10,000.00. An additional application for down payment assistance was presented and granted by the down-payment assistance committee in the amount of \$10,000.00. To date the amount granted by Santa Fe County in Down Payment assistance is \$459,000.00

##### **Happy Roofs**

One roof was completed in the amount of \$14,614.50 and another roof is under construction with an additional two contracts due to start in May.

##### **Income Certifications**

Three new income certifications were performed by staff for potential future purchases one in Rancho Viejo and two in Turquoise trail.

### **Signature Authority**

A resolution giving the County Manager signature authority for release of liens for Down Payment Assistance and Affordability Liens was passed by the Board of County Commissioners.

### **Open Space**

Staff participated in Santa Fe MPO Pedestrian Master Plan Workshop to finalize the project list which includes projects in Santa Fe County, including Eldorado and Tesuque.

Staff participated in County Trails Day Events and organized and led Rail Trail Hike on April 11th. This was the first hike in the County Trail Days series intended to highlight County properties and trails and get the public involved. The hikes will continue through May and culminate in an event on National Trails Day in Cerrillos Hills State Park.

Staff attended the East Mountain Regional Trails Council (EMRTC) Meeting to discuss trail connections to the San Pedro Open Space. The San Pedro Open Space is a key property in order to connect the Golden Open Space owned by the City of Albuquerque to BLM property in the area.

Staff participated in Santa Fe River Traditional Communities Collaborative (SFRTCC). The County owns property on the Santa Fe River at La Cieneguilla which is a property of concern to this group. Conditions in the river are such that beavers have moved in and vegetation is really overgrown creating flooding that has impacted Calle Debra. SFRTCC has contracted with UNM School of Architecture and Planning to begin a management planning process for this area, including County, City, BLM, and privately owned property.

Attended Open Space and Greenways Conference in California. This focus of the conference was sustainable trail building and community involvement to create trail stewardship.

### **Transportation**

The new Transportation Planner, Ray Matthew, began work with the County in April. Ray brings extensive transportation planning experience through working with the Santa Fe MPO, NMDOT and State Land Office. Work tasks at the MPO included multi modal projects, traffic model update, and staff for the MPO meetings. He assisted urban and rural local governments at NMDOT with planning and funding transportation projects, and compliance with federal and state regulations. At the State Land Office he did land use planning for commercial lease projects and provided coordination with the ROW and telecom operations.

Staff attended the Public Information Meeting on safety improvements for NM599/CR70 hosted by NMDOT on April 30. Three improvement options were presented for public discussion and comment. All options involve restricting traffic from Via Veteranos crossing at across NM 599 with barrier construction between northbound and south bound lanes. Santa Fe County residents were concerned that the safety improvements would funnel additional traffic onto Alameda and Agua Fria Streets. During the meeting NMDOT said they could examine the need for changes in traffic signage in the vicinity of project.

## **Economic Development Division**

The Economic Development Manager was added to the City of Santa Fe's Occupancy Tax Advisory Board (OTAB) as an Ex Officio Liaison.

An Economic Development grant was submitted to the NM Economic Development Dept for the Local Economic Assistance & Development Support (LEADS) program for \$15k for a Business Retention/Expansion project.

Two Santa Fe-based companies were nominated to receive financial support from the Venture Acceleration Fund, a grant/revolving loan pooled resource that includes the Los Alamos National Security, Manufacturing Extension Partnership, Los Alamos County, and Santa Fe County. Of the 61 applications submitted and reviewed, 4 were selected:

- IR Dynamics, Santa Fe: startup manufacturing thermally dynamic solar gain technology with applications ranging from architecture to performance clothing.
- UbiQD, Los Alamos: commercializing LANL technology, the company manufactures quantum dots and luminescent composites with applications in the paint and lighting industries.
- Vizzia, Santa Fe: technologically backed workflow improvement company focusing on environmental monitoring and asset management within the health care industry.
- Etkie, Bernalillo: manufacturer and distributor of luxury Native American jewelry, handcrafted by northern New Mexico tribal artisans. The CEO is actively recruiting Native American women from the SF County tribes.

### **North Central NM Economic Development District (NCNMEDD)**

The next NCNMEDD meeting will be May 15.

## **Building and Development Services Division**

### **Permits and Development Review**

The following statistics are provided for permits and approvals issued in April 2015:

|  | April 2015 |
|--|------------|
| New Residential Permits - Stick Built Homes  | 10         |
| New Residential Permits - Manufactured Homes | 3          |
| Commercial Building Permits                  | 0          |
| Number of Lots Created – Subdivision         | 0 lots     |
| Exemptions                                   | 2 Lots     |
| Summary Review Subdivisions                  | 0 lots     |
| Commercial Business Licenses                 | 3          |
| Home Occupations Business licenses           | 1          |
| Film Permits                                 | 1          |

### **Code Enforcement**

The following statistics are provided for code enforcement actions in April 2015:

|  | April 2015 |
|--|------------|
| Number of Initial Notices of Violation Issued                | 27         |
| Number of Final Notices of Violation Issued                  | 1          |
| Number of Notices of Violation resolved without court action | 21         |

Attached is a report that covers 2013 and 2014 of projects that were given a timeframe for complying with a condition or approval.

### **GIS Division**

Staff received delivery on a county-wide mosaic of 2014 aerial photography; this is available to internal departments at this time.

The Database Administrator succeeded in exporting Permits from the AS400 and joining those to the parcels so they can be mapped. These will be exported and mapped on a monthly basis and this allows graphical representation to as to where permits have been issued.

GIS staff assisted Public Works and Fire to upgrade their ArcGIS Desktop licenses and point to the central GIS data server which has given them the newest tools and data.

In April the E911 Addressing staff checked 450, and replaced 133 addresses that were missing or damaged.

### **SLDC Update**

Under separate agenda item.

## BCC Approved Cases with Time Sensitive Conditions

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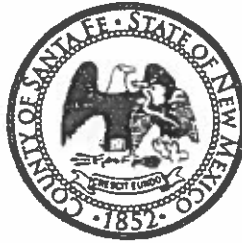




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Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**Pablo Sedillo, III**  
Public Safety Director

**To:** Santa Fe County Board of County Commissioners  
**From:** Pablo Sedillo, III *PS*  
Public Safety Department Director  
**Via:** Katherine Miller  
County Manager  
**Date:** May 26, 2015  
**Re:** SFC Public Safety Department Monthly Report for April 2015

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The purpose of this memo is to provide you information relative to the SFC Public Safety Department for the month of April 2015.

### **CORRECTIONS DEPARTMENT** **Adult Detention Facility (ADF)**

- Human Resources conducted Work Place Harassment and Ethics training at the Adult Facility.
- Pre-Bid Site Visits were conducted for the Window and Drainage Projects at ADF
- Lieutenant Moises Gallegos conducted Defensive Driving Training for Corrections Staff.
- Volunteer Elena Colle Midwife is providing Pre-Natal Classes for the pregnant inmates.
- Volunteer Billie Parker began a New Program, *Achieving Your Dreams*
- Volunteer Socorro Rios provided Communion to the 135 inmates and to staff on Easter Sunday.
- Case Management and Christus St. Vincent Regional Medical Center (Care Connections) continues working together on Re-entry for inmates, into programs and back into community. We are currently working with Charmaine C. Hughes, Care Coordinator.
- Interviews were conducted for Booking Clerk; Myles Martinez promoted to Corporal; Jesse Lara promoted to Sergeant.
- Adult Detention Facility had three new hires, an Accountant and two Detention Officers.

### **Electronic Monitoring Program**

- Providing services to 315 clients.
- There were 23 successful releases for April.
- Clients Financial Obligation – Paying - 33%, Waived - 0%, Unemployed - 64%, Out of County - 3%.
- Other Client Data – Arrests – 27, Absconded – 3, Intakes – 55, Releases – 23, Drug Tested – 412, Surety Bonds – 76, Cash Bonds – 39, Municipal Bonds – 12 and Municipal Fees - \$120.00.

## **Youth Development Program (YDP)**

### **Special Activities**

- Meet with Roseanna Andrade at 10:00am to discuss Radio Interview with KSFR 101.1. Interview is scheduled for May 27, 2015 from 4:00pm-5:00pm.
- Dr. Melquiades Olivares took over Guitar Class at YDP on Friday's from 1:00 pm - 2:00 pm.
- Art Exhibit opening on May 1, 2015, at the Spanish Colonial Art Museum displaying art work from youth from Santa Fe County Youth Development Program.

### **New Hires/Staffing**

- Currently YDP has a total of 20 security staff.
- There are a total of seven positions vacant at YDP. There are Five Life Skill Worker I positions, Case Manager and Administrative Assistant.
- 3 Recommendations for Life Skill Worker Positions submitted to Human Resources for Employment.
- Aaron M. Garcia – Promotion to Youth Services Administrator.

### **Training/Seminars**

- Matthew Duran, Assistant Shift Supervisor and Henry Casanova, Assistant Shift Supervisor, attended Handle with Care Training in Albuquerque, NM. Training was from April 13, 2015 through April 15, 2015.
- FMLA Training conducted for Supervisors on April 14 and April 16.
- Aaron M. Garcia, Youth Service Administrator, attended the 33<sup>rd</sup> Annual Conference "Protecting our Children on Neglect and Abuse in Portland, Oregon. National Indian Child Welfare Association hosted event. Conference was April 19, 2015 through April 22, 2015.

### **Meetings**

- Task Force Meeting for Day Reporting Program held at District Court on April 27, 2015.
- Regional Juvenile Justice Board Meeting held on April 16, 2015.
- BCC Meeting held on April 28, 2015.

### **Inspections/Audits**

- On April 2, 2015, Chika N. Ezeanyim, with Department of Health re-inspected Kitchen due to change of vendor and updated required certification.
- Site Visit by Judge Mary Marlowe-Sommer on April 9, 2015, to discuss Day Reporting Programming.

### **Day Reporting**

- Average population for Day Reporting Program was 6 for the Month of March.
- A total of 14 students participated in Day Reporting for the Month of March.
- Average days of students in Day Reporting Program are 8.
- Number of Referrals to Day Reporting for month are 11.
- Number of Discharges from Day Reporting are 10.

## **FIRE DEPARTMENT**

Total Emergency Responses – 465

EMS – 370

Fire and other related calls – 21

### **Operations and Administration**

- Hondo Station 1 and Pojoaque Main Station remodel and addition projects underway
- Glorieta - La Joya Station ready to go to bid
- Volunteer Fire Academy International Fire Service Accreditation Congress Firefighter 1 sections underway
- Process underway to hire Wildland Urban Interface Specialist as well as Youth Conservation Core handcrew
- Continued work on Fire Department repeaters and repeater sites including installation of prime repeater backup paging capability
- Maintenance and cleanup work on-going for Emergency Reporting system (data collection)
- Volunteer member firefighter physicals to start May 4th in Eastern Region
- Self-Contained Breathing Apparatus hydrostatic completed
- Preparing for Madrid District Insurance Service Organization inspection now scheduled for June
- 45 Apparatus Repair Orders processed and completed
- Working on "Mayday" Standard Operating Procedures/Standard Operating Guideline's
- Working with human resources for paramedic applicant process
- Ambulance revenue \$170,443

### **Fire Prevention and Wildland**

- Business registrations – 4
- Development Reviews – 27
- Lot line Adjustments/Land Division/Family Transfers – 7
- Burn Permits-17
- School and business inspections – 8
- Pre-school/School fire and injury prevention presentations – 12
- Wildland Fire Training – 5 sessions with 41 career and volunteer personnel trained
- Hazardous Fuels Mitigations completed – .75 acres

### **Volunteer Recruitment and Retention**

- New member applications received and approved – 10 (YTD 36)
- Assisting with Volunteer Fire Academy logistics and instruction
- Metro Public Safety Day training and coordination
- State Director of Firefighter Cancer Support Network
- Chairperson of Company Officer Leadership Committee (International Association of Fire Chiefs)

### **Emergency Management**

- Coordinated extensive operational readiness activities for Chimayo Pilgrimage
- Conducted Tech. Rescue Training-Santa Cruz Overlook
- Participated in the First Annual Partners in Preparedness workshop NM Dept. of Health Bureau of Health Emergency Managements
- Attended Fire Dept. Incident Rehab. Program

## RECC

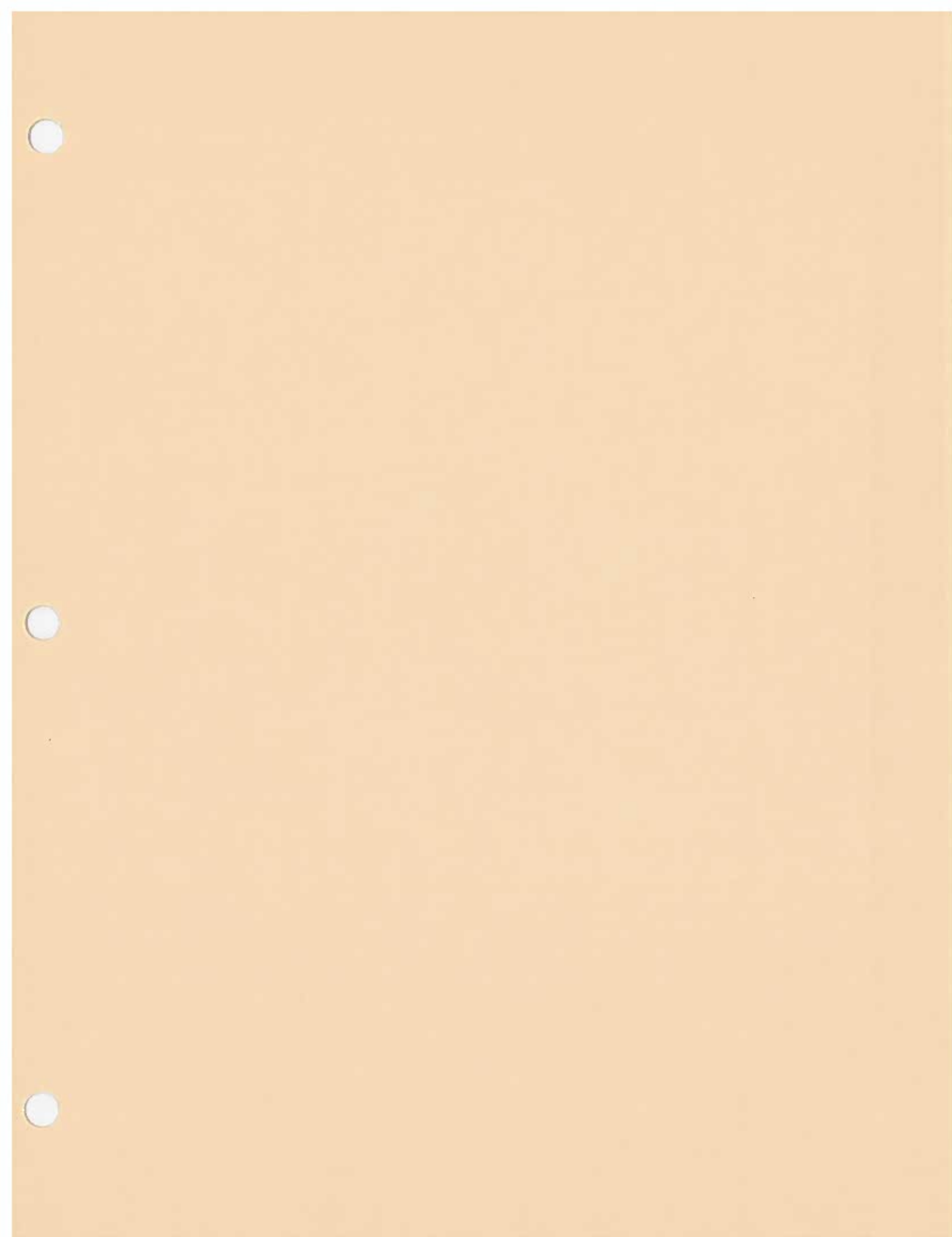
### Operations

- Total Telephone Calls Handled (incoming and outgoing)
  - April – 44,811
- Total calls Received via 911
  - April – 6,965
- County calls requiring response agency dispatch
  - April – 7,338
- City calls requiring response agency dispatch
  - April – 11,208
- Town of Edgewood calls requiring response agency dispatch
  - April - 448

### Staffing

- Currently awaiting approval from HR for 1 Call Taker to start.
- Vacancies
  - 1 Call Taker position
  - 2 Trainee positions

If you have any questions, I can be contacted at 992-3092. Thank you.





**Henry P. Roybal**  
Commissioner, District 1

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Commissioner, District 5

**Katherine Miller**  
County Manager

## **MEMORANDUM**

**DATE:** *May 12, 2015*

**TO:** *Board of County Commissioners*

**VIA:** *Katherine Miller, County Manager*

**FROM:** *Adam Leigland, Public Works Director* 

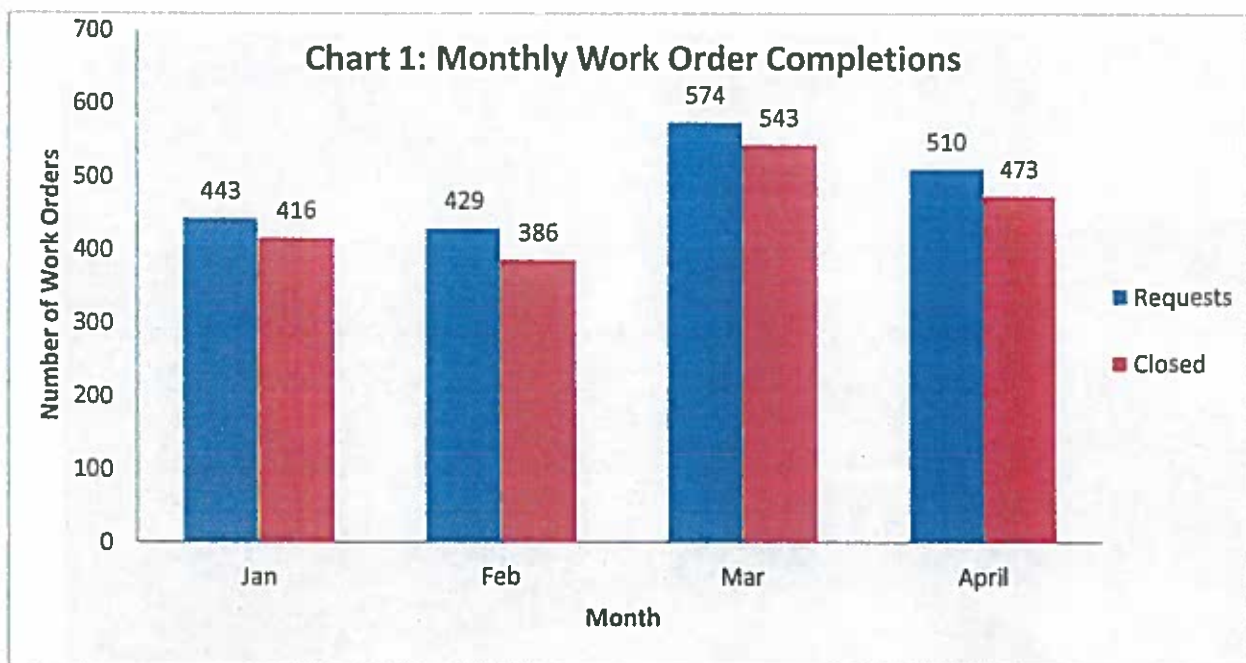
**ITEM AND ISSUE:** *BCC Meeting May 26, 2015*  
*Public Works Monthly Report for May 2015*

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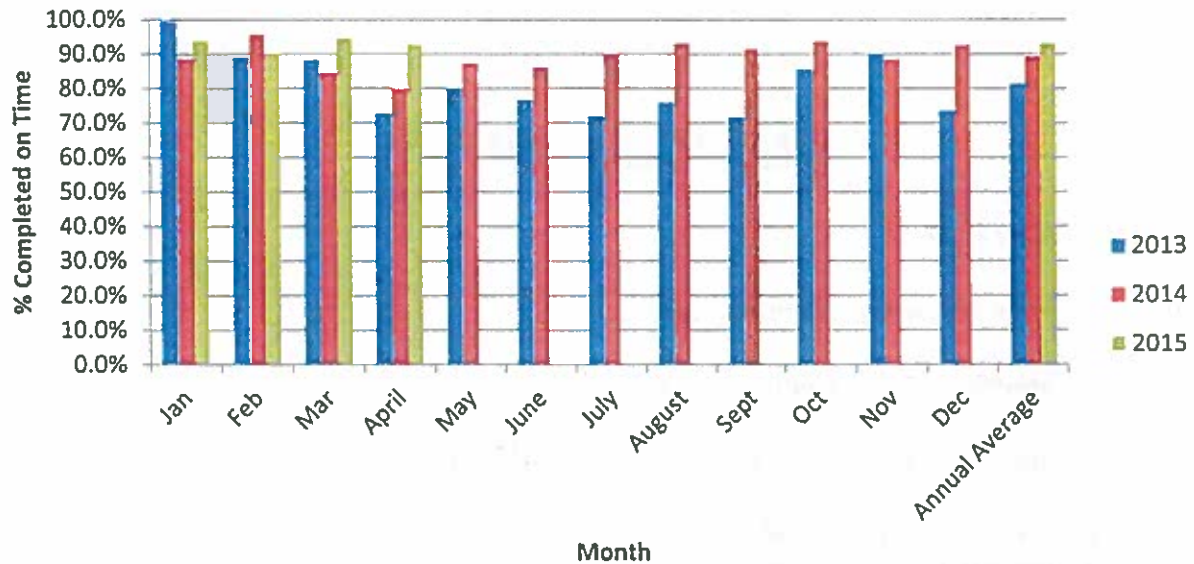
### **DISCUSSION**

#### **Operations and Maintenance**

Charts 1 and 2 below show our monthly work order volume. A more detailed break-out can be seen in Table 1, attached.

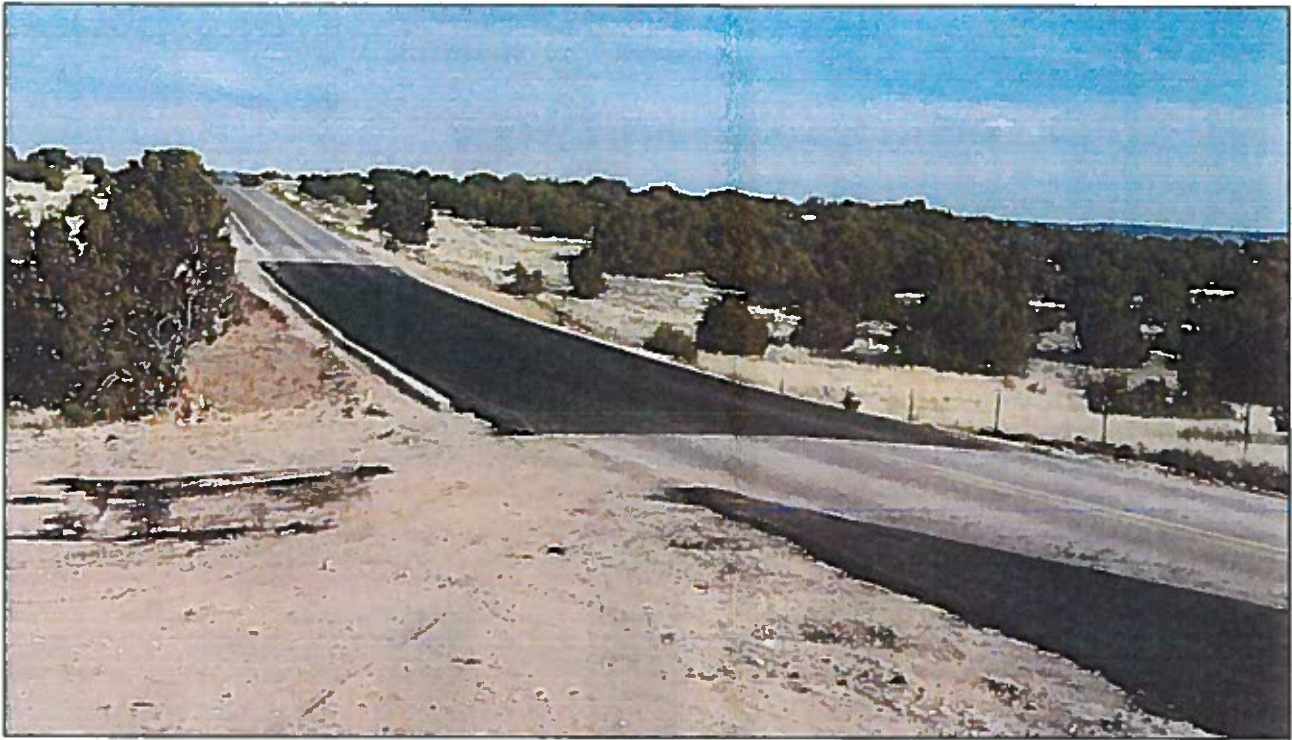


## Chart 2: Year-to-year Work Order On-time Completion Rates

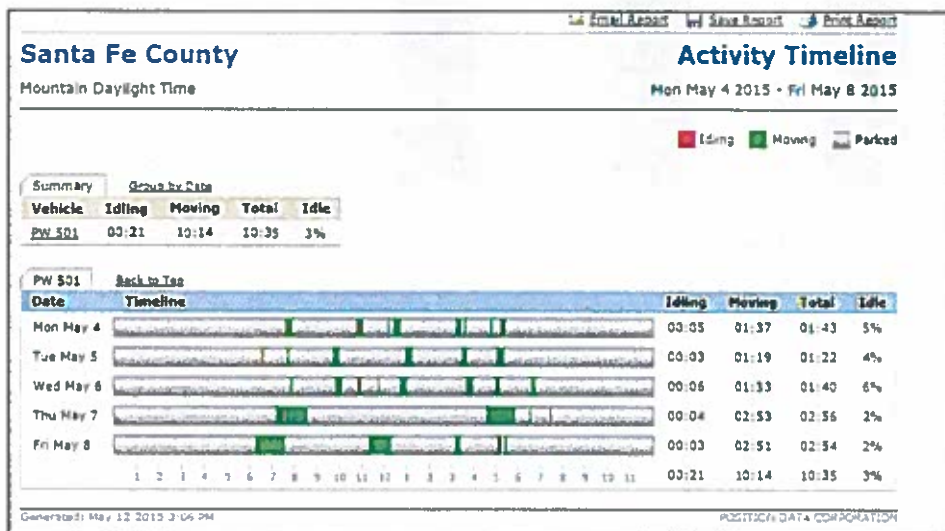


Emergency repairs were completed on County Road 42 (Camino Los Abuelos). The localized failure appears to have occurred because of too much clay in the subbase and poor drainage that causes the clay to become saturated. Two other areas along the road are under observation, and a temporary weight limit has been placed on the road. Pictures below show the repair work in progress and the final result.



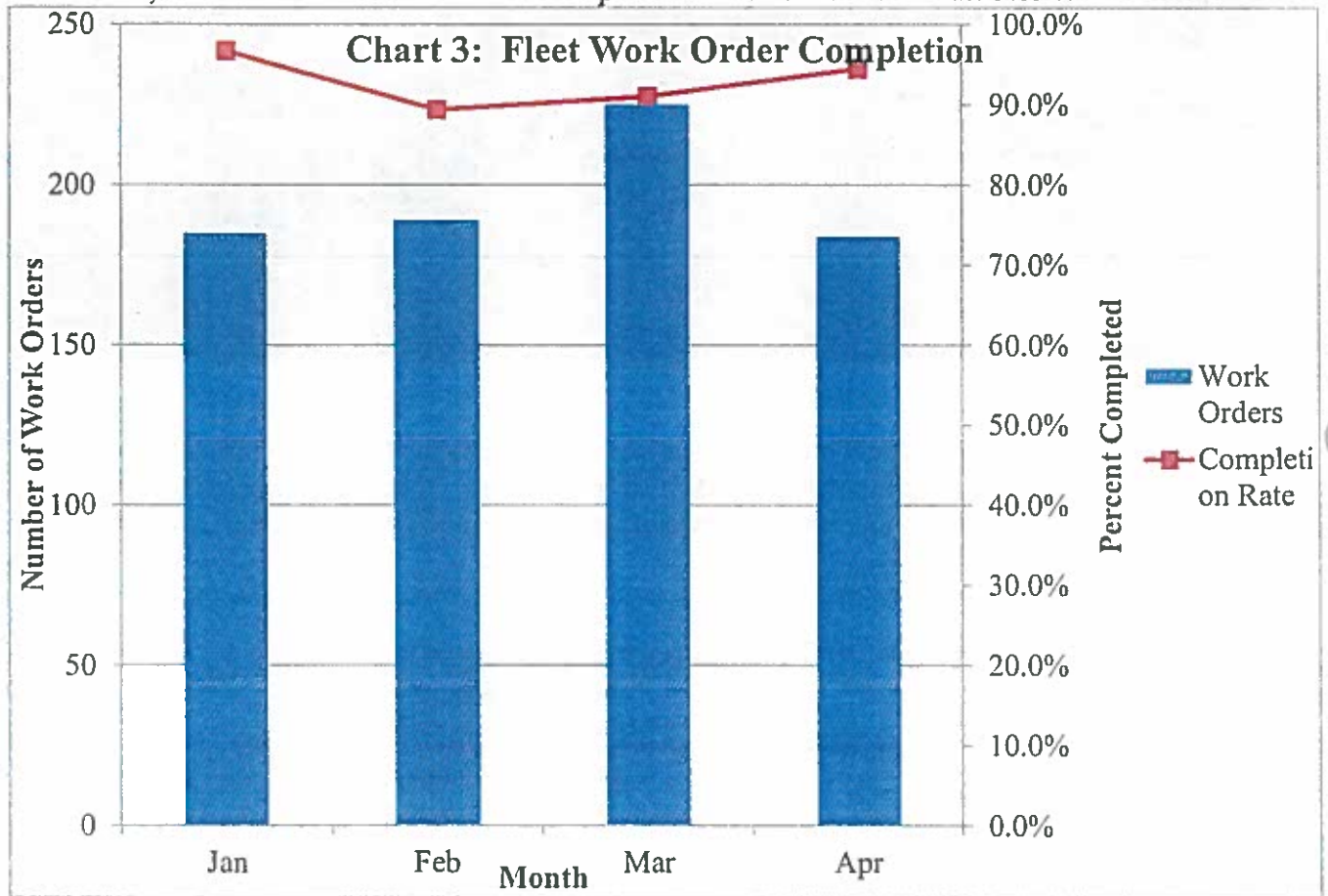


**Fleet Maintenance:** The images below are outputs from the vehicle GPS web interface tool and examples of the vehicle usage reporting that the GPS tool offers. These usage reports will be used by the Vehicle Utilization Review Board to implement County policy with regard to vehicle allocation and utilization rates.

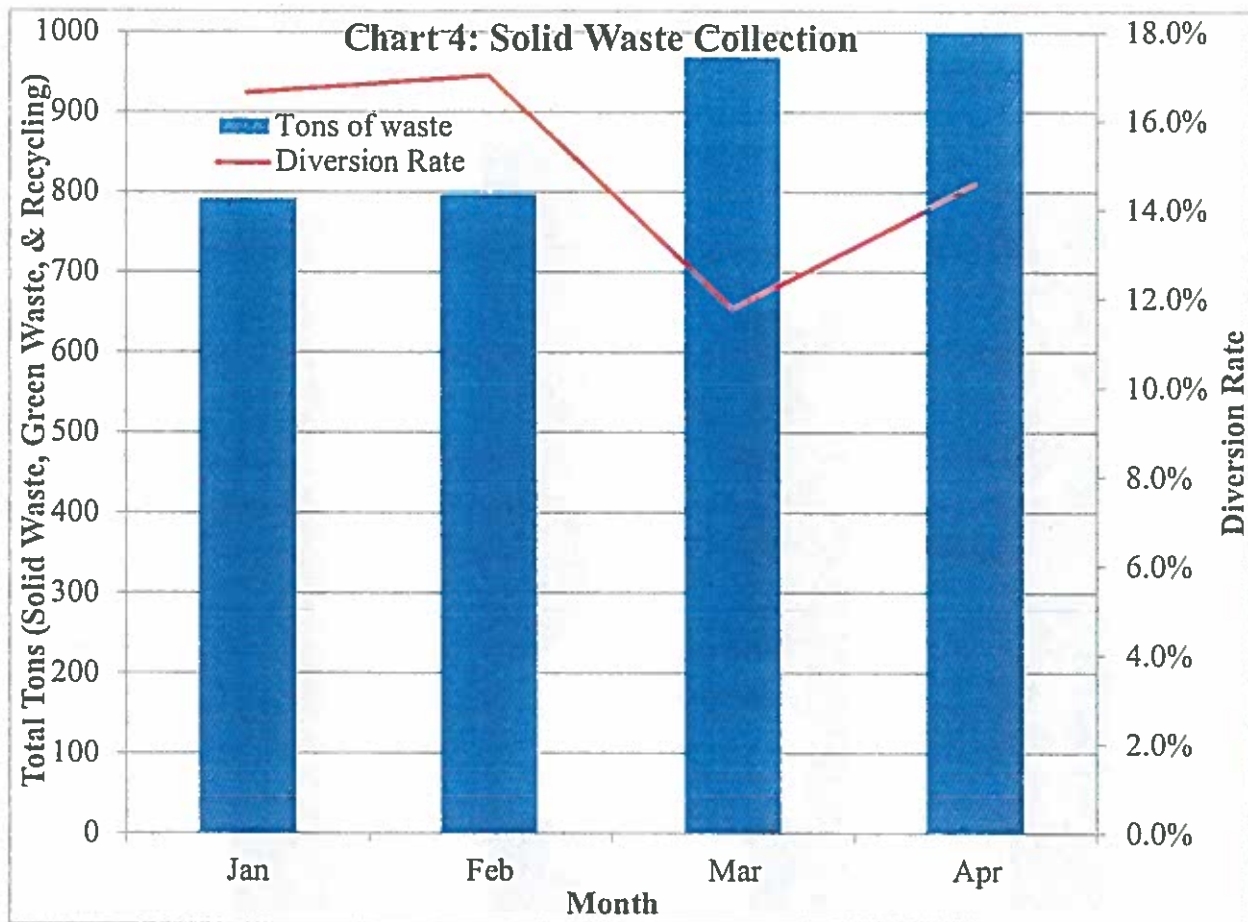


| <a href="#">Email Report</a> <a href="#">Save Report</a> <a href="#">Print Report</a> |             |           |                                 |               |             |              |
|---|-------------|-----------|---------------------------------|---------------|-------------|--------------|
| <b>Santa Fe County</b>  |             |           | <b>Mileage and Hours</b>        |               |             |              |
| Mountain Daylight Time  |             |           | Mon May 4 2015 - Fri May 8 2015 |               |             |              |
| Vehicle   | Start Hours | End Hours | Total (hrs)                     | Start Mileage | End Mileage | Total (mi)   |
| CSD 868   | 38          | 67        | 29                              | 55,043        | 55,702      | 659          |
| PW 501  | 13          | 24        | 11                              | 32,230        | 32,676      | 446          |
| <b>Total</b>  |             |           | <b>40</b>                       |               |             | <b>1,104</b> |
| Generated: May 12 2015 3:13 PM  |             |           |                                 |               |             |              |
| POSITION DATA CORPORATION   |             |           |                                 |               |             |              |

Meanwhile, Fleet maintenance work order completion can be seen in the chart below.



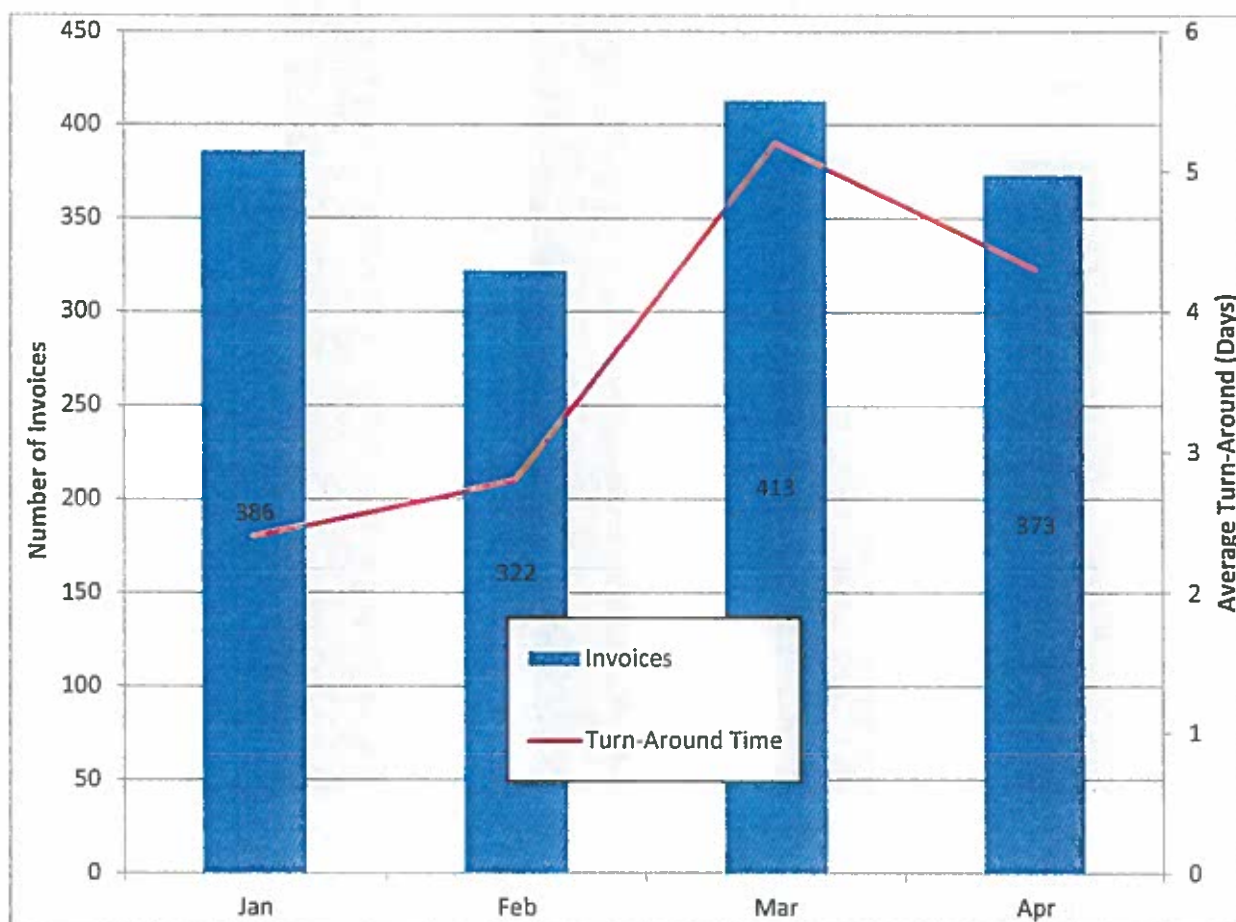
**Solid Waste:** The County diversion rate rose to 14% in March, bringing the year-to-date average to 12.9%. This can be seen in Chart 4 below.



Solid waste permits sales are shown below.

| Permit Type        | Number of Solid Waste Permits Sold |          |
|--------------------|------------------------------------|----------|
|                    | Apr 15                             | CY15 YTD |
| 1-trip             | 19                                 | 65       |
| 6-trip             | 69                                 | 189      |
| 6-trip/senior      | 11                                 | 33       |
| 6-trip/low income  | 0                                  | 2        |
| 6-trip/veteran     | 5                                  | 8        |
| 12-trip            | 137                                | 515      |
| 12-trip/senior     | 90                                 | 306      |
| 12-trip/low income | 4                                  | 15       |
| 12-trip/veteran    | 10                                 | 33       |
| Bag tags           | 66                                 | 194      |

**Administration Invoice Processing:** The Public Works Administrative team processed 373 invoices in April. The average turn-around time was 4.5 days, which exceeds our internal goal of 5 days. See chart below.



#### Utilities:

**BDD river diversion structure.** The BDD intake structure re-opened and BDD returned to operation on May 8. The Club at Las Campanas has refilled its storage ponds. To make the identified repairs, the BDD will have to close again later this calendar year. The exact dates and lengths of the outage are unknown at this time.

**Aamodt.** The Office of the State Engineer has prepared draft water master rules and regulations for the Pojoaque Valley as part of the settlement implementation. These are attached. Note that these rules and regulations are still under review by County staff.

Staff met with representatives of the Bureau of Reclamation on May 8 to discuss the Contributed Funds Agreement between the County and the Bureau, where significant headway was made. We anticipate that an agreement can be brought to the BCC for approval at the second meeting in June, depending on the turnaround time at the Bureau.

### **Project Delivery**

We are currently managing 78 procurements. Details on 55 of them follow below.

1. **Install Master Meters for Utility Department–Design Phase:** Final design submittal projected for May 15, 2015.
2. **Quill Plant Design Upgrade Entrance Works Bar screen–Construction Phase:** Equipment has been ordered and projected delivery date is June 19, 2015.
3. **Quill Plant Design Improvements to Effluent Irrigation System–Construction Phase:** Pre-Bid Conference was held on May 1, 2015 with five firms represented.
4. **Quill Plant Design Improvements to Access Driveways–Design Phase:** On hold pending resolution of County/State agreements affecting property and security requirements.
5. **Quill Plant Sludge Disposal Plan–Consultant Phase:** Selection of highest rated firm and contract negotiations have been completed. Purchase Requisition is in process.
6. **Design La Cienega Water Line Improvements–Design Phase:** Project manager has authorized design engineering firm to proceed to 90% design phase.
7. **Public Safety Complex Upgrade Design–Consultant Phase:** Project Initiation Meeting with consultant firm CDM Smith and County Project Team was held on May 5, 2015. Project manager is addressing action items with County Project Team.
8. **UDV Temple Cost Estimate Verification–Construction Phase:** Project manager is coordinating with UDV Temple financial personnel regarding invoice format.
9. **Old Santa Fe Trail TL2N Waterline Extension –Construction Phase:** Purchase Requisition to begin procurement of construction phase is in process in coordination with the Bike Lane Improvements to roadway.
10. **Install Bar Screen at ADF–Design Phase:** Primary treatment equipment has been identified and design submittal is projected for May 22, 2015.

11. **Madrid Fire Station Fire Protection System–Planning Phase:** Procurement is finalizing Letter of Interest for On-Call Engineering Firms.
12. **Lamy Junction Waterline Extension–Design Phase:** Negotiations with Ellis family for the Agua Bonita Tank site and access appear to be in final stages. This project is on hold with Molzen Corbin pending resolution of easement issues. Projecting restart of design phase should start by June 30, 2015.
13. **TL6S Waterline Extension–Design Phase:** Molzen-Corbin is working on 90% Design Phase submittal. Blueline Construction is performing work on utility easements and most of easements should be complete by May 29, 2015.
14. **Construct ADA Accessibility from Rodeo Road to Fair Grounds Building:** Follow up meeting/conference call with Hope Reed (State of New Mexico ADA) will be scheduled for further discussion regarding ADA access from the bus stop.
15. **Improve Edgewood Senior Center Parking Lot:** Paving completed on May 8, 2015.
16. **Edgewood Senior Center Food Storage:** Final construction documents delivered May 4, 2015.
17. **Improve Rio En Medio Senior Center:** Consultant is currently working on completing the survey, topo, and drainage analysis.
18. **Jacona Transfer Station:** Technical Review Team presentation was held on May 7, 2015. Currently preparing for submittal to CDRC on May 15, 2015.
19. **Ken and Patty Adam Senior Center/County Community Center:** The contractor poured the stem wall along library and is scheduled to pour the slabs on Friday, May 8, and Wednesday, May 13, 2015. Staff met with the attorney to discuss strategies for completing the project. The contractor states that he is committed to completing the project. Staff requested a revised project schedule from the contractor that will include a new substantial completion date. Purchasing requests a change order to modify the completion date and address other issues relating to the contract, including any penalties.
20. **Pojoaque Fire Station–Volunteer-side interior remodel:** The Contractor completed the installation of the roof on the exercise room. Work is progressing on schedule. Staff is expecting a proposal for additional work required for the fire suppression system by Pojoaque Tribal Works.
21. **Hondo Fire Station # 1 Remodel:** The Contractor continues with the installation of the trusses and decking of roof.
22. **La Cienega Community Center Playground:** Equipment being purchased.

23. **Rancho Viejo Fire Station Staircase Addition:** Staff scheduled a meeting with the architect for Thursday, May 14, 2015 to begin work on the specifications to prepare to go out to bid with project.
24. **Stanley Cyclone Center-Phase 2:** 90% Design review is underway. Specs are due on May 15, 2015. The architect has met with Land Use to coordinate all of Land Use request for consolidation of sheets and signature blocks.
25. **Madrid Grandstands Ballpark Flagstone Improvements:** Contractor has removed the old flagstone and is placing new sand down. Work to be completed by May 23, 2015. Opening ceremonies are being planned for Memorial Day, May 25<sup>th</sup>.
26. **Adult Detention Facility (ADF) Server Rooms:** Purchasing forwarded a draft of pre-qualification of bidders to IT on April 30, 2015.
27. **ADF Replace Storm Water Catchment Structures:** IFB advertised on May 3, 2015
28. **ADF Recreation Yard Concrete Floor and Door Replacement:** Pre-construction meeting is scheduled for May 12, 2015.
29. **CR67F, La Barbaria Drainage and Road Improvement Project:** The Louis Berger Group submitted the priority plan on May 1, 2015. Review meeting with Public Works and Projects Directors week of May 11 to determine the direction in which to move forward.
30. **NE/SE Connector Alignments:** The Selection Committee completed the review/evaluation of the two selected alignments for the SE Connector. The Power Line (orange) alignment has been selected and Ocaam will coordinate with Marron and Associates in proceeding with Phase C (Environmental Documentation) of the study. An updated schedule including NE Connector timeline by NMDOT has been requested now that Phase B is being concluded. Staff has been warned that State and Federal reviews may extend schedule beyond typical requirements.
31. **CR55A General Goodwin Drainage and Road Improvements:** PO for Amendment No. 5 to Miller Engineering's contract was received on April 27, 2015 a forward to Miller Engineering.
32. **CR54 Los Pinos All-Weather Water Crossing:** Removal of the drainage structure on Las Estrellas delayed by Court action pending. Submitted bid package to Purchasing on April 14, 2015 to develop IFB for construction services. Completed negotiating with Bohannon Huston (BH) on PR and Inspection services and have submitted the package to Purchasing on April 27, 2015. BH has submitted exhibits to the TCPs required for this project. Will have Santa Fe County Legal review the current TCP used prior to obtaining signatures from property owners.
33. **Old Santa Fe Tail Multi-Modal Road Improvements/TL2N Water Line:** Submitted bid package to Purchasing on April 16, 2015 to develop IFB for construction services. Property acquisitions still need to be closed.

34. **Vista Redonda Drainage and Road Improvements:** Water line relocations for the Vista Redonda Water Association are scheduled to be completed by July. IFB package ready to go out to bid by end of May 2015.
35. **CR50A San Jose Road Drainage and Road Improvements:** Final drainage analysis review is scheduled for May 14, 2015.
36. **Pinon Hills Subdivision All-Weather Crossing:** Consultant is working on the drainage report and schematic drainage plan and scheduled to be submitted on May 13, 2015 for the County to review.
37. **CR89 Feather Catcher Road:** 30% design is complete. Santa Fe Engineering completed preliminary engineering and preparing a cost comparison of the various alignment options for new drainage outfall for southern drainage basin (Segment 4 of project). All exhibits and information has been provided and currently under review. Pojoaque Pueblo has drafted a Revocable Road Use Permit for County review.
38. **CR89C Calle Catalina:** Conducting additional pot-holing along CR 89-C as part of 90% design completion and to coordinate necessary utility relocations along CR 89-C. Dawson has completed the surveying for the easement exhibits for CR 89-C construction. Santa Fe Engineering currently working on the final report for the outfall into the Pojoaque River. Archaeological clearance along the river will be required. Staff will establish if and how much additional funding required for the restoration of the Pojoaque River bank in this area.
39. **Richards Avenue Slip Lane:** A preconstruction meeting is scheduled for May 20, 2015 with Desert Fox and Santa Fe Engineering.
40. **CR84D Drainage Improvements and Paving Design:** Drainage Analysis has been completed. Project site visit has been scheduled for April 2, 2015 with Louis Berger was completed to review alternative drainage routes and speak with residents on drainage concerns and possibilities of providing drainage easements. Site visit scheduled for May 11, 2015 at 5:30 pm to meet with last property owner in regards to granting a drainage easement.
41. **Race Track Subdivision:** Completed bid packages and specs. Completed meeting with Bill Taylor and agreed to the contractor assignment for this project. Met with Blue Collar representative on April 7, 2015 and have provided the specifications and bid sheets. Received bid on April 15, 2015, completed negotiations on April 16, 2015. Includes Camino Mucho, Calle Corto, Camino Largo.
42. **Spruce Road:** Currently waiting for the material submittals from low-bidder for review and approval.
43. **Rancho Alegre:** Currently waiting for the material submittals from low-bidder for review and approval.

44. **Romero Park:** Substantial completion of grading work expected on July 4, 2015. The contractor completed the road cut to bring the water line from the well to the north side of County Rd 62. The contractor continued work on the site grading and forming and pouring concrete this week. County Utilities tested the water line from the water system to the restroom and did not find a leak.
45. **Santa Fe River Greenway Wayside Exhibits:** Directed the Consultant to proceed with the sign fabrication on April 23, 2015. The production time frame is 6 weeks.
46. **Arroyo Hondo Trail:** Working on obtaining Right of Entry (ROE) from landowners in order to proceed with design.
47. **Pojoaque Sports Fields:** Installation of Sports Turf is ongoing and should be completed week of May 11, 2015. The installer is putting in the lines and field markings (see photos). . Substantial completion expected on June 29, 2015.
48. **Rio Quemado Watershed Restoration:** The Request for Competitive Sealed Proposals was advertised April 19 and 20, 2015. The Pre-Proposal conference was held April 27, 2015. A site visit was held April 29, 2015. Questions were due May 4, 2015. The addendum was issued May 7, 2014. Proposals are due May 20, 2015.
49. **Thornton Ranch Open Space:** The cultural resources consultant is scheduling site tours with tribal organizations that have requested to be consulted regarding the management of Petroglyph Hill and the master plan for the Thornton Ranch Open Space.
50. **Agua Fria Monument Sign:** Construction is scheduled to start in May and be complete by early September.
51. **Santa Fe Rail Trail Segments 2 & 3:** Weather permitting, the contractor will finish installing crusher fines on segment 3. Contractor has completed more than half of the clean-up on segment 2 station 62+00.
52. **Santa Fe Rail Trail:** Delivered the Cooperative Project Agreement for Segment 4 to NMDOT on December 5, 2015. Lawrence Lopez, Acting North Region Local Governments Coordinator for NMDOT, is reviewing the PS&E documents and will submit the federal forms that are necessary for NMDOT to execute the Cooperative Project Agreement.
53. **SF River Property Acquisition:** Krause and Hilgendorf/Krause overlap Offer Packages received May 1st. Tierra is waiting for a legal description for the Hilgendorf parcel excluding the overlap areas before sending Hilgendorf package. Dawson will have the description prepared early next week.
54. **Santa Fe River–El Camino Real:** Staff and engineer meeting onsite May 11 with the State Land Office Archaeologist, David Eck, to receive his direction on addressing the low water crossing arch site.

**55. El Camino Real Retracement Trail FLAP project:** Project kick-off meeting scheduled for June 10, 2015.

Information on all active projects can be found in the attached Capital Project Status Update.

**ACTION REQUESTED:**

None; for information only.

Table 1: May 20 Work Order Report

**Property Control**

| COMM. DIST. | REQUESTS | ISSUED | WORK ORDER CLOSED | WORK ORDER ISSUE ASSESSED ON TIME |
|-------------|----------|--------|-------------------|-----------------------------------|
| 1           | 7        | 7      | 6                 | 6                                 |
| 2           | 3        | 3      | 2                 | 2                                 |
| 3           | 10       | 10     | 8                 | 7                                 |
| 4           | 14       | 14     | 14                | 14                                |
| 5           | 22       | 22     | 21                | 21                                |
| All         | 100      | 99     | 83                | 96                                |
| TOTAL       | 156      | 155    | 134               | 146                               |
|             |          | 99.36% | 85.90%            | 94%                               |

**Roads**

| COMM. DIST. | Overall WO's from public & staff | Overall WO Issued from public & staff | Overall WO Closed from public & staff | Request from public only | On-time request from public only |
|-------------|----------------------------------|---------------------------------------|---------------------------------------|--------------------------|----------------------------------|
| 1           | 31                               | 31                                    | 29                                    | 11                       | 5                                |
| 2           | 11                               | 11                                    | 11                                    | 5                        | 4                                |
| 3           | 40                               | 40                                    | 39                                    | 13                       | 11                               |
| 4           | 13                               | 13                                    | 13                                    | 3                        | 3                                |
| 5           | 26                               | 26                                    | 22                                    | 13                       | 8                                |
| All         | 8                                | 8                                     | 8                                     | 2                        | 1                                |
| TOTAL       | 129                              | 129                                   | 122                                   | 47                       | 32                               |
|             |                                  | 100.00%                               | 94.57%                                |                          | 68%                              |

**Building Services**

| COMM. DIST. | REQUESTS | ISSUED | WORK ORDER CLOSED | WORK ORDER ISSUE ASSESSED ON TIME |
|-------------|----------|--------|-------------------|-----------------------------------|
| 1           | 5        | 5      | 5                 | 4                                 |
| 2           | 4        | 4      | 4                 | 4                                 |
| 3           | 4        | 4      | 3                 | 4                                 |
| 4           | 3        | 3      | 3                 | 2                                 |
| 5           | 3        | 3      | 3                 | 3                                 |
| All         | 33       | 32     | 28                | 30                                |
| TOTAL       | 52       | 51     | 46                | 47                                |
|             |          | 98.08% | 88.46%            | 90%                               |

**Open Space**

| COMM. DIST. | REQUESTS | ISSUED  | WORK ORDER CLOSED | WORK ORDER ISSUE ASSESSED ON TIME |
|-------------|----------|---------|-------------------|-----------------------------------|
| 1           | 30       | 30      | 30                | 30                                |
| 2           | 19       | 19      | 18                | 19                                |
| 3           | 21       | 21      | 20                | 21                                |
| 4           | 10       | 10      | 10                | 10                                |
| 5           | 10       | 10      | 10                | 10                                |
| All         | 13       | 13      | 13                | 12                                |
| TOTAL       | 103      | 103     | 101               | 102                               |
|             |          | 100.00% | 98.06%            | 99%                               |

**Traffic**

|             | Overall WO's<br>from public &<br>staff | Overall WO<br>Issued from<br>public &<br>staff | Overall WO<br>Closed from<br>public &<br>staff | Request<br>from public<br>only | On-time<br>request<br>from public<br>only |
|-------------|--|--|--|--------------------------------|---|
| COMM. DIST. |  |  |  |                                |   |
| 1           | 17                                     | 17   | 17   | 3                              | 2   |
| 2           | 8                                      | 8  | 8  | 1                              | 1   |
| 3           | 14                                     | 14   | 14   | 0                              | 0   |
| 4           | 4                                      | 4  | 4  | 2                              | 2   |
| 5           | 17                                     | 17   | 17   | 0                              | 0   |
| All         | 10                                     | 10   | 10   | 0                              | 0   |
|             |  |  |  |                                |   |
| TOTAL       | 70                                     | 70   | 70   | 6                              | 5   |
|             |  | 100.00%  | 100.00%  |                                | 83.33%                                    |

**Fleet**

|              | WORK<br>ORDER<br>REQUESTS | WORK<br>ORDERS<br>CLOSED | WORK<br>ORDERS<br>SENT OUT<br>FOR<br>REPAIRS |  |
|--------------|---------------------------|--------------------------|--|--|
| Light Duty   | 169                       | 161                      | 8  |  |
| Heavy Equip. | 15                        | 13                       | 2  |  |
| Autobody     | 0                         | 0                        | 0  |  |
|              |                           |                          |  |  |
|              |                           |                          |  |  |
|              |                           |                          |  |  |
|              |                           |                          |  |  |
|              |                           |                          |  |  |
| TOTAL        | 184                       | 174                      | 10   |  |
|              |                           | 94.57%                   |  |  |

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| PW<br>Project Number | Project Name  | Nature of<br>Procurement | %<br>Comp. | District  | Project<br>Budget | Current/Contract<br>Amount | Estimated<br>Start Date | Estimated<br>Completion Date | Project<br>Manager              |
|----------------------|---|--------------------------|------------|-----------|-------------------|----------------------------|-------------------------|------------------------------|---------------------------------|
| 1                    | Install solar panels at the Pojoaque Fire Station   | Design                   |            | 1         | \$36,400.00       |                            | 1/1/1900                | 7/30/2015                    | Craig O'Hare                    |
| 2                    | Gallisteo Fire Station Remodel  |                          |            |           | \$50,000.00       |                            |                         |                              | Ron Sandoval                    |
| 3                    | Rancho Viejo Fire - Loft Access   |                          |            |           |                   |                            |                         |                              |                                 |
| 4                    | Perform design an all weather crossing for Phon Hills Subdivision in SFC  | Design                   | 50         | 2         | \$50,000.00       | \$49,961.34                | 11/3/2014               | 6/26/2015                    | Chuck Vigil                     |
| 5                    | Madrid Fire Protection Upgrades   | Plan                     | 33         | 3         | \$15,000.00       |                            | 3/2/2015                | 5/29/2015                    | David Madrid                    |
| 6                    | La Cienega Community Center Playground  | Construction             |            |           |                   |                            |                         |                              |                                 |
| 7                    | Richards Avenue Slip Lane   | Construction             | 0          | 5         | \$135,136.00      | \$115,131.00               | 6/1/2015                | 7/10/2015                    | Chuck Vigil / Paul Kavanaugh    |
| 8                    | Improvements of trails for the Eldorado Community Improvement Association   | Construction             | 20         | 5         | \$90,000.00       |                            | 6/15/2015               | 5/29/2015                    | David Padilla                   |
| 9                    | Public Safety Complex Upgrade Consultant Phase  | Plan                     | 5          | 5         | \$200,000.00      | \$48,892.00                | 4/24/2015               | 12/25/2015                   | David Madrid                    |
| 10                   | Road improvements of all roads listed in 2015 Phase 2 of annexation, Agua Fria Project, Geo Lane, Town and County Subdivision | Construction             | 0          |           | \$1,000,000.00    |                            | 9/22/2014               | 11/27/2015                   | Chuck Vigil                     |
| 11                   | Replace Existing Roof at County Administration Building   |                          |            | 1 2 3 4 5 | \$160,000.00      |                            |                         |                              | PJ Montano                      |
| 12                   | Evaluation of Heating & Cooling State Health Center,  | Design                   | 15         | 1 2 3 4 5 | \$10,000.00       |                            | 1/15/2015               | 3/15/2015                    | Paul Olafson                    |
| 13                   | Construct ADA Accessibility from Rodeo Road to Fair Grounds Building(s)   | Construction             | 15         | 1 2 3 4 5 | \$30,000.00       |                            | 4/27/2015               | 6/26/2015                    | Joseph Martinez                 |
| 14                   | Install Cistern/connection for Youth Shelters   | Other                    | 3          | 3         | \$12,000.00       |                            | 3/2/2015                | 4/24/2015                    | Ron Sandoval                    |
| 15                   | Replace Existing Garage Doors in Fleet Maintenance Building   | Construction             | 5          | 2         | \$115,000.00      |                            | 5/25/2015               | 5/29/2015                    | Joseph Martinez                 |
| 16                   | Romero Park   | Construction             | 11         | 2         | \$1,000,000.00    | \$968,042.81               | 4/6/2015                | 11/13/2015                   | Colleen Baker                   |
| 17                   | Pojoaque Valley Recreation Complex  | Construction             | 60         | 1         | \$1,765,000.00    | \$1,068,301.91             | 1/28/2014               | 7/29/2015                    | Colleen Baker / Joseph Martinez |
| 18                   | Improve Edgewood Senior Center Parking Lot  | Construction             | 85         | 3         | \$100,000.00      | \$93,253.62                | 3/26/2015               | 7/31/2015                    | Joseph Martinez                 |
| 19                   | Edgewood Food Storage   | Design                   | 5          | 3         | \$7,150.00        | \$1,000.00                 | 4/27/2015               | 5/29/2015                    | Joseph Martinez                 |
| 20                   | Oscar Huber Grandstand Phase II   | Construction             | 100        | 3         | \$18,000.00       | \$18,000.00                | 5/4/2015                | 5/13/2015                    | David Padilla                   |
| 21                   | Construct Addition to Ken & Patty Adam Senior Center  | Construction             |            |           |                   |                            | 8/18/2014               | 6/13/2015                    | Ron Sandoval                    |
| 22                   | Plan and Design Improvements to the Santa Fe County Fairgrounds   | Construction             | 24         | 5         | \$1,456,963.00    | \$1,363,302.84             | 12/16/2014              |                              | Joseph Martinez                 |

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|    |      |  |               |     |           |                |              |            |            |                 |
|----|------|--|---------------|-----|-----------|----------------|--------------|------------|------------|-----------------|
| 23 | 0798 | Design Old Santa Fe Trail Multimodal   | Construction  | 5   | 4         | \$1,078,036.08 |              | 7/6/2015   | 12/30/2015 | Chuck Vigil     |
| 24 | 0834 | Hondo Fire Station #1 Addition   | Construction  | 35  | 4         | \$370,000.00   | \$283,500.00 | 2/10/2014  | 8/7/2015   | Ron Sandoval    |
| 25 | 1410 | Design 3 Master Meters for SFCU  | Design        | 90  | 2 5       | \$150,000.00   | \$85,000.00  | 12/15/2014 | 6/1/2015   | David Madrid    |
| 26 | 1449 | Design TL65 Water Transmission Line  | Design        | 60  | 4 5       | \$333,080.30   | \$333,080.30 | 2/17/2012  | 7/1/2015   | David Madrid    |
| 27 | 1457 | Design La Cienega Water Line Improvements                                      | Design        | 60  | 3         | \$300,000.00   | \$51,360.00  | 1/8/2014   | 7/31/2015  | David Madrid    |
| 28 | 1465 | Construct Glorieta MDWCA Water System Improvements                             | Construction  | 99  | 4         | \$424,759.00   | \$551,630.00 | 2/28/2014  | 12/11/2014 | Paul Olafson    |
| 29 | 1472 | Rio Quemado Watershed Restoration  | Construction  | 5   | 1         | \$310,410.00   |              | 6/1/2015   | 12/31/2015 | Colleen Baker   |
| 30 | 1473 | Quill - Irrigation Improvements  |               |     |           |                |              |            |            |                 |
| 31 | 1473 | Quill - Drive Access   |               |     |           |                |              |            |            |                 |
| 32 | 1473 | Quill - Bar Screen   |               |     |           |                |              |            |            |                 |
| 33 | 1473 | Quill - Solid Waste Removal  |               |     |           |                |              |            |            |                 |
| 34 | 1473 | Quill Water Reclamation Plant - Treatment Improvements                         | Construction  | 45  | 5         | \$500,000.00   | \$85,000.00  | 1/1/2014   | 12/25/2015 | David Madrid    |
| 35 | 1474 | Old Santa Fe Trail TL2N Waterline  | Construction  | 5   | 4         | \$1,110,000.00 |              | 7/6/2015   | 12/25/2015 | David Madrid    |
| 36 | 1474 | Design Lamy Junction Water Transmission Line                                   | Design        | 60  | 4 5       | \$411,368.96   | \$411,368.96 | 5/4/2012   | 9/1/2015   | David Madrid    |
| 37 | 1484 | Acquisition Canoncito Water System   | Environmental | 5   | 4         | \$80,000.00    |              |            |            | Erik Aaboe      |
| 38 | 1485 | Acquisition Hyde Park Estate Water System                                      | Environmental | 5   |           |                |              |            | 7/15/2015  | Erik Aaboe      |
| 39 | 1487 | UDV Waterline Construction Reimbursement                                       | Other         | 5   |           | \$367,907.00   | \$367,907.00 | 2/2/2015   | 11/27/2015 | David Madrid    |
| 40 | 1860 | Design ADF Influent Screen   | Plan          | 15  | 5         | \$200,000.00   |              | 3/20/2015  | 7/17/2015  | David Madrid    |
| 41 | 1860 | Repair and replace recreation doors and cement on yard floors                  | Construction  | 100 | 5         | \$137,000.00   |              | 4/27/2015  | 6/26/2015  | Joseph Martinez |
| 42 | 1860 | Upgrade server rooms at Adult Detention Facility and Youth Development Program | Construction  | 100 | 5         | \$616,000.00   | \$54,834.83  | 5/25/2015  | 8/31/2015  | Joseph Martinez |
| 43 | 1860 | Replace and Repair Stormwater catchment structures at ADF                      | Construction  | 100 | 5         | \$40,000.00    |              | 4/27/2015  | 6/26/2015  | Joseph Martinez |
| 44 | 2219 | Renovate Old Judicial Courthouse Redevelopment                                 | Design        | 10  | 1 2 3 4 5 | \$475,000.00   |              | 3/31/2015  | 3/31/2016  | Paul Olafson    |
| 45 | 6159 | Upgrade County Road 50A - Camino San Jose                                      | Design        | 30  | 3         | \$178,000.00   | \$87,220.76  | 10/10/2014 | 5/15/2015  | Chuck Vigil     |
| 46 | 6167 | CR 54 Los Pinos Road All Weather Structure Design                              | Construction  | 5   | 3         | \$726,000.00   |              |            | 12/24/2015 | Chuck Vigil     |
| 47 | 6170 | Install Fence County Road 98   | Construction  | 100 | 1         | \$12,500.00    | \$10,451.76  | 2/2/2015   | 4/10/2015  | Chuck Vigil     |
| 48 | 6181 | NE-SE Connectors Location Study  | Plan          | 75  | 5         | \$500,000.00   | \$454,133.49 | 2/4/2013   | 3/13/2015  | Chuck Vigil     |
| 49 | 6182 | CR 55A General Goodwin Rd Design Upgrade                                       | Design        | 75  | 3         | \$100,000.00   | \$79,452.43  | 9/23/2013  | 12/31/2015 | Chuck Vigil     |
| 50 | 6197 | Visia Rendonda Drainage and Road Paving Design                                 | Construction  | 5   | 1         | \$600,000.00   |              | 7/20/2015  | 12/31/2015 | Chuck Vigil     |

# SANTA FE COUNTY

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|    |      |  |              |  |     |           |  |                |                |            |            |                               |
|----|------|--|--------------|--|-----|-----------|--|----------------|----------------|------------|------------|-------------------------------|
| 51 | 6198 | Programming for Drainage and Roadway Improvements on County Road 89.       | Design       |  | 90  | 1         |  | \$55,000.00    | \$80,629.59    | 2/12/2014  | 12/18/2015 | Chuck Vigil / Paul Kavanaugh  |
| 52 | 6199 | Programming for Drainage and Roadway Improvements on County Road 89 C      | Design       |  | 75  | 1         |  | \$35,000.00    | \$141,283.83   | 3/28/2014  | 12/18/2015 | Chuck Vigil / Paul Kavanaugh  |
| 53 | 6201 | Jacona - Northern Santa Fe County Solid Waste Convenience Center           | Design       |  | 15  | 1         |  | \$258,498.00   |                | 1/12/2015  | 6/30/2016  | Joseph Martinez               |
| 54 | 6202 | Design drainage and roadway improvements on County Road 84 D               | Design       |  | 30  | 1         |  | \$80,000.00    | \$39,526.54    | 5/21/2014  | 5/29/2015  | Chuck Vigil                   |
| 55 | 6206 | Upgrade Spruce Road Improvements   | Construction |  | 0   | 5         |  | \$217,277.00   |                |            | 11/20/2015 | Chuck Vigil                   |
| 56 | 6207 | Upgrade Race Track Subdivision Chip Seal                                   | Construction |  |     | 3         |  | \$317,134.00   |                |            | 11/20/2015 | Chuck Vigil                   |
| 57 | 6209 | Upgrade Rancho Alegre's Subdivision Road up                                | Construction |  | 10  | 3         |  | \$284,335.00   |                | 6/15/2015  | 8/15/2015  | Chuck Vigil                   |
| 58 | 7118 | Rio En Medio Senior Center - Improve Site Drainage                         | Design       |  | 40  | 1         |  | \$25,000.00    | \$23,855.65    | 4/6/2015   | 10/16/2015 | Joseph Martinez               |
| 59 | 7120 | Santa Fe River Greenway: Wayside Exhibit Planning, Design, Fabrication     | Other        |  | 95  | 2         |  | \$84,841.50    | \$76,398.38    | 7/1/2012   | 9/30/2015  | Colleen Baker                 |
| 60 | 7121 | Design and Construct Stanley Community Wellness Center Phase 2             | Design       |  | 10  | 3         |  | \$50,000.00    | \$59,503.13    | 6/2/2015   | 5/18/2016  | David Padilla                 |
| 61 | 7122 | Highway 14 Senior/Community Center   | Acquisition  |  | 10  | 3         |  | \$350,000.00   |                | 11/5/2012  | 8/28/2015  | Agnes Leyba-Cruz              |
| 62 | 7123 | District Attorney Complex Energy & Accessibility Upgrades                  | Design       |  | 70  |           |  | \$850,000.00   |                | 12/21/2012 | 3/31/2015  | Paul Olafson                  |
| 63 | 7124 | Admin Building Computer & Communications Room                              | Construction |  | 99  | 1 2 3 4 5 |  | \$275,000.00   | \$52,285.73    | 3/31/2014  | 11/25/2014 | Paul Olafson                  |
| 64 | 7701 | Arroyo Hondo Trail   | Design       |  | 22  | 5         |  | \$470,572.00   | \$442,524.00   | 12/13/2012 | 11/27/2016 | Colleen Baker                 |
| 65 | 7706 | Mt. Chatchihuitl   | Acquisition  |  | 50  | 3         |  | \$988,499.00   | \$52,859.35    | 8/1/2012   | 9/30/2015  | Colleen Baker                 |
| 66 | 7707 | Construct Santa Fe Rail Trail Segment 4                                    |              |  |     | 4 5       |  | \$202,734.00   |                | 8/3/2015   |            |                               |
| 67 | 7707 | Santa Fe Rail Trail  | Construction |  | 45  | 4, 5      |  | \$1,476,900.00 | \$1,148,870.77 | 9/15/2014  | 7/31/2015  | Colleen Baker / David Padilla |
| 68 | 7708 | Santa Fe River Greenway Acquisition  | Acquisition  |  | 37  | 2         |  | \$531,756.83   |                | 10/9/2012  | 6/30/2015  | Scott Kaseman                 |
| 69 | 7708 | Santa Fe River Greenway: Frenchy's Field to Siler Rd.                      | Archaeology  |  | 100 | 2         |  | \$59,406.47    |                | 3/1/2009   | 6/30/2015  | Scott Kaseman                 |
| 70 | 7708 | Santa Fe River Greenway Engineering Design Services                        | Design       |  | 95  | 2         |  | \$412,725.85   | \$340,633.57   | 10/3/2012  | 3/31/2015  | Scott Kaseman                 |
| 71 | 7711 | Thornton Ranch Open Space  | Plan         |  | 45  | 3         |  | \$594,564.00   | \$592,951.31   | 3/3/2014   | 4/30/2016  | Colleen Baker                 |
| 72 | 7732 | Agua Fria Gateway Monuments  | Construction |  | 12  | 2         |  | \$83,846.00    | \$72,543.01    | 5/4/2015   | 9/30/2015  | Colleen Baker                 |
| 73 | 7733 | Design and Construct El Camino Real Buckman Road Segment Retracement Trail | Other        |  | 2   | 2         |  | \$4,296,000.00 | \$10,000.00    | 6/10/2015  | 4/30/2018  | Colleen Baker                 |

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|    |      |   |              |     |   |  |              |              |            |            |              |
|----|------|---|--------------|-----|---|--|--------------|--------------|------------|------------|--------------|
| 74 | 8009 | Gloria Fire Station #2 - New Construction               | Design       | 100 | 4 |  | \$72,240.00  | \$72,240.00  | 5/16/2014  | 4/30/2015  | Ron Sandoval |
| 75 | 8010 | Pojoaque Fire Station - Interior Remodel Volunteer Side | Construction | 35  | 1 |  | \$346,398.00 | \$289,699.00 | 2/23/2015  | 7/20/2015  | Ron Sandoval |
| 76 | 8011 | Install Solar System at Turquoise Trail Fire Station    | Construction | 3   | 5 |  |              | \$25,328.00  | 1/1/1900   | 8/7/2015   | Craig O'Hare |
| 77 | 8011 | Install Solar System on Arroyo Hondo #2 Fire            | Construction | 3   | 4 |  |              | \$30,379.00  | 1/1/1900   | 8/7/2015   | Craig O'Hare |
| 78 | 9692 | CR67F La Barberia Drainage and Road Paving Design       | Design       | 60  | 4 |  | \$100,000.00 | \$16,197.08  | 12/16/2013 | 12/31/2015 | Chuck Vigil  |

9/17/14

**TITLE 19      NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 25    ADMINISTRATION AND USE OF WATER - GENERAL PROVISIONS**  
**PART XX       NAMBÉ-POJOAQUE-TESUQUE WATER MASTER DISTRICT: ACTIVE WATER**  
**RESOURCE MANAGEMENT**

**19.25.XX.1      ISSUING AGENCY:** Office of the State Engineer.

**19.25.XX.2      SCOPE:** This rule shall be read in conjunction with and as a supplement to 19.25.13 NMAC and apply to all administrable surface and groundwater rights within the Nambé-Pojoaque-Tesuque water master district created by state engineer order no. dated

**19.25.XX.3      STATUTORY AND OTHER AUTHORITY:** This rule is established pursuant to constitutional authority set forth in Article XVI of the New Mexico Constitution, and statutory authority enumerated in Chapter 72, including, but not limited to, Sections 72-1-1 (1941); 72-1-2 (1907); 72-2-6 (1965); 72-2-8 (1976); 72-2-9 (1907); 72-2-9.1 (2003); 72-2-18 (2007); 72-3-1 (1919); 72-3-2 (2007); 72-3-3 (1953); 72-3-4 (1965); 72-3-5 (1941); 72-5-3 (1941); 72-5-4 (1941) 72-5-5 (1965); 72-5-18 (2007); 72-5-20 (1941); 72-5-23 (1986); 72-5-24 (1985); 72-5-25 (1971); 72-5-28 (2002); 72-5-39 (1965); 72-7-1 (1971); 72-8-1 (1907); 72-9-2 (1907); 72-12-1 (2003); 72-12-2 (1931); 72-12-8 (D) (2002); 72-12-15 (1949); 72-12-16 (1949); 72-12-18 (1953); 72-12-24 (1959); 72-12-27 (1967) NMSA 1978.

**19.25.XX.4      DURATION:** Permanent.

**19.25.XX.5      EFFECTIVE DATE:** \_\_\_\_\_

**19.25.XX.6      OBJECTIVE:** The objective of this rule is to provide for the allocation, distribution, and administration of the available water supply and administrable water rights in the Nambé-Pojoaque-Tesuque water master district, including the prevention of illegal diversions, waste, and over diversions, and to implement the terms and conditions of the settlement agreement of the parties in *State of New Mexico ex rel. State Engineer and United States of America, Pueblo de Nambé, Pueblo de Pojoaque, Pueblo de San Ildefonso, and the Pueblo de Tesuque v. R. Lee Aamodi, et al.*, No. 66cv6639 (D.N.M.) dated April 19, 2012 and the *Partial Final Judgment and Decree of the Water Rights of the Pueblos of Nambé, Pojoaque, San Ildefonso, and Tesuque* (date , Docket No. ) (D.N.M. No. 66cv6639).

**19.25.XX.7      DEFINITIONS:** Unless otherwise defined below or in 19.25.13.7 NMAC, all words herein shall be given their customary and accepted meanings. All uses of masculine pronouns or possessives shall be held to include the feminine.

A.      “Acequia” means a community ditch under the laws of New Mexico and Section 73-2-27 NMSA 1978.

B.      “Acquired water” means an amount of water that each Pueblo may consumptively use from the water supply made available for Pueblo use from the regional water supply in accordance with the settlement agreement.

C.      “Administrable water right” or “water right” means a right to the use of water or a right to impound, store or release water, determined by the decree court by a subfile order describing the water rights of non-Pueblos, rights to the use of water by the Pueblos described in the partial final decree, or a right to the use of water described in a permit or license issued by the state engineer.

D.      “AFY” means acre-feet per year.

E.      “Agricultural use” means the use of surface or groundwater for cultivating the soil and growing crops or irrigating pasture for livestock grazing. Agricultural uses do not include domestic, community, commercial, industrial or livestock uses.

F.      “Alternative water” means an amount of water equivalent to the Pueblo of Pojoaque’s supplemental Pueblo rights and which the Pueblo of Pojoaque may receive through the regional water system.

G.      “Commercial or industrial use” means the diversion and consumption of water in connection with any activity that provides, or offers to provide, goods or services for consideration, not including domestic uses

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incidental to a commercial or industrial facility.

H. "Community use" means the diversion and consumption of water by a Pueblo on Pueblo land for indoor and outdoor public uses such as schools, community centers, governmental offices, healthcare facilities, and other public services provided by the Pueblo. Community uses do not include the use of water for domestic, commercial, industrial, agricultural, or livestock watering purposes.

I. "Compliance order" means a written order issued by the state engineer pursuant to Section 72-2-18 NMSA 1978 to an owner or person making an illegal diversion, violating a requirement or prohibition of Chapter 72 NMSA 1978, a regulation, code, order or special order adopted by the state engineer pursuant to Section 72-2-8 NMSA 1978, a condition of a permit or license issued by the state engineer pursuant to law, an order entered by a court adjudicating a water right, or the terms of the settlement agreement, interim administrative order, partial final decree, or final decree.

J. "Connection fund" means the Pojoaque valley water utility connection fund administered by Santa Fe county to pay the cost of connecting well owners to the county water utility.

K. "County water utility" means the water utility organized by the regional water authority established by the county of Santa Fe and the Pueblos to receive water distributed by the regional water authority and to provide water to persons in Santa Fe county on non-Pueblo land in the Pojoaque basin.

L. "Curtalement order" means a verbal or written order from the water master issued to an owner or person instructing the owner or person to immediately curtail the diversion of water.

M. "Decree court" means the United States District Court for the District of New Mexico in *State of New Mexico ex rel. State Engineer v. Aamodi, et al.*, No. 66cv6639 (the general adjudication of water rights of the Nambé-Pojoaque-Tesuque stream system).

N. "Direct flow administration" See definition under subsection C of 19.25.13.7 NMAC.

O. "Economic development water" means the amount of water that each Pueblo may consumptively use from the regional water system for economic development purposes or to offset interference or avoid impairment.

P. "Domestic use" means the diversion and consumption of water for indoor and outdoor household purposes, including water used for drinking, sanitation, landscaping and gardening, and the care and feeding of household pets such as cats and dogs, and such uses of water incidental to a governmental, commercial or non-profit facility. Domestic uses do not otherwise include the use of water for commercial, industrial, community, agricultural or livestock watering purposes.

Q. "Election" or "elect" means a choice by a non-Pueblo well owner to connect or not connect to the county water utility under the terms of the settlement agreement and this rule.

R. "Existing basin use rights" means the first priority rights of the Pueblos that may be used for the purposes and at the places of use set forth in appendices 1 through 4 of the partial final decree without prior consultation or approval by the state engineer or the water master.

S. "Final decree" means the *Final Judgment and Decree of the Water Rights of the Pueblos of Nambé, Pojoaque, San Ildefonso, and Tesuque* ( date , Doc. No. ) (D.N.M. No. 66cv6639).

T. "First priority rights" means the water rights of the Pueblos having a first or time immemorial priority. First priority rights are designated as existing basin use rights or future basin use rights.

U. "Future basin use rights" means the first priority rights of the Pueblos that may be used for new agricultural, community, domestic, livestock, commercial or industrial uses under the terms and conditions of the partial final decree and the settlement agreement.

V. "Household" means a single or multi-family residence including outbuildings such as guest houses, barns, and sheds.

W. "Illegal diversion" means any of the following:

(1) a diversion that exceeds the quantity of an administrable water right or beneficial use requirements;  
(2) a diversion in violation of a rule, statute, license, permit, court order other than a diversion described in paragraph (1) of this Subsection.

(3) in the case of an acequia or other entity entitled to divert and distribute water on behalf of its membership or constituency, any diversion that exceeds the sum total quantity of all the administrable water rights in that acequia or other entity;

(4) waste;

(5) a diversion in violation of a curtalement order or compliance order;

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(6) a diversion that is out-of-priority;  
(7) any diversion from an unauthorized point of diversion;  
(8) a diversion for conveyance to an unauthorized place of use or for an unauthorized purpose of use;  
(9) a re-diversion or re-use of return flow other than reuse specifically provided for in an administrable water right.

(10) a diversion of groundwater in excess of the agreed amount of reduced use pursuant to an election made by a settling party in order to be protected from the enforcement and administration of Pueblo priorities.

X. "Impairment fund" means the fund created and maintained by the state to mitigate impairment to non-Pueblo groundwater rights as a result of a new or changed Pueblo use of water on Pueblo land.

Y. "Interfere" or "interference" means a material adverse affect on the quantity of water that can be diverted or the cost of diversion of surface water historically used to satisfy surface water rights.

Z. "Interim administrative order" means the *Interim Administrative Order* ( date , Doc.No. ) (D.N.M. No. 66cv6639) governing the administration of Pueblo and non-Pueblo water rights pending entry of a final judgment and decree.

AA. "In-priority" See definition under subsection R of 19.25.13.6 NMAC.

BB. "Livestock use" means the diversion and consumption of water for the care and feeding of domestic animals such as cattle or horses. Livestock use does not include the use of water in connection with the operation or maintenance of feedlots or other commercial livestock enterprises or agricultural use of water.

CC. "Mutual domestic water consumers association" or "MDWCA" means an association organized under or subject to the provisions of the Sanitary Projects Act, Sections 3-29-1 through 3-29-20 NMSA 1978.

DD. "Non-Pueblo" means those parties to the general adjudication of water rights of the Nambé-Pojoaque-Tesuque stream system, or their successors, representatives and assigns, other than the Pueblos and the United States acting as trustee for the Pueblos. The United States acting in its proprietary capacity is included within the meaning of non-Pueblos.

EE. "Non-Pueblo water right" means a water right held by a non-Pueblo owner.

FF. "Offset water" means the quantity of water provided to offset a reduction in the flow of surface water caused by a particular diversion of groundwater. Offset water represents wet water delivered into the Nambé-Pojoaque-Tesuque stream system.

GG. "Out-of-priority" See definition under subsection U of 19.25.13.6 NMAC.

HH. "Owner" means a person named in a subfile order describing the water rights of non-Pueblos or a person of record with the state engineer as owning an administrable water right. For purposes of administration by the water master, the term owner shall include a lessee or other person authorized to use or manage the use of water, or the representative of an acequia or other entity authorized to divert water on behalf of its membership or constituency.

II. "Person" means an individual, multiple individuals, legal entity, or combination thereof, including Pueblos.

JJ. "Partial final decree" means the *Partial Final Judgment and Decree of the Water Rights of the Pueblos of Nambé, Pojoaque, San Ildefonso, and Tesuque* ( date , Doc.No. ) (D.N.M. No. 66cv6639).

KK. "Pojoaque basin" means the Nambé-Pojoaque-Tesuque stream system including the geographic area within which rainfall and runoff flow into arroyos, drainages, and named tributaries that drain to:

- (1) The Rio Pojoaque; or
- (2) Two unnamed arroyos immediately south of the Rio Pojoaque; or
- (3) The two arroyos (including the Alamo) that are immediately to the north of the confluence of the Rio Pojoaque and the Rio Grande; and
- (4) All of the San Ildefonso Eastern Reservation recognized by the Act of September 14, 1961, 75 Stat. 505, Sec. 8.

LL. "Post-1982 well agreement" means the *Post-1982 Domestic Wells Stipulation and Settlement Agreement* (May 27, 1999) (Docket No. 5516) adopted and approved by the decree court (October 4, 1992) (Docket No. 5549) to provide for the appointment of a water master, metering of domestic wells under well permits issued by the state engineer after January 13, 1983, and agreed-upon amounts of water for domestic use without restriction as to indoor or closed system use.

MM. "Pre-basin well" means a well in the Pojoaque basin in existence prior to November 29, 1956.

NN. "Pueblos" means the Pueblos of Nambé, Pojoaque, San Ildefonso, and Tesuque.

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**OO.** "Pueblo land" means real property that is:

- (1) held in trust by the United States for a Pueblo within the Pojoaque basin;
- (2) owned by a Pueblo within the Pojoaque basin prior to:
  - (a) [DATE], the date on which the decree court approved the settlement agreement of the Parties, or
  - (b) acquired by a Pueblo on or after the date on which the decree court approved the settlement agreement of the Parties provided that the property is located
    - (i) within the exterior boundaries of the Pueblo as recognized and confirmed by patent issued under the Act of December 22, 1858, 11 Stat. 374, as amended, or
    - (ii) within the exterior boundary of any territory set aside for the Pueblo pursuant to statute, executive order or court decree;
- (3) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque basin if such land is located within the exterior boundaries of the Pueblo as recognized and confirmed by patent issued under the Act of December 22, 1858, 11 Stat. 374, as amended;
- (4) within the exterior boundaries of real property located outside the Pojoaque basin set aside for a Pueblo by statute, executive order or court decree if such land is contiguous to land held in trust by the United States for that Pueblo as of January 1, 2005.

**PP.** "Red tag" means a tag affixed to a point of diversion by the water master to notify an owner or person that any further diversion of water is illegal.

**QQ.** "Regional water authority" means the regional water authority organized by the county of Santa Fe and the Pueblos to operate and maintain the diversion and treatment facilities, transmission pipelines and other facilities of the regional water system.

**RR.** "Regional water system" means the regional water system as defined in section 602(18) of the Indian Water Rights Settlement Act, Pub. L. No. 11-291, tit. VI, §§ 601- 626, 124 Stat. 3064, 3134-56 (2010).

**SS.** "Report on anticipated uses" means the report filed by each Pueblo by December 31 each year describing the anticipated uses of that Pueblo's water rights for the next calendar year.

**TT.** "Reserved water right" means a water right established under federal law to fulfill the purposes of a reservation of land for use and occupation by the Pueblos.

**UU.** "Section 4 protection" means the protection provided to non-Pueblo water rights owners from priority enforcement or administration of the first priority rights of the Pueblos pursuant to section 4 of the settlement agreement.

**VV.** "Section 72-12-1 well" means a well permitted by the state engineer under Section 72-12-1, 72-12-1.1, 72-12-1.2, or 72-12-1.3 NMSA 1978.

**WW.** "Settlement agreement" means the settlement agreement of the parties to *State of New Mexico ex rel. State Engineer and United States of America, Pueblo de Nambé, Pueblo de Pojoaque, Pueblo de San Ildefonso, and the Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66cv6639 (D.N.M.) dated April 19, 2012, and incorporated into the decree court's partial final decree entered on        date        (Docket No.).

**XX.** "Settlement party" means all persons or entities that sign and approve the settlement agreement, either personally or through an authorized representative, including owners of water rights that are deemed to be settlement parties by order of the decree court and provisions of the settlement agreement for non-responding owners, and their successors, representatives and assigns.

**YY.** "State engineer" means the New Mexico state engineer or his designated appointee.

**ZZ.** "Supplemental Pueblo right" means the right held by the Pueblo of Pojoaque to consumptively use groundwater from wells located on the lands of that Pueblo until such time as an equivalent amount of alternative water is available for delivery to the Pueblo through the regional water system.

**AAA.** "TBI letters" means written notice to the water master of the acreage to be irrigated under a ditch during a calendar year.

**BBB.** "Tributary" means the Rio Pojoaque, Rio Cuyamungue, Rio Tesuque, Rio Nambé, Rio Chupadero, or Rio en Medio.

**CCC.** "Water master" means the Nambé-Pojoaque-Tesuque water master or any of the sub-district water masters of the Nambé-Pojoaque-Tesuque water master district.

**DDD.** "Water master district" means the Nambé-Pojoaque-Tesuque water master district created by state engineer order no.                      dated                     .

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**19.25.XX.8 CONSTRUCTION:** This rule shall be construed as consistent with, and subject to, the authority of the state engineer for the administration of water in the State of New Mexico, including the authority of the state engineer under the settlement agreement. This rule shall not be construed as imposing any limitation on the state engineer to administer water rights, act on water rights applications, permit water rights, or order the curtailment, in whole or in part, of the use of water. Subsection H of Section 72-2-8 NMSA 1978 provides that this rule is presumed to be in proper implementation of the provisions of the water laws administered by the state engineer.

**19.25.XX.9 SEVERABILITY:** If any provision of this rule is found to be invalid, the remainder shall continue to be in effect.

**19.25.XX.10 KNOWLEDGE OF AND COMPLIANCE WITH STATUTES, RULES, REGULATIONS AND CODES:** It shall be the responsibility of all owners and persons to know of, and comply with, all applicable statutes, rules, regulations and codes.

**19.25.XX.11 through 19.25.16.100 [RESERVED]**

**19.25.XX.101 DESCRIPTION OF THE WATER RIGHTS OF THE PUEBLOS:** Subject to, and in accordance with, the settlement agreement, the decree court's partial final decree, the interim administrative order, and the final decree, the Pueblos' water rights are as follows.

**A. First priority rights:** The Pueblos have first priority rights to consumptively use the surface and groundwater of the Pojoaque basin for agricultural, community, domestic, livestock, commercial or industrial purposes on that Pueblo's land in an amount not to exceed the amounts stated below. The priority of these rights is time immemorial.

| <u>Pueblo</u>           | <u>First Priority Rights</u> |
|-------------------------|------------------------------|
| Pueblo of Nambé         | 1,459 AFY                    |
| Pueblo of Pojoaque      | 236 AFY                      |
| Pueblo of San Ildefonso | 1,246 AFY                    |
| Pueblo of Tesuque       | 719 AFY                      |

For administrative purposes, the Pueblos' first priority use rights are designated as existing basin use rights or future basin use rights.

(1) Existing basin use rights:

| <u>Pueblo</u>           | <u>Existing Basin Use Rights</u> |
|-------------------------|----------------------------------|
| Pueblo of Nambé         | 522 AFY                          |
| Pueblo of Pojoaque      | 236 AFY                          |
| Pueblo of San Ildefonso | 288 AFY                          |
| Pueblo of Tesuque       | 345 AFY                          |

(2) Future basin use rights:

| <u>Pueblo</u>           | <u>Future Basin Use Rights</u> |
|-------------------------|--------------------------------|
| Pueblo of Nambé         | 937 AFY                        |
| Pueblo of Pojoaque      | 0 AFY                          |
| Pueblo of San Ildefonso | 958 AFY                        |
| Pueblo of Tesuque       | 374 AFY                        |

**B. Reserved water rights:** The Pueblos of Nambé and San Ildefonso have reserved water rights to consumptively use the surface and groundwater of the Pojoaque basin in an amount not to exceed the amounts stated

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below.

| <u>Pueblo</u>           | <u>Reserved Water Rights</u> | <u>Priority</u> |
|-------------------------|------------------------------|-----------------|
| Pueblo of Nambé         | 302 AFY                      | 1939            |
| Pueblo of San Ildefonso | 4.82 AFY                     | 1902            |

C. **Supplemental Pueblo rights:** The Pueblo of Pojoaque has a supplemental right to consumptively use groundwater from wells located on the Pueblo of Pojoaque or surface water allocated to the Pueblos from Nambé reservoir until such time as an equivalent amount of alternative water is available for delivery to the Pueblo through the regional water system. The amount of the Pueblo of Pojoaque's supplemental rights are stated below.

| <u>Pueblo</u>      | <u>Supplemental Pueblo Rights</u> |
|--------------------|-----------------------------------|
| Pueblo of Pojoaque | 475 AFY                           |

D. **Acquired water:** Each Pueblo may receive and consumptively use water from the regional water supply for the any purpose, including uses off that Pueblo's land but within the Pojoaque basin, in the amounts stated below.

| <u>Pueblo</u>           | <u>Acquired Water</u> |
|-------------------------|-----------------------|
| Pueblo of Nambé         | 375 AFY               |
| Pueblo of Pojoaque      | 375 AFY               |
| Pueblo of San Ildefonso | 375 AFY               |
| Pueblo of Tesuque       | 375 AFY               |

E. **Economic development water:** Each Pueblo may receive and consumptively use water from the regional water system for economic development purposes, or to offset interference or avoid impairment, in the amounts stated below.

| <u>Pueblo</u>           | <u>Economic Development Water</u> |
|-------------------------|-----------------------------------|
| Pueblo of Nambé         | 131.25 AFY                        |
| Pueblo of Pojoaque      | 131.25 AFY                        |
| Pueblo of San Ildefonso | 131.25 AFY                        |
| Pueblo of Tesuque       | 131.25 AFY                        |

F. **Rio Nambé instream flow:** The Pueblo of Nambé has the right to the maintenance of a rate of flow of 0.5 cubic feet per second in the Rio Nambé over Nambé falls for religious purposes and maintenance of fishing habitat at traditional sites at Nambé falls. The priority of this right is time immemorial.

**19.25.XX.102 USE AND ADMINISTRATION OF SURFACE AND GROUNDWATER BY PUEBLOS:** Use and administration of surface and groundwater by the Pueblos shall be subject to, and in accordance with, the settlement agreement, the decree court's partial final decree, the interim administrative order, the final decree, and this rule.

A. **General principles.**

- (1) The Pueblos' first priority rights are not subject to forfeiture, abandonment or loss by non-use.
- (2) A Pueblo may lease, for any term up to 99 years, any portion of its first priority rights to another Pueblo or another water user for use within the Pojoaque basin.
- (3) For agricultural uses of a Pueblo's first priority rights, the amount of water shall not exceed 4.65 AFY per acre diverted by the ditch at the point of diversion from the source of water, or 3.35 AFY per acre delivered to the farm headgate or diverted at the well head, or a consumptive use of 1.84 AFY per acre, whichever is less.
- (4) For non-agricultural uses, consumptive use shall be deemed equal to the amount of the diversion. The diversion amount shall not exceed the consumptive use amount, unless a return flow plan is approved by the state engineer.
- (5) If additional water becomes available for use by the Pueblos through the regional water system, that

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water shall be administered as either alternative water, acquired water or economic development water as designated by the Pueblo.

(6) A Pueblo or the county of Santa Fe, together with the regional water authority, may apply to the state engineer to increase diversions for the regional water system based upon measured return flow of surface water to the Rio Grande or its tributaries above the Otowi gage.

**B. Existing basin use rights.**

(1) Each Pueblo may continue to use that quantity of water designated as its existing basin use rights. If a Pueblo diverts water in excess of the quantity designated as existing basin use rights, the diversion shall be deemed to be a use of that Pueblo's available supplemental or future basin use rights.

(2) The currently available points of diversion, purposes and places of use of the Pueblos' existing basin use rights are set forth in appendices 1 through 4 of the partial final decree. Use of those rights as described in appendices 1 through 4 shall not require prior approval of the state engineer or the water master, and shall be presumed to not impair or interfere with other Pueblo or non-Pueblo surface or groundwater rights.

(3) By December 31 each year, each Pueblo shall submit to the water master a report on its anticipated uses of its existing basin use rights for the next calendar year. The report on anticipated uses shall include the anticipated annual diversion and consumptive use amounts, points of diversion, and purposes and places of use of the Pueblos' existing basin use rights for each anticipated use for the next calendar year.

(4) A Pueblo may change the point of diversion, purpose or place of use of its existing basin use rights from those described in appendices 1 through 4 of the partial final decree for use on that Pueblo's land without prior consultation or approval by the state engineer or the water master. Anticipated changes shall be reported to the water master in the Pueblo's report on anticipated uses, or within 30 days of making any such change after the filing of the report. After receiving the report, the state engineer shall determine whether any change in use from those described in appendices 1 through 4 of the partial final decree will impair non-Pueblo groundwater rights in accordance with 19.25.XX.116 NMAC. The owners of any such rights may seek reimbursement from the impairment fund for the cost of mitigating the impairment in accordance with 19.25.XX.117 NMAC.

(5) A Pueblo may change the point of diversion, purpose or place of use of its existing basin use rights for use off Pueblo lands, including a lease of such rights to non-Pueblos, provided the change is approved in advance by application to the state engineer and the change does not impair Pueblo or non-Pueblo water rights. The Pueblo making any such approved change shall offset any interference to Pueblo or non-Pueblo surface water rights in accordance with 19.25.XX.115 NMAC.

**C. Future basin use rights on Pueblo land.**

(1) Once the regional water system is capable of delivering to a Pueblo all or any portion of the water supply to be made available to the Pueblos, that Pueblo shall use water from the regional water system to the maximum extent feasible prior to exercising its future basin use rights.

(2) Community, domestic and livestock uses. A Pueblo may exercise its future basin use rights to divert and consumptively use groundwater for new community, domestic or livestock uses on that Pueblo's land, subject to the requirement for use of water from the regional water system to the maximum extent feasible. Surface water may be used for new community, domestic or livestock uses subject to the requirement to use water from the regional water system and provisions for section 4 protection for non-Pueblos. The owner of a non-Pueblo groundwater right that suffers impairment as a result of the use of a Pueblo's rights under this paragraph may seek reimbursement from the impairment fund for the cost of mitigating the impairment in accordance with 19.25.XX.117 NMAC.

(3) Agricultural uses. A Pueblo may exercise its future basin use rights to divert and consumptively use surface or groundwater on that Pueblo's land for new agricultural uses to the extent that non-Pueblo owners lose section 4 protection for agricultural water rights, subject to the following provisions.

(a) Any new Pueblo agricultural uses developed pursuant to this Subsection shall use water from the same tributary used to irrigate the non-Pueblo water rights acreage that lost section 4 protection.

(b) The owner of a non-Pueblo groundwater right that suffers impairment as a result of the use of a Pueblo's rights under this paragraph may seek reimbursement from the impairment fund for the cost of mitigating the impairment in accordance with 19.25.XX.117 NMAC.

(c) The Pueblo shall offset any interference with non-Pueblo surface water rights entitled to section 4 protection in an amount determined by the water master in accordance with 19.25.XX.115 NMAC.

(d) The Pueblo shall not ~~make a request~~ call administration priority to exercise its future basin use rights against non-Pueblo water rights entitled to section 4 protection.

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(4) Commercial and industrial uses. A Pueblo may exercise its future basin use rights to divert and consumptively use surface or groundwater on that Pueblo's land for new commercial or industrial uses on that Pueblo's land subject to the following provisions:

(a) The owner of a non-Pueblo groundwater right that suffers impairment as a result of the use of a Pueblo's rights under this paragraph may seek reimbursement from the impairment fund for the cost of mitigating the impairment in accordance with 19.25.XX.117 NMAC.

(b) The Pueblo shall offset any interference with non-Pueblo surface water rights in an amount determined by the water master in accordance with 19.25.XX.115 NMAC.

(c) The Pueblo shall not ~~make a request~~ priority ~~call~~ administration to exercise its future basin use rights against non-Pueblo water rights entitled to section 4 protection.

(5) A Pueblo may change the use of its future basin use rights on the lands of that Pueblo provided the Pueblo making the change offsets any interference with non-Pueblo surface water rights in an amount determined by the water master in accordance with 19.25.XX.115 NMAC. The owner of a non-Pueblo groundwater right that suffers impairment as a result of the change may seek reimbursement from the impairment fund for the cost of mitigating the impairment in accordance with 19.25.XX.117 NMAC.

**D. Future basin use rights off Pueblo land.**

(1) A Pueblo may use its future basin use rights to divert and consumptively use surface or groundwater for new agricultural, commercial or industrial uses off Pueblo land, including a lease of such rights to non-Pueblos, or change the point of diversion, purpose or place of use of its future basin use rights used off that Pueblo's land to another location off that Pueblo's land, provided that the use is approved in advance by application to the state engineer and the use does not impair Pueblo or non-Pueblo water rights. The Pueblo shall offset any interference with Pueblo surface water rights or non-Pueblo surface water rights entitled to section 4 protection in an amount determined by the water master in accordance with 19.25.XX.115 NMAC. The Pueblo making the new use, or any lessee, may not ~~make a request~~ priority ~~call~~ administration for that use against non-Pueblo water rights entitled to section 4 protection.

**E. Reporting of future basin use rights.** By December 31 each year, each Pueblo shall submit to the water master a report on its anticipated uses of its future basin use rights for the next calendar year. The report on anticipated uses shall include the anticipated annual diversion and consumptive use amounts, points of diversion, and purposes and places of use for each anticipated use of the Pueblos' future basin use rights for the next calendar year.

**F. Reserved water rights.** Any use of the reserved water rights of the Pueblo of Nambé shall not impair Pueblo or non-Pueblo water rights, and shall not be subject to, nor benefit from priority administration. Any interference with Pueblo or non-Pueblo surface water rights resulting from the use of the reserved water rights of the Pueblo of Nambé shall be offset by the United States, the Pueblo of Nambé or the regional water authority in an amount determined by the state engineer in accordance with 19.25.XX.115 NMAC.

**G. Supplemental Pueblo rights.**

(1) The currently available points of diversion, purposes and places of use of the Pueblo of Pojoaque's supplemental rights are set forth in appendices 1 through 4 of the partial final decree.

(2) The supplemental Pueblo rights of the Pueblo of Pojoaque shall be used on that Pueblo's land, and are not subject to forfeiture, abandonment or loss by non-use.

(3) The supplemental Pueblo Rights of the Pueblo of Pojoaque are not subject to call for purposes of priority administration, nor shall the Pueblo of Pojoaque ~~make a request~~ priority ~~administration~~ call for purposes of exercising its supplemental Pueblo rights.

(4) Until alternative water is available for delivery to the Pueblo of Pojoaque, the Pueblo of Pojoaque shall have the right to divert the entirety of its supplemental Pueblo rights from wells located on Pueblo of Pojoaque lands. The Pueblo shall cease diversion of its supplemental Pueblo rights to the extent alternative water is available for Pueblo use from the regional water system.

(5) Until alternative water is available for delivery to the Pueblo of Pojoaque, the Pueblo of Pojoaque may use 475 AFY of the Pueblo of San Ildefonso's first priority rights and the Pueblo of San Ildefonso shall forgo use of 475 AFY of its first priority rights in accordance with the terms of the settlement agreement.

(6) For purposes of administration, the anticipated diversion and consumptive use amounts, points of diversion, and purposes and places of use of the Pueblo of Pojoaque's supplemental Pueblo rights for the next calendar year shall be reported to the water master by December 31 each year in the Pueblo's report on anticipated uses.

(7) Until alternative water is available for delivery to the Pueblo of Pojoaque, that Pueblo may divert all or a part of its supplemental Pueblo rights from surface water allocated to the Pueblos and released from Nambé

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reservoir, provided the other Pueblos and the Pojoaque Valley irrigation district agree after consultation with the United States and the United States bureau of reclamation.

(8) The owner of any non-Pueblo groundwater right that suffers impairment as a result of the Pueblo of Pojoaque's use of its supplemental Pueblo rights may seek reimbursement from the impairment fund for the cost of mitigating the impairment in accordance with 19.25.XX.117 NMAC.

**H. Acquired water.**

(1) A Pueblo may receive and consumptively use acquired water from the regional water system for any purpose, including uses off that Pueblo's lands but within the Pojoaque basin.

(2) A Pueblo may lease, for a term up to 99 years, any portion of its acquired water to another water user served by the regional water system for use within the Pojoaque basin, provided the application is approved in advance by the state engineer. The Pueblo shall include information describing any lease of acquired water in its annual report on anticipated uses.

**I. Economic development water.**

(1) A Pueblo may receive and consumptively use water from the regional water system for economic development purposes, or to offset interference or avoid impairment.

(2) The Pueblos of San Ildefonso and Nambé may release their allocation of economic development water to the Pueblo of Pojoaque in accordance with the terms of the settlement agreement.

(3) The Pueblo of Tesuque may release 7 AFY of its economic development water to the Pueblo of Pojoaque in accordance with the terms of the settlement agreement.

**J. Water rights acquired under state law.**

(1) A Pueblo may acquire water rights in addition to the rights set forth in 19.25.XX.101 NMAC in accordance with, and subject to, state law and regulation. These rights shall be subject to priority administration in accordance with the state law priority of such rights, and shall be subject to the provisions for section 4 protection for non-Pueblos from the enforcement and administration of Pueblo priorities as set forth in 19.25.XX.106 NMAC.

(2) Water rights acquired by the Pueblos under state law after the approval by the decree court of the settlement agreement shall not be subject to forfeiture, abandonment or loss by non-use so long as the title to the water rights remains in the Pueblo or the United States acting as trustee for the Pueblo.

(3) Any transfer of state law water rights within the lands of a Pueblo shall be approved in advance by application to the state engineer and conditioned so that no impairment of, or interference with, water rights shall occur.

**19.25.XX.103 APPLICATION TO THE STATE ENGINEER FOR USE OF PUEBLO FIRST PRIORITY RIGHTS ON NON-PUEBLO LAND.** Applications to the state engineer for use of Pueblo first priority water rights on non-Pueblo lands shall be governed by applicable statutory provisions and administrative rules for the appropriation and use of surface and groundwater, including provisions for publication of legal notice, objections, hearings and appeals. The use of Pueblo water rights on non-Pueblo land in the Pojoaque basin, in and of itself, shall not be considered contrary to the conservation of water or detrimental to the public welfare. The state engineer shall determine if any Pueblo or non-Pueblo groundwater rights will be impaired by the granting of an application, and consider any remedies proposed by the Pueblos to reduce impacts on groundwater below the threshold for impairment. An application shall be denied if the proposed use will impair Pueblo or non-Pueblo water rights. An approval of a proposed use on non-Pueblo land shall be conditioned by any offsets required to avoid interference with Pueblo surface water rights or non-Pueblo surface water rights entitled to section 4 protection.

**19.25.XX.104 USE OF PUEBLO FIRST PRIORITY WATER RIGHTS ON THE LANDS OF ANOTHER PUEBLO.** A Pueblo may not use its first priority water rights on the lands of another Pueblo unless the use is approved in advance by application to the water master in a form prescribed by the state engineer. Such use shall be conditioned by any offsets necessary to avoid interference with Pueblo surface water rights or non-Pueblo surface water rights entitled to section 4 protection. An application shall be denied if the use will impair Pueblo or non-Pueblo water rights. Notice of the approval or denial of an application, and any required offsets, shall be mailed to the Pueblo tribal council by certified mail, and posted on the state engineer's website. A Pueblo or owner aggrieved by the water master's approval or denial of an application, or any required conditions, may request a hearing before the state engineer in accordance with 19.25.XX.114 NMAC. No appeal of the state engineer's decision shall be taken to the district court until the state engineer has held a hearing and entered a decision in a hearing.

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**19.25.XX.105 METERING OF PUEBLO GROUNDWATER DIVERSIONS:**

A. Within one year of the effective date of this rule, the Pueblos shall install a meter in accordance with the requirements of Subsection C of 19.27.5.13 NMAC to measure the quantity of water diverted from each well located on Pueblo land, and shall:

(1) File a meter installation and inspection report with the state engineer in accordance with the requirements of Subsection C of 19.27.5.13 NMAC; and

(2) Submit pumping records to the state engineer in accordance with the requirements of subsection C of 19.27.5.13 NMAC.

B. The requirements of this section shall apply to all new wells drilled on Pueblo land after the effective date of this rule and a meter shall be installed on such wells at the time the well is drilled.

**19.25.XX.106 EXCEPTIONS TO THE ADMINISTRATION AND ENFORCEMENT OF PRIORITIES FOR THE PUEBLOS' FIRST PRIORITY USE RIGHTS:** Provisions in section 4 of the settlement agreement for protection for non-Pueblos from enforcement and administration of priorities constitutes alternative administration for the Nambé-Pojoaque-Tesuque water master district under Subparagraph (4) of Paragraph (C) of Subsection C of 19.25.13.7 NMAC. In the event of a request for priority administration by a Pueblo, the first priority rights of the Pueblos shall be enforced against all non-Pueblo water rights and owners except as set forth below:

A. **Exception to the enforcement of the first priority of the Pueblo of Tesuque's existing basin use rights for upstream surface water right owners.** The enforcement of the first priority of the Pueblo of Tesuque's existing basin use rights against non-Pueblo upstream surface water right owners shall be limited to a diversion amount by the Pueblo for irrigation of 71 acres of Pueblo land (330.15 AFY). The protection under this Subsection shall not apply to water rights appurtenant to acreage where temporary or permanent structures or improvements have been constructed that preclude irrigation since the entry of an individual subfile order that describes the appurtenant water rights or to acreage where the water rights have been transferred to another location and point of diversion. The water master shall monitor and limit upstream surface water diversions to the amount of water required for the irrigation of the non-Pueblo acreage entitled to protection from the enforcement of Pueblo priorities in this subsection.

B. **Exception to the enforcement of the first priority of the Pueblos' future basin use rights for settlement parties.** The first priority of the Pueblos' future basin use rights shall not be enforced against the surface water irrigation rights of settlement parties unless an owner loses section 4 protection as described in this Subsection. An owner of a surface water irrigation right may lose section 4 protection, and the first priority of the Pueblos' future basin use rights may be enforced against those owners, when:

(1) The owner fails to beneficially use all or any part of a surface water irrigation right for more than five consecutive years, unless the owner demonstrates that:

(a) the non-use is due to circumstances beyond the control of the owner and the water could not be placed to beneficial use by the owner's diligent efforts; or

(b) the water right is transferred to a new point of diversion or new place or purpose of use, under the provisions of the settlement agreement and this rule.

(2) Section 4 protection shall be lost only for irrigation water rights appurtenant to those portions of a tract of land that have not been irrigated for more than five consecutive years.

(3) Once section 4 protection is lost, the first priority of the Pueblos' future basin use rights may be enforced against those owners from that time forward whether or not the lands in question are subsequently placed under irrigation.

(4) Water rights retired or transferred to offset effects on the Rio Grande or its tributaries caused by ground water diversions shall be deemed to be beneficially used for purposes of this section.

(5) **Exception to the enforcement of the priorities of all Pueblo water rights for owners of a water right from a well that make an election to connect or not connect to the county water utility.** The priorities of the Pueblos' first priority use rights, reserved water rights, supplemental Pueblo rights, or the right to receive and use acquired water or economic development water from the regional water supply, shall not be enforced against settlement parties that have made an election to connect or not connect to the county water utility under the terms set forth in the settlement agreement and this rule, and that are in compliance with the terms of that election, or well owners whose permit to drill a new well is conditioned on the requirement to connect to the county water utility for water service as soon as it is available, or to make an election for continued use of that well under the provisions of the settlement agreement and this rule.

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(6) **Exception to the enforcement of Pueblo priorities for wells used for livestock use.** The first priorities of the Pueblos shall not be enforced against owners of wells used for livestock use.

**19.25.XX.107 IDENTIFICATION AND REPORTING OF NON-PUEBLO IRRIGATED ACREAGE WHICH MAY LOSE SECTION 4 PROTECTION.** The water master shall each year compile a list of non-Pueblo lands with surface water irrigation rights that were not irrigated in the past calendar year and that may lose section 4 protection. The list shall include the names and addresses of the owners as they are shown in the records of the office of the state engineer, a description of the location and amount of the non-irrigated acreage, and the number of consecutive years that the acreage has not been irrigated. This list shall be made available for review on the state engineer's website and at the district VI office of the water rights division of the office of the state engineer. After four consecutive years of non-use, the water master shall mail a notice to the owner that section 4 protection will be lost if the water right appurtenant to the acreage is not put to beneficial use within one year, subject to the exceptions described in Paragraph (1) of Subsection B of this Section. If the water rights are not put to beneficial use within one year after notice to the owner, and the owner fails to demonstrate that the nonuse may be excused in accordance with the provisions of (1) of Subsection B of 19.25.XX.105 NMAC, the water master shall notify the owner that section 4 protection for the irrigation water rights involved has been lost. An owner who has been notified that their water rights no longer have section 4 protection may request a hearing in accordance with 19.25.XX.124 NMAC. No appeal shall be taken to the district court until the state engineer has held a hearing and entered a decision in a hearing.

**19.25.XX.108 USE AND ADMINISTRATION OF SURFACE AND GROUNDWATER BY NON-PUEBLOS:** Use and administration of surface and groundwater by non-Pueblos shall be subject to, and in accordance with, state law, the settlement agreement, the partial final decree, the interim administrative order, the final decree, and this rule.

**A. General principles.**

- (1) The Pojoaque basin is fully appropriated and there shall be no new appropriations by non-Pueblos of surface or groundwater.
- (2) No surface or groundwater diverted within the Pojoaque basin may be delivered for use outside the Pojoaque basin other than for Pueblo use on Pueblo land.
- (3) Diversions from the Rio Grande shall not be considered to be diversions within the Pojoaque basin.
- (4) Water rights within the Pojoaque basin may be transferred to a new groundwater point of diversion by non-Pueblos only in accordance with the terms of the settlement agreement, the partial final decree, the interim administrative order, the final decree, and this rule.
- (5) For agricultural uses by non-Pueblos, the amount of water use shall not exceed 4.65 AFY per acre diverted from the ditch at the point of diversion from the source of water, or 3.35 AFY per acre delivered at the farm headgate or well head, or a consumptive use of 1.84 AFY per acre, whichever is less.
- (6) For non-agricultural uses, consumptive use shall be deemed equal to the amount of the diversion. The diversion amount shall not exceed the consumptive use amount unless a return flow plan is approved by the state engineer.

**B. Non-Pueblo surface water rights.**

- (1) The priority and amount of water for all surface water rights is the priority and amount of water adjudicated by the decree court for the subfile order that describes those rights.
- (2) The point of diversion, purpose or place of use of non-Pueblo surface water rights may only be changed in accordance with state law and the terms of the partial final decree and the settlement agreement.

**C. Non-Pueblo groundwater rights.**

- (1) **Connection to county water utility:** Except for new groundwater points of diversion for domestic, commercial or industrial uses, a settlement party that is an owner of a groundwater right shall not be required to connect to the county water utility and shall not be required to cease use of their well. However, to be protected from the enforcement and administration of Pueblo priorities, a settlement party that is an owner of a water right from a well, with certain exceptions described below, must make an election under the terms of the settlement agreement and this rule. A settlement party that makes such an election and is in compliance with the terms of the election shall be protected from the administration and enforcement of all Pueblo priorities.
- (2) **Pre-basin and permitted wells (other than Section 72-12-1 wells):** The priority and the diversion amount from a pre-basin well or well drilled under a permit from the state engineer, other than wells permitted under Section 72-12-1, shall be the priority and quantity adjudicated in the subfile order or the priority and quantity described

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in an administrative permit or license issued by the state engineer if the priority and diversion amount is not adjudicated in a subfile order.

(3) **Section 72-12-1 wells:** The priority for each Section 72-12-1 well shall be the priority adjudicated in the subfile order describing that well, or the date of the filing of the application to drill the well if the priority is not adjudicated in a subfile order.

(a) The state engineer may issue replacement well permits, or permits to deepen or repair a well, to Section 72-12-1 well owners until such time as those owners may be required to connect to the county water utility under the terms of the settlement agreement and this rule. No replacement well permit may be issued to a Section 72-12-1 well owner that makes an election to continue use of the well for domestic purposes in perpetuity, or to connect to the county water utility upon transfer of the property, until such well owner has provided documentation of compliance with all applicable county requirements. If the county water utility is unable to deliver water to an owner that has connected to the county water utility for water service, the state engineer may issue a permit to recommence diversions or drill a replacement well for the purpose of diverting groundwater in the amount approved for transfer and conveyance to the county water utility.

(4) **New groundwater points of diversion.** The state engineer may issue a permit for a new groundwater point of diversion in the Pojoaque basin provided that the diversion is metered and in accordance with the terms set forth in this rule.

(a) The state engineer may issue permits for new groundwater points of diversion for domestic, commercial or industrial uses, including a permit for a Section 72-12-1 well, provided:

(i) Water rights from within the Pojoaque basin are transferred to the new groundwater point of diversion in accordance with state law and this rule;

(ii) The priority and quantity of the transferred rights shall be determined under state law and reflect reductions in quantity to account for historic supply; and

(iv) The permitted diversions shall cease and the well owner shall be connected to the county water utility as soon as water service is available. Existing mutual domestic water consumers associations and existing commercial users shall be required to cease the newly permitted diversion and connect to the county water utility once water service is available; provided such mutual domestic water consumers associations and such commercial users may continue the diversion pursuant to an election under the terms of the settlement agreement and this rule.

(b) The state engineer may issue permits to change the point of diversion of an agricultural use from surface water to groundwater; provided:

(i) Water rights from within the Pojoaque basin are transferred to the new point of diversion in accordance with state law and this rule.

(ii) The priority and quantity of the transferred rights shall be determined under state law and reflect reductions in quantity to account for historic supply.

(c) Any water rights, whether based on state or federal law, including contractual water rights to the use of water transferred for diversion by the regional water authority, shall be transferred and administered at the point of diversion in accordance with state law and regulation. The regional water authority may only divert water from the Rio Grande or from underground sources within the Pojoaque basin in compliance with state law and regulation. The use of water by the regional water authority shall not impair Pueblo or non-Pueblo water rights and the regional water authority shall offset interference with Pueblo and non-Pueblo surface water rights resulting from its diversion of groundwater, and any interference resulting from its provision of offset water. The provision of offset water shall not constitute use of a consumptive right. Any determination of projected effects of transfers of water rights for diversion by the regional water authority shall include consideration of remedies proposed by the regional water authority to reduce groundwater effects below the threshold of impairment.

(d) The replacement, repair or deepening of a well pursuant to a permit from the state engineer shall not be considered a change in point of diversion, purpose or place of use.

(5) **Change in point of diversion, purpose or place of use:**

(a) **Groundwater.** The point of diversion, purpose or place of use of groundwater rights from a pre-basin or well drilled under a permit from the state engineer, other than wells permitted under Section 72-12-1, may be changed in accordance with state law and this rule. Upon any such change, section 4 protection shall not apply unless the new diversion is metered and operated in compliance with any applicable permit conditions. The point of diversion, purpose or place of use of Section 72-12-1 groundwater rights may only be changed in accordance with state law, the

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settlement agreement and the required transfer of the water right to the county water utility.

(b) **Surface water.** With the exception of water rights that are acquired and transferred to a new point of diversion with the requirement that the well owner connect to the county water utility as soon as water service becomes available, the point of diversion, purpose or place of use of surface water rights may be changed in accordance with state law and regulation. Section 4 protection and offset requirements for interference shall apply to changes in point of diversion or place of use within the same tributary, so long as any return flow remains within that same tributary. Section 4 protection and offset requirements for interference shall only apply to the amount of water that comprises the current use of the right. The current use of the surface water right is the calculated average yearly use of the right for the five-year period preceding a change in the point of diversion, purpose or place of use of that right.

(6) **Supplemental groundwater points of diversion:** The state engineer may issue permits to supplement existing points of diversion for an agricultural use from groundwater; provided:

(a) The total diversion from surface and groundwater is limited to the historic supply of the surface water diversion.

(b) If a surface water diversion is permitted to continue and is not metered, the acreage served by the supplemented and supplemental points of diversion is reduced by the percentage of deficiency in the historic supply.

(c) If a groundwater point of diversion is used to supplement another groundwater point of diversion, both diversions shall be metered.

(7) **State engineer permits to replace, repair or deepen a well (other than Section 72-12-1 wells):** The state engineer may issue replacement well permits, or permits to repair or deepen a well (other than Section 72-12-1 wells) in accordance with state law and regulation, provided the well is metered and operated in compliance with any conditions of an applicable permit. No replacement well permit may be issued to a Section 72-12-1 well owner that makes an election to continue use of the well for domestic purposes in perpetuity, or to connect to the county water utility upon transfer of the property, until such well owner has provided documentation of compliance with all applicable county requirements.

(8) **Metering:** Within one year of the effective date of this rule, each well owner shall install a meter in accordance with the requirements of Subsection C of 19.27.5.13 NMAC to measure the quantity of water diverted from each well, and shall:

(a) File a meter installation and inspection report with the state engineer in accordance with the requirements of Subsection C of 19.27.5.13 NMAC; and

(b) Submit pumping records to the state engineer in accordance with the requirements of subsection C of 19.27.5.13 NMAC.

**D. Protection for well owners from enforcement of Pueblo priorities for wells used for domestic use.** To be protected from enforcement of Pueblo priorities a settlement party that is an owner of a water right from a well used for domestic purposes must elect to:

(1) Connect to the county water utility for domestic water service as soon as that service is available, transfer any domestic use right to the county water utility, and discontinue the use of the well for domestic purposes; or

(2) Continue the use of the well for domestic purposes in perpetuity under the provisions in the settlement agreement and this rule for reductions and limitations on use; or

(3) Continue the use of the well under the provisions in the settlement agreement and this rule for reductions and limitations on use until ownership of the property is transferred to another owner. After the transfer of the ownership of the property, the new owner shall be required to connect to the county water utility when that service becomes available.

**E. Transfer of water rights to county water utility.** Required water rights transfers to the county water utility pursuant to Paragraph (1) of Subsection D of 19.25.XX.108 NMAC may be accomplished (1) transfer of ownership of the water right to the county water utility and (2) application by the county water utility for an alternate point of diversion. The application shall include the name and address of the transferor, the pertinent state engineer file number(s), the priority date of the water right, the diversion amount to be retired, the consumptive use amount to be transferred, the legal description of the move-from place of use, the location of the move-from point of diversion, and other information the state engineer deems necessary. Public notice is not required and protest of such transfers is not allowed.

**F. Protection for well owners from enforcement of Pueblo priorities for wells used for livestock use.** The owner of a water right from a pre-basin or permitted 72-12-1 well may continue to use such well for livestock purposes without reduction to the extent authorized or permitted, provided that livestock use of water shall be separately

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metered and reported. Such use shall not be subject to the administration and enforcement of Pueblo priorities.

**G. Protection for well owners from enforcement of Pueblo priorities for wells used for commercial or industrial use.** To be protected from the enforcement and administration of Pueblo priorities a settlement party that is an owner of a water right from a well used for commercial or industrial purposes must elect to:

- (1) Discontinue use of the well and connect to the county water utility as soon as that service is available; or
- (2) Continue to exercise the authorized use of the well in perpetuity and reduce its existing annual use by 15 percent; or
- (3) Continue to exercise any part or all of the authorized use of the well without reduction or obligation to connect to the county water utility subject to a separate written agreement with the Pueblos and the United States outlining the terms and conditions for its continued use.

**H. Protection from enforcement of Pueblo priorities for mutual domestic water consumer associations.** Mutual domestic water consumer associations in the Pojoaque basin may become a party to the settlement agreement and be protected from the enforcement and administration of Pueblo priorities by electing to:

- (1) Discontinue well use and connect to the county water utility as soon as that service is available to serve all existing and reasonably expected water uses under the MDWCA's permits; or
- (2) Continue to exercise its authorized use of the well in perpetuity, reduce its existing annual use by 15 percent and limit the future diversion of unexercised rights to serve additional customer hook-ups to no more than 85 percent of authorized use. An MDWCA shall not be required to reduce its annual consumptive use below a quantity equal to 0.5 AFY times the number of customer hook-ups served by the MDWCA.
- (3) Continue to exercise any part or all of its authorized use of the well without reduction or obligation to connect to the county water utility subject to a written agreement with the Pueblos and the United States outlining the terms and conditions for continued well use.

**I. Protection from enforcement of Pueblo priorities for agricultural wells.** To be protected from the administration and enforcement of Pueblo priorities, the owner of a water right from a pre-basin well or non-Section 72-1-12 well used for agricultural purposes shall make an election for the agricultural use of the well pursuant to Subsection D of 19.25.XX.108. Well owners that elect to reduce use and continue use of the well for agricultural purposes, or continue use of the well for those purposes until ownership of the property is transferred, shall demonstrate to the water master that the required reduction in water use has occurred.

#### **19.25.XX.109 DOMESTIC WELL USE AMOUNTS ENTITLED TO PROTECTION FROM ENFORCEMENT AND ADMINISTRATION OF PUEBLO PRIORITIES.**

**A. Election to connect to county water utility.** For the owner of a water right from a well used for domestic purposes that elects to connect to the county water utility for water service as soon as that service is available, the following amounts of water for indoor and outdoor use combined are protected from the enforcement and administration of Pueblo priorities:

- (1) Pre-basin wells: historic beneficial use or 0.5 AFY, whichever is greater.
- (2) Section 72-1-12 wells drilled prior to January 13, 1983: historic beneficial use or 3.0 AFY, whichever is less, but in no event less than 0.5 AFY.
- (3) Section 72-1-12 wells the owner of which entered into the post-1982 well agreement: historic beneficial use or 0.7 AFY, whichever is less, but in no event less than 0.5 AFY.
- (4) Section 72-1-12 wells the owner of which did not enter into the post-1982 well agreement: historic beneficial use or 0.7 AFY, whichever is less, but in no event less than 0.5 AFY.

**B. Election to keep well and reduce use.** For the owner of a water right from a well used for domestic purposes that elects to reduce use and continue the use of the well for domestic purposes in perpetuity with no obligation to connect to the county water utility, the following amounts of use are protected from the enforcement and administration of Pueblo priorities:

- (1) Pre-basin wells: 85 percent of historic beneficial use or 0.5 AFY, whichever is greater.
- (2) Section 72-1-12 wells drilled prior to January 13, 1983: 85 percent of historic beneficial use or 3.0 AFY, whichever is less, but in no event less than 0.5 AFY.
- (3) Section 72-1-12 wells the owner of which entered into the post-1982 well agreement: historic beneficial use or 0.7 AFY, whichever is less, but in no event less than 0.5 AFY.
- (4) Section 72-1-12 wells the owner of which did not enter into the post-1982 well agreement: indoor use

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only, or up to 0.3 AFY for indoor and outdoor use combined.

C. **Election to connect to county water utility upon transfer of ownership.** For the owner of a water right from a well used for domestic purposes that elects to continue the use of the well for domestic purposes until ownership of the property is transferred, the following amounts of use are protected from the enforcement and administration of Pueblo priorities:

- (1) Pre-basin wells: 90 percent of historic beneficial use or 0.5 AFY, whichever is greater.
- (2) Section 72-1-12 wells drilled prior to January 13, 1983: 90 percent of historic beneficial use or 3.0 AFY, whichever is less, but in no event less than 0.5 AFY.
- (3) Section 72-1-12 wells the owner of which entered into the post-1982 well agreement: historic beneficial use or 0.7 AFY, whichever is less, but in no event less than 0.5 AFY.
- (4) Section 72-1-12 wells the owner of which did not enter into the post-1982 well agreement: indoor use only, or up to 0.3 AFY for indoor and outdoor use combined.

D. Well owners that elect to connect to the county water utility upon transfer of property and the new owners of such property are not eligible for payment from the connection fund.

E. Well owners that elect to reduce their use and continue the use of a well to gain protection from the enforcement and administration of Pueblo priorities shall have no right to divert groundwater in excess of the agreed upon amount of reduced use. Any diversion of groundwater in excess of the agreed upon amount of reduced use is an illegal diversion of water.

**19.25.XX.110 PRIORITY ADMINISTRATION IN RESPONSE TO A REQUEST FOR PRIORITY ADMINISTRATION**

~~CALL~~. In addition to his authority to implement direct flow administration pursuant to 19.25.13.16 NMAC, the water master may implement priority administration of the Nambé-Pojoaque-Tesuque water master district in response to a written request for priority administration~~call~~, as follows:

A. A request for priority~~call~~administration by an acequia, or by owners that are members of an acequia, shall be made by the commissioners of the acequia on behalf of its members. The commissioners of the acequia shall each affirm that the commissioners on the specified date approved a resolution to make the priority call~~request~~ at a public meeting conducted in accordance with the Open Meetings Act, Section 10-15-1 NMSA 1978.

B. A request for priority~~call~~administration by a Pueblo shall be made by the tribal council of the Pueblo and include a copy of the resolution by the tribal council to make the priority call~~request~~.

C. A request for priority~~call~~administration by a Pueblo, acequia or individual owner shall include documentary evidence in support of the request~~priority call~~, including data, records, and calculations that show that the senior water right owner issuing the priority call~~request~~ is not receiving water due to diversions by junior water right owners.

D. The state engineer shall evaluate and verify the evidence provided to confirm the validity of the request for priority~~call~~administration.

E. If the state engineer determines that the priority call~~request~~ is valid, he shall determine the extent to which junior water rights should be curtailed based upon actual need, and whether curtailing junior water right owners would be futile. The state engineer shall order the water master to implement priority administration as determined to be necessary and appropriate to the circumstances, and to curtail administrable water rights junior to the priority date of the senior water right owner requesting~~issuing the~~ priority administration~~call in accordance with the protections from enforcement of Pueblo priorities under section 4 of the settlement agreement that are not otherwise protected from priority administration under section 4 of the settlement agreement and this rule.~~

F. At such time that the state engineer determines that the request for priority~~call~~administration has been satisfied or priority administration is no longer necessary, the water master shall cease curtailments of junior water rights.

**19.25.XX.111 CONNECTION FUND.** An owner of a well used for domestic, commercial or industrial purposes that elects pursuant to the settlement agreement and Paragraph (1) of Subsection D of 19.25.XX.108 NMAC or Subsection F of 19.25.XX.108 NMAC to connect to the county water utility for water service as soon as that service is available shall be entitled to payment from the connection fund for the cost of connecting to the county water utility. No well owner electing to connect to the county water utility shall be required to cease use of their well and connect to the county water utility until all such expenses have been paid by the connection fund or other third party.

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**19.25.XX.112 GENERAL AUTHORITY AND DUTIES OF THE NAMBÉ-POJOAQUE-TESUQUE WATER MASTER**

A. The water master shall have the general authority and duties set out in 19.25.13.16 NMAC and 19.25.13.17 NMAC.

B. In addition, the Nambé-Pojoaque-Tesuque water master shall have the authority and duties described in this section. The water master may, as necessary, to effect administration and to implement the terms and conditions of the settlement agreement, the partial final decree, the interim administrative order, and the final decree:

- (1) supervise all diversions from surface and underground water sources;
- (2) curtail both Pueblo and non-Pueblo surface and groundwater diversions to ensure compliance with the terms of, and the delivery of water in accordance with, the settlement agreement, the partial final decree, the interim administrative order, the final decree and this rule;
- (3) issue verbal or written orders to both Pueblos and non-Pueblos requiring installation, calibration, repair, and replacement of adequate headgates and surface water measurement devices at all surface water diversion works, and all groundwater diversion measuring devices as necessary to implement administration under this rule;
- (4) issue verbal or written orders to both Pueblos and non-Pueblos requiring calibration, repair, replacement or installation of meters in accordance with the requirements of Subsection C of 19.27.5.13 NMAC to measure the quantity of water diverted from each well;
- (5) issue or affix to points of diversion curtailment orders or red tags that provide notice to Pueblos and non-Pueblos making diversions that associated administrable water rights are out-of-priority under priority administration. Once a red tag has been affixed, the owner or person shall not divert water until the water master has removed the tag;
- (6) issue verbal or written curtailment orders to both Pueblos, non-Pueblos making illegal diversions or waste and document such illegal diversions or waste;
- (7) issue verbal or written orders to both Pueblos and non-Pueblos to achieve the objectives of this rule;
- (8) take any action necessary to close, cap, lock or otherwise temporarily disable any diversion headgate, pumps, or equipment to ensure compliance with the settlement agreement and this rule or a water master order, and affix to the diversion structure a red tag whenever the water master takes such action;
- (9) ensure compliance with applicable state engineer, water master or court orders.
- (10) determine whether a new or changed Pueblo use of its first priority rights will interfere with Pueblo surface water rights or non-Pueblo surface water rights entitled to section 4 protection, and the amount of any offsets required.
- (11) determine if the transfer of Pueblo owned state law water rights within the lands of a Pueblo will impair or interfere with Pueblo surface water rights or non-Pueblo surface water rights. A determination by the water master of projected hydrologic effects of transfers of state law rights within a Pueblo shall include consideration of remedies proposed by the Pueblo to reduce groundwater effects below the threshold level of impairment.
- (12) enter private or public lands or Pueblo lands to inspect, monitor and maintain all measuring facilities, to operate, or close or lock headgates to effect administration and to implement the terms and conditions of the settlement agreement, the partial final decree, the interim administrative order, the final decree, and this rule.
- (13) with respect to agricultural lands, enter upon private or public lands to verify the irrigability of lands designated by owners to be irrigated in a particular season and determine whether and to what extent irrigation occurs.
- (14) maintain records, including records of elections made by well owners pursuant to the settlement agreement and subsequent compliance with such elections.

**19.25.XX.113 ENFORCEMENT.**

A. The water master shall have the authority to enforce compliance by owners and Pueblos with their obligations under the terms of an election, the settlement agreement, the partial final decree, the interim administrative order, the final decree, this rule, and the post-1982 well agreement. The water master authority includes, but is not limited to, the power to:

- (1) inspect wells and meters;
- (2) issue written orders to enforce the terms and conditions of an election, the settlement agreement, this rule, or the post-1982 well agreement, or the use of groundwater in an amount in excess of the quantity that is authorized under the terms of an election, the settlement agreement, this rule, or the post-1982 well agreement; and
- (3) restrict the pumping of groundwater by owners who use water in violation of the terms and conditions

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of an election, the settlement agreement, this rule, or the post-1982 well agreement.

B. Prior to issuing an order to restrict the use of groundwater, the water master shall provide an owner:

- (1) notice by certified mail of the violation;
- (2) a description of the factual basis for the violation;
- (3) the water master's proposed action with respect to the violation, which may include imposing a

restriction on the diversion and use of groundwater, or such other remedial action as deemed necessary by the water master; and

(4) a reasonable period for the owner to cure or correct the violation. If the violation is not cured within the prescribed period, the water master shall issue an order that requires a restriction on the diversion and use of groundwater, or such other action deemed necessary by the water master to ensure compliance with an election, the settlement agreement, this rule, or the post-1982 well agreement.

C. An owner that is aggrieved by the water master's decision to restrict the diversion and use of groundwater or to order such other action as deemed necessary to ensure compliance with the terms and conditions of an election, the settlement agreement, this rule, or the post-1982 well agreement, may appeal the decision of the water master in accordance with 19.25.XX.114.

D. The state engineer may exercise any remedy available to him under the law to enforce the provisions of the settlement agreement, the partial final decree, the interim administrative order, the final decree, and this rule, including the issuance of compliance orders pursuant to Section 72-2-18 NMSA 1978, which may require repayment of water up to double the amount of an overdiversion or illegal diversion, and the assessment of civil penalties pursuant to Section 72-2-18 NMSA 1978.

**19.25.XX.114 APPEALS OF WATER MASTER ACTS OR DECISIONS:** Appeals of an act or decision of the water master shall be taken in accordance with Section 72-3-3 NMSA 1978 and require payment of a \$25.00 filing fee.

A. **Expedited state engineer hearing on appeal from water master action or decision.** Other than a determination of interference pursuant to 19.25.XX.115 NMAC, an owner of an administrable water right may request an expedited appeal from acts or decisions of the water master to the state engineer within two business days of the act or decision by providing the water master district manager with written notice of the appeal that includes a statement summarizing the act or decision and reason for appeal, and contact information that includes a telephone number and electronic mail address, if available. The water master district manager is designated to hear expedited appeals by an owner appealing the act or decision of the water master. Upon receipt of a request for expedited appeal, the water master district manager shall consider any papers, maps, plats, field notes or other data in support of the appeal that are submitted by the owner, together with any records of the water master, shall reject, modify or uphold the water master's act or decision within three business days, and shall notify the appellant of his decision by telephone or electronic notice and by certified mail. The water master district manager's decision shall constitute a final decision of the state engineer for purposes of Section 72-3-3 NMSA 1978. If the water master district manager is not available or otherwise determines that he or she cannot hear the matter, then such appeals shall be heard by the water rights division director.

B. **Non-expedited state engineer hearing on appeal from water master action or decision.** An owner that does not request an expedited appeal pursuant to Subsection A of this Section may request a formal hearing before the state engineer or his designee. An owner may request a hearing by submitting a written request to the hearings unit of the office of the state engineer that includes a statement summarizing the act or decision of the water master and reason for appeal, and contact information that includes a telephone number and electronic mail address, if available, within thirty (30) days of the act or decision of the water master. The hearings unit shall establish regular hearing dates in Santa Fe to hear such appeals. Requested hearings shall be held no less than fifteen (15) and no more than sixty (60) days from the date the request is filed. The hearing examiner shall establish by order procedures for the conduct of the appeal. The hearing examiner shall prepare and submit a report and recommendation to the state engineer for final decision.

C. **Appeal to district court.** Upon receipt by certified mail of the decision of the state engineer on appeal from an act or decision of the water master, an aggrieved party may appeal the decision of the state engineer in accordance with the provisions of Sections 72-7-1 and 72-2-16 NMSA 1978. The record on appeal shall consist of certified copies of the state engineer's written decision and any papers, maps, plats, field notes or other data considered by the water master or the state engineer. Any appeal to district court shall not stay the decision of the state engineer on an appeal from an act or decision of the water master.

D. **No stay of water master decision.** An appeal to the state engineer or the district court shall not stay

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the water master's act or decision. All diversions and use of water shall be consistent with the water master's act or decision pending resolution of the appeal to the state engineer or the district court.

E. **Informal dispute resolution.** Nothing herein shall be construed to prohibit the use of alternative dispute resolution for disputes arising from the administration of water in the water master district, including mediation conducted by the staff of the hearings unit of the office of the state engineer, if the parties agree to engage in alternative dispute resolution.

**19.25.XX.115 DETERMINATION OF INTERFERENCE AND OFFSETS.**

A. The water master shall determine if the use of Pueblo water rights on Pueblo lands interferes with Pueblo surface water rights or non-Pueblo surface water rights as required under this rule, including the amount of any offsets required to avoid interference. In making these determinations, the water master shall utilize the hydrologic model developed by the State of New Mexico and the United States pursuant to the settlement agreement, as updated and further developed by the state engineer for determining the effects of administrative actions subject to the settlement agreement and the use and administration of water in the Pojoaque basin.

B. If the water master determines that the use of Pueblo water rights will interfere with Pueblo surface water rights or non-Pueblo surface water rights entitled to section 4 protection, and that offsets are required under the terms of this rule, the water master shall notify the Pueblo of the required offsets. The water master shall also notify any affected owners and other affected Pueblos of the required offsets. The Pueblo causing the interference shall offset the interference with wet water delivered into the Nambé-Pojoaque-Tesuque stream system in the amount determined by the water master. Within 30 days after being notified by the water master by certified mail of the required offset amount, the Pueblo causing the interference shall notify the water master how it will offset the interference. The water master shall promptly notify that Pueblo and any affected owners and other affected Pueblos whether the proposed actions are sufficient to offset the interference.

C. An owner or Pueblo that is aggrieved by the water master's determination of interference or required offsets may request a hearing before the state engineer pursuant to Subsection B of 19.25.XX.114 NMAC. No appeal of the state engineer's decision shall be taken to the district court until the state engineer has held a hearing and entered a decision in a hearing.

D. The state engineer shall determine if the use of Pueblo water rights on non-Pueblo lands, or transfer of state law water rights within the lands of a Pueblo, interferes with Pueblo surface water rights or non-Pueblo surface water rights as required under this rule, including the amount of any offsets required to avoid interference.

E. Offset water provided by a Pueblo to avoid interference shall not constitute use of the Pueblo's first priority water rights. The Pueblos shall offset interference with Pueblo surface water rights and non-Pueblo surface water rights entitled to section 4 protection resulting from a Pueblo's provision of offset water.

**19.25.XX.116 DETERMINATION OF IMPAIRMENT BY STATE ENGINEER BY USE OF PUEBLO FIRST PRIORITY RIGHTS ON PUEBLO LANDS.**

A. Within 90 days of receiving the report on anticipated uses from each Pueblo for the next calendar year, the state engineer shall determine if any non-Pueblo groundwater rights will be impaired by the use of Pueblo water rights on Pueblo lands. In making these determinations, the state engineer shall utilize the hydrologic model developed by the State of New Mexico and the United States pursuant to the settlement agreement, as updated and further developed by the state engineer.

B. Notice of any projected impairment shall be mailed to the affected owner by certified mail. The notice of impairment shall include a description of the factual or technical basis for the determination, and any recommended mitigation action such as drilling a replacement well or obtaining an alternate water supply. The state engineer shall post a notice of all projected impairments on the office of the state engineer's website, together with the reports on anticipated uses submitted by the Pueblos. Notice of all projected impairments shall also be mailed to the tribal council of each Pueblo. The state engineer shall consider any remedies proposed by the Pueblos to reduce groundwater effects below the level of impairment, and shall notify the affected parties of any change in the determination of projected impairment based upon those proposals.

C. An owner that is not identified as being impaired by the uses identified in the Pueblos' reports on anticipated uses may at any time request in writing a hearing before the state engineer pursuant to 19.25.XX.114 NMAC to demonstrate that their groundwater rights have been impaired by the Pueblos use of their first priority water rights and may seek reimbursement for the cost of mitigating the impairment from the impairment fund in accordance with

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19.25.XX.117 NMAC. No appeal of the decision of the state engineer shall be taken to the district court until the state engineer has held a hearing and entered a decision in a hearing.

D. The state engineer may at any time identify owners that will be impaired in addition to those identified pursuant to subsection A of this Section. The state engineer shall notify any additional affected owners and Pueblos in accordance with the provisions of this Section. Owners of water rights that are identified pursuant to this Subsection may seek reimbursement for the cost of mitigating the impairment from the impairment fund in accordance with 19.25.XX.117 NMAC.

**19.25.XX.117 IMPAIRMENT FUND.**

A. The New Mexico finance authority shall administer the impairment fund.

B. Money in the impairment fund may only be expended to mitigate the effects of impairment to non-Pueblo groundwater rights as determined in accordance with 19.25.XX.116, including reimbursement to non-Pueblo water users for the cost to drill a replacement well or to obtain an alternative water supply.

C. The New Mexico finance authority shall make expenditures from the fund in accordance with this Section and to pay for the finance authority's reasonable costs of administering the fund.

D. Payments from the impairment fund shall be contingent upon the New Mexico finance authority receiving sufficient appropriations. Nothing in this rule establishes or creates any liability or responsibility on the part of the state to pay mitigation costs for impairment to non-Pueblo groundwater right owners as a result of new or changed Pueblo uses of water from any source other than the impairment fund, nor shall the state have any liability or responsibility to make any payments if the balance in the fund is insufficient to cover those costs.

E. If the New Mexico finance authority determines that the impairment fund balance is insufficient to the amount required to mitigate the effects of an impairment, the finance authority shall promptly notify that water user. Reimbursement shall be paid when sufficient amounts are available in the fund, subject to the provisions of this section.

F. Money remaining in the fund at the end of any fiscal year shall not revert to the general fund but shall accrue to the impairment fund and shall be used solely for the purposes set forth in this Section.

G. An owner that is eligible for reimbursement from the impairment fund pursuant to 19.25.XX.116 NMAC may request reimbursement from the impairment fund for the costs of mitigating the impairment. To request reimbursement, an owner shall:

(1) Within 30 days of the receipt of the notice of impairment pursuant to Subsection A or D of 19.25.XX.116 NMAC, or a favorable decision pursuant to Subsection C of 19.25.XX.116 NMAC, notify the state engineer in writing of their intent to request reimbursement.

(2) Within 90 days of the notification to the state engineer of their intent to request reimbursement, submit a proposal for mitigation of the impairment and estimated cost of the mitigation with supporting documentation. The state engineer may grant an extension of time to submit a mitigation proposal and estimated cost for good cause shown. The state engineer may request additional information as needed.

H. Within 60 days of receipt of the mitigation proposal and supporting documentation, the state engineer shall approve or disapprove of the mitigation proposal and estimated cost, and notify the owner of the determination by certified mail. The state engineer may rely on the documentation submitted by the owner or other information available to the office of the state engineer. If the state engineer disapproves a mitigation proposal or cost estimate, the owner may submit a modified proposal or estimate within 60 days of the notice of disapproval.

I. Within 90 days of completion of an approved mitigation proposal, the owner shall submit an accounting of the amount paid to mitigate the impairment of their water right.

J. Within 30 days of receipt of the accounting, the state engineer shall direct the New Mexico finance authority to reimburse the owner for the mitigation costs. The state engineer may limit the reimbursement to the amount of the approved estimate.

K. An owner that is aggrieved by the state engineer's determination regarding a mitigation proposal or the amount of reimbursement from the impairment fund may request a hearing in accordance with 19.25.XX.123 NMAC. No appeal of the state engineer's decision shall be taken to the district court until the state engineer has held a hearing and entered a decision in a hearing.

**19.25.XX.118 REPORTING OF NON-PUEBLO LANDS TO BE IRRIGATED.**

A. By March 1 each year, the mayordomo of each acequia, and the members of each private ditch, shall notify the water master in writing of the acreage under that ditch to be irrigated (TBI letters) during that calendar year.

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Where the ditch serves as a source of irrigation water for both Pueblo and non-Pueblo lands, the TBI letters shall include only information for non-Pueblo lands. Pueblo lands intended to be irrigated shall be reported by the Pueblos in their annual report on anticipated uses. TBI letters from acequias and members of private ditches shall be accompanied by maps that clearly identify the non-Pueblo lands to be irrigated that year and the respective acreage of the tracts.

**B.** Based upon the identification of the lands to be irrigated by non-Pueblos and the information submitted by the Pueblos in their reports, the water master shall determine the maximum diversion rate for each ditch in the stream system required to meet the total projected demand that year, including the demand associated with valid impoundments under each ditch for livestock uses, if any. The water master shall notify the mayordomos of each acequia, the members of each private ditch, and the Pueblos, of the maximum diversion rates for all ditches and post the maximum diversion rate for each ditch at the point of diversion or headgate of the ditch.

**19.25.XX.119 VOLUNTARY ALTERNATIVE ADMINISTRATION.**

**A.** Voluntary alternative administration may be substituted for priority administration, or utilized as a component of priority administration, at the sole discretion of the water master. Voluntary alternative administration may include shortage sharing, such as, but not limited to, percentage division or pro rata allocation, rotation of water use, and reduced diversions. The owners of administrable water rights subject to priority administration may request that the water master implement an alternative form of administration by submitting a written plan to the water master that includes:

- (1) the owners' agreement to the terms and conditions of the plan;
- (2) the name, address and phone number, and electronic mail address, if applicable, of the person designated as the contact person for the owners, or in the case of an acequia, the mayordomo of the ditch;
- (3) a description of the water rights included in the plan, the proposed operation of the plan, the specific steps required of the water master to administer the plan, and requirements for reporting the progress of the plan to the water master; and
- (4) a demonstration, through accurate analysis using analytic tools acceptable to the water master, that the implementation of the plan will:
  - (a) economically and satisfactorily apportion the available water supply among owners who have agreed to the alternative administration plan;
  - (b) not impair the administrable water rights of owners who are not participating in, or have not agreed to, the alternative administration plan;
  - (c) not be contrary to conservation of water in the State; and
  - (d) not be detrimental to the public welfare of the State.

**B.** The water master shall not implement an alternative administration plan if:

- (1) other owners of administrable water rights that may be affected by the alternative administration plan object to its implementation, unless the water master determines that the objection is without merit;
- (2) one or more owners of the administrable water rights subject to the plan rescinds his agreement in writing; or
- (3) the water master cannot adequately administer or supervise the alternative administration plan in a manner that ensures that the plan will:
  - (a) economically and satisfactorily apportion the available water supply among owners who have agreed to the alternative administration plan;
  - (b) not impair the administrable water rights of owners who are not participating in, or have not agreed to, the alternative administration plan;
  - (c) not be contrary to conservation of water in the State; and
  - (d) not be detrimental to the public welfare of the State.

**19.25.XX.120 ALLOCATION OF WATER BY THE BUREAU OF RECLAMATION, POJOAQUE VALLEY IRRIGATION.** Nothing in this rule shall be construed to mean that the state engineer has jurisdiction over the process used by the United States Bureau of Reclamation or the Pojoaque Valley Irrigation District to allocate storage water from Nambé reservoir to members of the Pojoaque Valley Irrigation District.

**19.25.XX.121 ALLOCATION OF WATER BY ACEQUIAS.** The water master shall regulate the rate and annual volume of diversions from the Rio Pojoaque and its tributaries by acequias in accordance with this rule. The water

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master shall not oversee the internal distribution of water to members of an acequia. In addition, this rule shall not be construed to affect the internal management of acequias and the allocation of water by acequias in accordance with Section 72-9-2 NMSA 1978, which provides for the distribution of water according to local or community customs, rules and regulations.

**19.25.XX.122 APPORTIONMENT OF WATER BY ACEQUIAS.** Where there is an agreement between acequias taking water from the same source or river for the apportionment and distribution of water for their respective ditches in accordance with Section 73-2-47 NMSA 1978, the water master shall recognize the agreement as a form of voluntary alternative administration under this rule.

**19.25.XX.123 WATER MASTER REPORT.** The water master shall by March 1 of each calendar year, submit a report to the state engineer that describes all administrative action taken under or required by the settlement agreement or this rule in the previous calendar year. The report shall include the information described in 19.25.13.26 NMAC. The report shall be publically available for inspection and copying, at the requestor's expense.



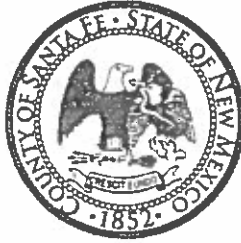




**Henry P. Roybal**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*




**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## MEMORANDUM

To: Board of County Commissioners

Via: Katherine Miller, County Manager  
Bernadette Salazar, Human Resources Director 

Date: May 13, 2015

Re: HR Monthly Report for April 2015

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### Topic:

The HR Division provides the Santa Fe County Board of County Commission with a monthly report regarding highlighted HR information and events. The purpose of this memo is to provide you with information for the month of April 2015.

### Information:

#### ***Training and Employee Development***

Throughout the month of April, HR coordinated/conducted forty-eight training sessions. This resulted in over seven hundred eighty employees who received training. This process included going to the various sites at different times to conduct the training sessions in order to accommodate our employees who work a 24/7 schedule. Also in April, HR supported six New Mexico Edge classes for four Santa Fe County employees. This resulted in a total of \$1,300.00 of financial support for New Mexico Edge courses not inclusive of per diem costs. This is another great opportunity for employees to attend courses specifically related to their jobs as local government employees and also provides them with the resources to obtain nationally recognized certifications.

#### ***Promotions***

The Sheriff's Office had seven promotions during the month of April. Gabriel Gonzales was promoted to Sheriff Captain. Captain Gonzales began employment with Santa Fe County as Sheriff Deputy Cadet December 6, 1999. Diego Lucero and Michael Martinez were promoted to Sheriff Lieutenant. Lt. Lucero began employment with Santa Fe County as a Sheriff Deputy II August 4, 2007. Lt. Martinez began employment with Santa Fe County as a Sheriff Deputy I August 16, 2004. Michael Delgado and Fabian Trujillo were promoted to Sheriff Sergeant. Sgt. Delgado began employment with Santa Fe County as a Sheriff Deputy Cadet September 22, 2003. Sgt.

Trujillo began employment with Santa Fe County as a Sheriff Deputy II August 18, 2007. Robert Clark was promoted to Sheriff Deputy III. Deputy Clark began employment with Santa Fe County as a Sheriff Deputy II on January 28, 2013. Vincent Ontiveros was promoted to Sheriff Deputy II. Deputy Ontiveros began employment with Santa Fe County December 16, 2013 as a Sheriff Deputy Cadet.

Dennis Gallegos from the Assessor's Office was promoted to Appraiser Senior during the month of April. Mr. Gallegos began employment with Santa Fe County as an Assessment Specialist December 17, 2007.

The Public Safety Department promoted three employees in the month of April. Aaron M. Garcia was promoted to Youth Services Administrator. Mr. Garcia began employment with Santa Fe County January 29, 2004 as a Treatment Supervisor Specialist. Jesse Lara Jr. was promoted to Adult Detention Facility Sergeant. Sgt. Lara began employment with Santa Fe County November 10, 2014 as a Case Manager. Myles Martinez was promoted to Adult Detention Facility Corporal. Cpl. Martinez began employment with Santa Fe County May 7, 2012 as a Detention Officer. We congratulate all these employees for their great accomplishment!

### ***Employee and Community Outreach***

*On April 2, 2015*, HR attended the Santa Fe Chamber of Commerce 2015 Business Expo and Job Fair where recruiters spoke with approximately one-hundred fifty individuals about job opportunities, how to apply for County jobs, looked over the minimum qualifications with interested applicants and explained what SFC looks for during the screening process and how to properly complete the employment application. We also spoke with people about the benefits that the County offers the employees. This was a great opportunity to reach out to the public and be available to answer any questions constituents had regarding the County. It also gave us the chance to speak face to face with the public.

*On April 9, 2015*, HR hosted a Santa Fe County College Day. This event was provided to employees to allow them the opportunity to learn about degree programs offered by UNM, NMSU, SFCC, and Highlands University. Each entity had representatives available to discuss degree programs with our employees conveniently located at a County facility. This was a great event for employees to explore their educational opportunities and to learn how the County supports continuing education.

*On April 16, 2015*, HR participated in the Annual Career, Education, and Training Fair that took place at the Santa Fe Community College (SFCC). We had thirty people visit our table to inquire about job opportunities with Santa Fe County. We had positive input on our online job application process and how user-friendly our website is. We had one woman commend our Senior Services Division. She stated that they have a great team and expressed her appreciation for the attention and service that is given to the seniors and how special they make them feel.

*On April 23, 2015*, the Human Resources Division hosted "Bring Your Child to Work Day." Eighteen children were in attendance. The day's activities began with a great discussion from RECC about when to call 911 and what information they would need to provide the operators. We moved on to an encouraging speech from Deputy County Manager, Tony Flores about County government. The children were hands on with our County emergency vehicles and were able to get

fingerprinted and were also provided with identification cards by the Sheriff's Office. The Clerk's Office provided the children the opportunity to learn about the voting process and conducted a mock vote for their favorite ice cream, movie, etc. Santa Fe County DWI put on a puppet show to teach the children how alcohol can negatively affect a person and their body. After a brief discussion with the children about DWI, the Public Works Department played a fun game with a backhoe using the digger to pick up a ball off of a traffic cone and drop it in a bucket. The children watched with intense excitement as the operator accomplished these tasks. Lastly, the children viewed a movie about fire safety, presented by the Fire Department and were then allowed to enter the Fire Department's "Fire House." They were then asked to identify all of the potential fire hazards and what they would do in a similar situation. This was a great opportunity to teach our children what services the County provides and also about what their parent do in their jobs.

Attached are the HR Statistics Report, the New Hire Report and the Labor Statistics Report for April 2015 and the list of Years of Service for Santa Fe County Employees for May 2015. If you have any questions, I can be contacted at 992-9886. Thank you.



# SANTA FE COUNTY HR STATISTICS FOR THE MONTH OF APRIL 2015

| Department                         | Division                   | Regular Employees | Part Time Employees | Full Time Employees | Elected/Officials | Temporary Employees | Vacancies | Total Positions |
|------------------------------------|----------------------------|-------------------|---------------------|---------------------|-------------------|---------------------|-----------|-----------------|
| MANAGER'S OFFICE                   | 01-COUNTY MANAGER ADMINIS. | 8                 |                     | 8                   |                   |                     | 1         | 9               |
|                                    | 02-COMMISSION              | 5                 |                     | 5                   | 5                 |                     |           | 5               |
|                                    | 15-HUMAN RESOURCES         | 11                |                     | 11                  |                   |                     |           | 11              |
|                                    | 21-FINANCE                 | 22                |                     | 22                  |                   |                     | 3         | 25              |
| CMO TOTAL                          |                            | 46                |                     | 46                  | 5                 |                     | 4         | 50              |
| LEGAL TOTAL                        | 01-LEGAL ADMINISTRATION    | 9                 |                     | 9                   |                   |                     |           | 9               |
|                                    |                            | 9                 | 0                   | 9                   | 0                 | 0                   | 0         | 9               |
| ADMINISTRATIVE SERVICES DEPARTMENT | 00-ADMINISTRATION          | 3                 |                     | 3                   |                   |                     |           | 3               |
|                                    | 02-INFORMATION TECHNOLOGY  | 16                |                     | 16                  |                   |                     | 1         | 17              |
|                                    | 12-PURCHASING              | 7                 |                     | 7                   |                   |                     |           | 7               |
|                                    | 16-MAIL ROOM               | 1                 |                     | 1                   |                   |                     |           | 1               |
|                                    | 17-RISK MANAGEMENT         | 3                 |                     | 3                   |                   |                     |           | 3               |
| ASD TOTAL                          |                            | 30                |                     | 30                  |                   |                     | 1         | 31              |
| COMMUNITY SERVICES DEPARTMENT      | 01-ADMINISTRATION          | 3                 |                     | 3                   |                   |                     |           | 3               |
|                                    | 20-INDIGENT HOSPITAL FUND  | 3                 |                     | 3                   |                   |                     |           | 3               |
|                                    | 21-EMS-HEALTH CARE         | 3                 |                     | 3                   |                   |                     |           | 3               |
|                                    | 74-MOBILE HEALTH FAIR VAN  | 4                 | 2                   | 2                   |                   |                     | 1         | 5               |
| TOTAL                              |                            | 13                | 2                   | 11                  | 0                 | 0                   | 1         | 14              |
|                                    | 04-DWI LOCAL               | 7                 |                     | 7                   |                   |                     | 1         | 8               |
| TOTAL                              |                            | 7                 | 0                   | 7                   | 0                 | 0                   | 1         | 8               |

# SANTA FE COUNTY HR STATISTICS FOR THE MONTH OF APRIL 2015

| Department                   | Division                     | Regular Employees | Part Time Employees | Full Time Employees | Elected/Officials | Temporary Employees | Vacancies | Total Positions |
|------------------------------|------------------------------|-------------------|---------------------|---------------------|-------------------|---------------------|-----------|-----------------|
|                              | 09-DWI TEEN COURT            | 3                 |                     | 3                   |                   |                     |           | 3               |
| <b>TOTAL</b>                 |                              | 3                 | 0                   | 3                   | 0                 | 0                   | 0         | 3               |
|                              | 89-SENIOR PROGRAMS - ADMIN.  | 12                |                     | 12                  |                   |                     | 1         | 13              |
|                              | 90-SR SVCS-CONGREGATE MEALS  | 7                 |                     | 7                   |                   |                     |           | 7               |
|                              | 92-SR SVCS - HOME DELIVERED  | 7                 |                     | 7                   |                   | 1                   |           | 7               |
|                              | 93-SR SVCS - TRANSPORTATION  | 2                 |                     | 2                   |                   |                     |           | 2               |
| <b>TOTAL</b>                 |                              | 28                | 0                   | 28                  | 0                 | 1                   | 1         | 29              |
|                              | 02-EDGEWOOD SATELLITE OFFICE |                   |                     |                     |                   | 1                   |           |                 |
| <b>TOTAL</b>                 |                              |                   |                     |                     |                   | 1                   |           |                 |
| <b>CSD TOTAL</b>             |                              | 51                | 2                   | 49                  | 0                 | 2                   | 3         | 54              |
| <b>HOUSING TOTAL</b>         |                              | 13                |                     | 13                  |                   |                     | 2         | 15              |
| GROWTH MANAGEMENT DEPARTMENT | 01-LAND USE ADMINISTRATION   | 4                 |                     | 4                   |                   |                     |           | 4               |
|                              | 02-PLANNING                  | 7                 |                     | 7                   |                   |                     | 1         | 8               |
|                              | 14-GIS                       | 9                 |                     | 9                   |                   |                     |           | 9               |
|                              | 15-AFFORDABLE HOUSING-COUNTY | 1                 |                     | 1                   |                   |                     | 1         | 2               |
|                              | 16-BUILDING & DEVELOPMENT    | 15                |                     | 15                  |                   |                     |           | 15              |
| <b>GMD TOTAL</b>             |                              | 36                |                     | 36                  |                   |                     | 2         | 38              |
| PUBLIC WORKS DEPARTMENT      | 01-PUBLIC WORKS ADMIN.       | 13                | 1                   | 12                  |                   |                     | 1         | 14              |
|                              | 02-FLEET SERVICE             | 7                 |                     | 7                   |                   |                     | 2         | 9               |
|                              | 03-TRAFFIC ENGINEERING       | 5                 |                     | 5                   |                   |                     | 2         | 7               |

# SANTA FE COUNTY HR STATISTICS FOR THE MONTH OF APRIL 2015

| Department               | Division                   | Regular Employees | Part Time Employees | Full Time Employees | Elected/Officials | Temporary Employees | Vacancies | Total Positions |
|--------------------------|----------------------------|-------------------|---------------------|---------------------|-------------------|---------------------|-----------|-----------------|
|                          | 05-SOLID WASTE             | 19                |                     | 19                  |                   |                     | 2         | 21              |
|                          | 11-ROAD MAINTENANCE        | 41                |                     | 41                  |                   |                     | 1         | 42              |
|                          | 02-PROPERTY CONTROL        | 13                |                     | 13                  |                   |                     | 2         | 15              |
|                          | 03-BUILDING SERVICES       | 18                | 1                   | 17                  |                   |                     |           | 18              |
| TOTAL                    |                            | 116               | 2                   | 114                 | 0                 | 0                   | 10        | 126             |
|                          | 18-PROJECT DEVELOPMENT DIV | 8                 |                     | 8                   |                   |                     | 2         | 10              |
|                          | 26-OPEN SPACE              | 4                 |                     | 4                   |                   |                     | 1         | 5               |
|                          | 08-SANTA FE RIVER GREENWAY | 1                 |                     | 1                   |                   |                     |           | 1               |
| TOTAL                    |                            | 13                | 0                   | 13                  | 0                 | 0                   | 3         | 16              |
|                          | 10-WATER                   | 15                |                     | 15                  |                   |                     | 4         | 19              |
|                          | 15-AAMODT                  | 1                 |                     | 1                   |                   |                     |           | 1               |
|                          | 20-WASTEWATER              | 1                 |                     | 1                   |                   |                     |           | 1               |
| TOTAL                    |                            | 17                | 0                   | 17                  | 0                 | 0                   | 4         | 21              |
| PWD TOTAL                |                            | 146               | 2                   | 144                 | 0                 | 0                   | 17        | 163             |
| PUBLIC SAFETY DEPARTMENT | 01-FIRE ADMINISTRATION     | 28                |                     | 28                  |                   | 2                   | 3         | 31              |
|                          | 09-FOREST RESTORATION      | 2                 |                     | 2                   |                   |                     | 1         | 3               |
|                          | 11-FIRE REGIONS            | 73                |                     | 73                  |                   |                     | 1         | 74              |
| TOTAL                    |                            | 103               |                     | 103                 |                   | 2                   | 5         | 108             |
|                          | 01-ADMINISTRATION          | 6                 |                     | 6                   |                   |                     | 2         | 8               |
|                          | 60-ADULT FACILITY          | 121               |                     | 121                 |                   |                     | 35        | 156             |

# SANTA FE COUNTY HR STATISTICS FOR THE MONTH OF APRIL 2015

| Department                       | Division                  | Regular Employees | Part Time Employees | Full Time Employees | Elected/Officials | Temporary Employees | Vacancies  | Total Positions |
|----------------------------------|---------------------------|-------------------|---------------------|---------------------|-------------------|---------------------|------------|-----------------|
|                                  | 62-MAINTENANCE DIVISION   | 7                 |                     | 7                   |                   |                     |            | 7               |
|                                  | 63-MEDICAL SERVICES       | 26                |                     | 26                  |                   |                     | 3          | 29              |
|                                  | 65-ELECTRONIC MONITORING  | 8                 |                     | 8                   |                   |                     | 1          | 9               |
|                                  | 70-YOUTH DEVELOPMENT FAC. | 22                |                     | 22                  |                   |                     | 7          | 29              |
| <b>TOTAL</b>                     |                           | <b>190</b>        |                     | <b>190</b>          |                   |                     | <b>48</b>  | <b>238</b>      |
|                                  | 01-ADMINISTRATION RECC    | 42                |                     | 42                  |                   |                     | 6          | 48              |
| <b>TOTAL</b>                     |                           | <b>42</b>         |                     | <b>42</b>           |                   |                     | <b>6</b>   | <b>48</b>       |
| <b>PSD TOTAL</b>                 |                           | <b>335</b>        | <b>0</b>            | <b>335</b>          | <b>0</b>          | <b>2</b>            | <b>59</b>  | <b>394</b>      |
| COUNTY CLERK'S OFFICE            | 01-REPORTING & RECORDING  | 16                | 2                   | 14                  | 1                 |                     | 5          | 21              |
|                                  | 02-BUREAU OF ELECTIONS    | 11                | 1                   | 10                  |                   |                     | 2          | 13              |
| <b>COUNTY CLERK'S OFFICE</b>     |                           | <b>27</b>         | <b>3</b>            | <b>24</b>           | <b>1</b>          |                     | <b>7</b>   | <b>34</b>       |
| <b>COUNTY TREASURER'S OFFICE</b> |                           | <b>13</b>         |                     | <b>13</b>           | <b>1</b>          | <b>1</b>            |            | <b>13</b>       |
| COUNTY ASSESSOR'S OFFICE         | 01-COUNTY ASSESSOR ADMIN. | 25                |                     | 25                  | 1                 |                     | 4          | 29              |
|                                  | 11-PROPERTY VALUATION     | 12                |                     | 12                  |                   |                     | 2          | 14              |
| <b>COUNTY ASSESSOR'S OFFICE</b>  |                           | <b>37</b>         |                     | <b>37</b>           | <b>1</b>          |                     | <b>6</b>   | <b>43</b>       |
| <b>COUNTY SHERIFF'S OFFICE</b>   |                           | <b>117</b>        |                     | <b>117</b>          | <b>1</b>          |                     | <b>7</b>   | <b>124</b>      |
| <b>COUNTY PROBATE JUDGE</b>      |                           |                   |                     |                     | <b>1</b>          |                     |            |                 |
|                                  |                           | <b>860</b>        | <b>7</b>            | <b>853</b>          | <b>10</b>         | <b>5</b>            | <b>108</b> | <b>968</b>      |

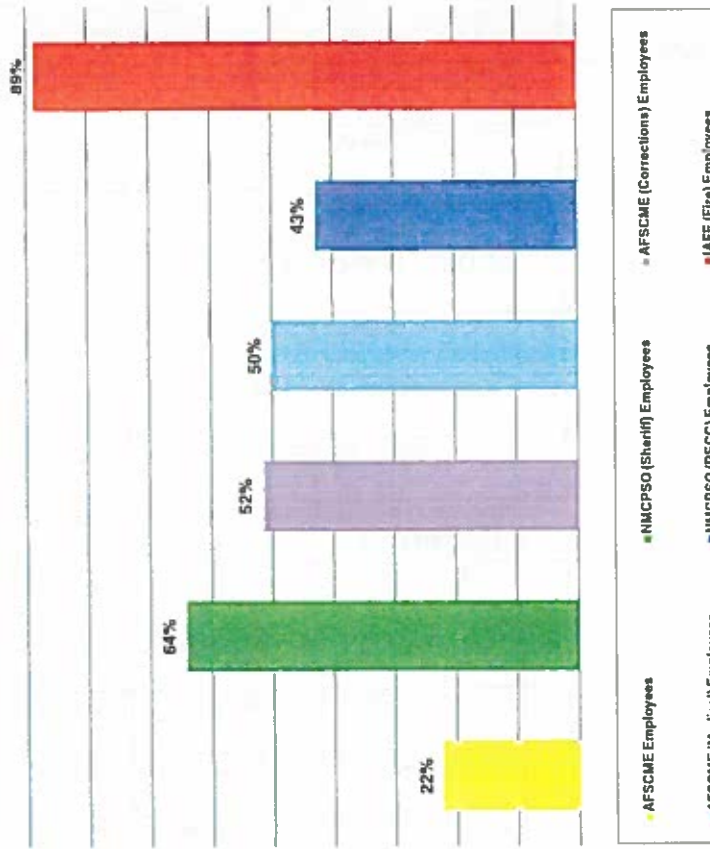
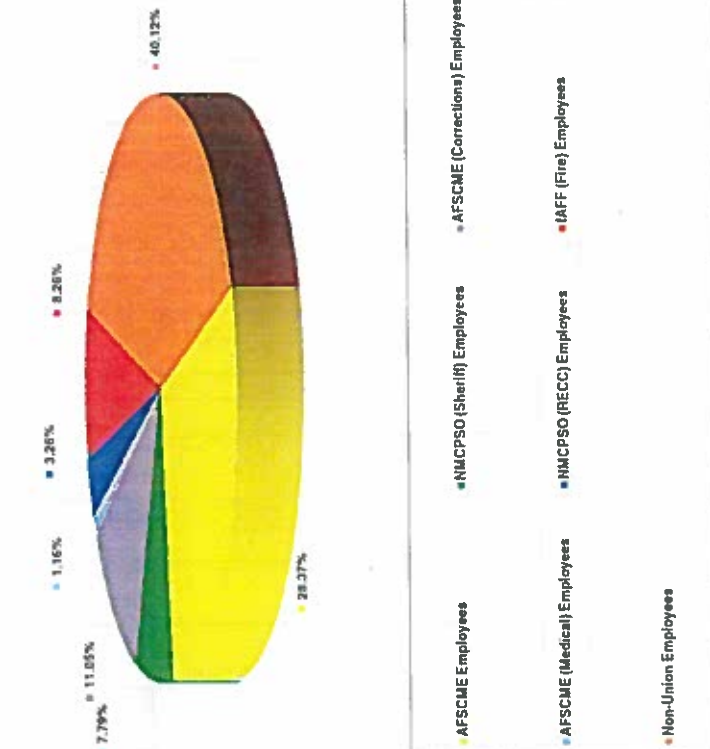
SANTA FE COUNTY NEW HIRES FOR MARCH 28, 2015- MAY 1, 2015

[illegible]

# LABOR STATISTICS FOR APRIL 2015

| Union Status                    |     | Percentage of Union Status          |        | Percentage Of Employees Paying Union Dues |                                       |     |
|---------------------------------|-----|-------------------------------------|--------|---|---------------------------------------|-----|
| AFSCME Employees                | 244 | AFSCME Employees                    | 28.37% | 54  | AFSCME Employees                      | 22% |
| NMCPSO (Sheriff) Employees      | 67  | NMCPSO (Sheriff) Employees          | 7.79%  | 43  | NMCPSO (Sheriff) Employees            | 64% |
| AFSCME (Corrections) Employees  | 98  | AFSCME (Corrections) Employees      | 11.08% | 49  | AFSCME (Corrections) Employees        | 52% |
| AFSCME (Medical) Employees      | 10  | AFSCME (Medical) Employees          | 1.18%  | 8   | AFSCME (Medical) Employees            | 80% |
| NMCPSO (RECC) Employees         | 28  | NMCPSO (RECC) Employees             | 3.28%  | 12  | NMCPSO (RECC) Employees               | 43% |
| IAFF (Fire) Employees           | 71  | IAFF (Fire) Employees               | 8.26%  | 63  | IAFF (Fire) Employees                 | 89% |
| Total Number of Union Employees | 515 | Total Percentage of Union Employees | 59.88% | 226                                       | Total Number of Employees Paying Dues |     |
| Non-Union Employees             | 345 | Non-Union Employees                 | 40.12% |   |                                       |     |
| Total Number of Employees       | 860 |                                     | 100%   |   |                                       |     |

## Paying Members



**Henry P. Roybal**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**MEMORANDUM**

To: Board of County Commissioners

Via: Katherine Miller, County Manager  
Bernadette Salazar, Human Resource Director *BS*

Date: May 13, 2015

Re: Recognition of Years of Service for Santa Fe County Employees for May 2015

Santa Fe County initiated a years of service recognition program in July of 2014. This program recognizes employees on a monthly basis who have completed years of service in five year increments. Santa Fe County recognizes the value of employee retention. It is important that we express our appreciation to those employees who contribute to the County and choose to make their career with us. Employees receive a service pen with the years of service listed.

For the month of May 2015, the following employees will be recognized:

| Employee Name   | Department/Office            | Title                         | Years of Service | Hire Date |
|-----------------|------------------------------|-------------------------------|------------------|-----------|
| Renee Nix       | PSD/Fire Department          | Fire Protection Specialist II | 15               | 5/8/2000  |
| Paul Olafson    | PWD/Project & Facilities Mgt | Community Projects Manager    | 15               | 5/30/2000 |
| Mark Lujan      | ASD / Risk Management        | Risk Manager                  | 20               | 5/23/1995 |
| Gerard Roybal   | PWD / Fleet Services         | Vehicle Mechanic              | 25               | 5/1/1990  |
| Lorie Schonrock | PSD/Fire Department          | Accountant                    | 25               | 5/7/1990  |







**Henry P. Roybal**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

## MEMORANDUM

Date: May 26, 2015  
To: Board of County Commissioners  
From: Jeff Trujillo, ASD Director  
Via: Katherine Miller, County Manager  
Subject: Administrative Services Monthly Report – April 2015

Below is an informational report in regards to the Administrative Services Department for the month of April 2015.

### Information Technology

| Work Orders/Technical Support  |                                       |  |                            |  |  |      |             |       |            |                                       |            |       |  |      |
|--|---------------------------------------|--|----------------------------|--|--|------|-------------|-------|------------|---------------------------------------|------------|-------|--|------|
| All IT requests are captured using a work order tracking system located on SharePoint.   |                                       | 663 work orders were completed/resolved in April 2015. |                            |  |  |      |             |       |            |                                       |            |       |  |      |
| Systems and Network Uptime   |                                       |  |                            |  |  |      |             |       |            |                                       |            |       |  |      |
| <table><tr><th colspan="3">April Unscheduled Downtime</th></tr><tr><th>Date</th><th>Description</th><th>Hours</th></tr><tr><td>04/10/2015</td><td>PNM Power Outage (11:58am to 12:47pm)</td><td>49 Minutes</td></tr><tr><td colspan="2">Total</td><td>0.00</td></tr></table> |                                       |  | April Unscheduled Downtime |  |  | Date | Description | Hours | 04/10/2015 | PNM Power Outage (11:58am to 12:47pm) | 49 Minutes | Total |  | 0.00 |
| April Unscheduled Downtime   |                                       |  |                            |  |  |      |             |       |            |                                       |            |       |  |      |
| Date   | Description                           | Hours  |                            |  |  |      |             |       |            |                                       |            |       |  |      |
| 04/10/2015   | PNM Power Outage (11:58am to 12:47pm) | 49 Minutes   |                            |  |  |      |             |       |            |                                       |            |       |  |      |
| Total  |                                       | 0.00   |                            |  |  |      |             |       |            |                                       |            |       |  |      |
|  |                                       | Q1 2015 Actual: 100%                                   |                            |  |  |      |             |       |            |                                       |            |       |  |      |
|  |                                       | Q2 2015 Actual: 99.03%                                 |                            |  |  |      |             |       |            |                                       |            |       |  |      |
|  |                                       | Q3 2015 Actual: 100%                                   |                            |  |  |      |             |       |            |                                       |            |       |  |      |
|  |                                       | FY 2015 YTD: 99.52%                                    |                            |  |  |      |             |       |            |                                       |            |       |  |      |

### Legal

Legal has processed 431 contracts, 96 resolutions, and reviewed or drafted (or participated in drafting) 8 ordinances this fiscal year.

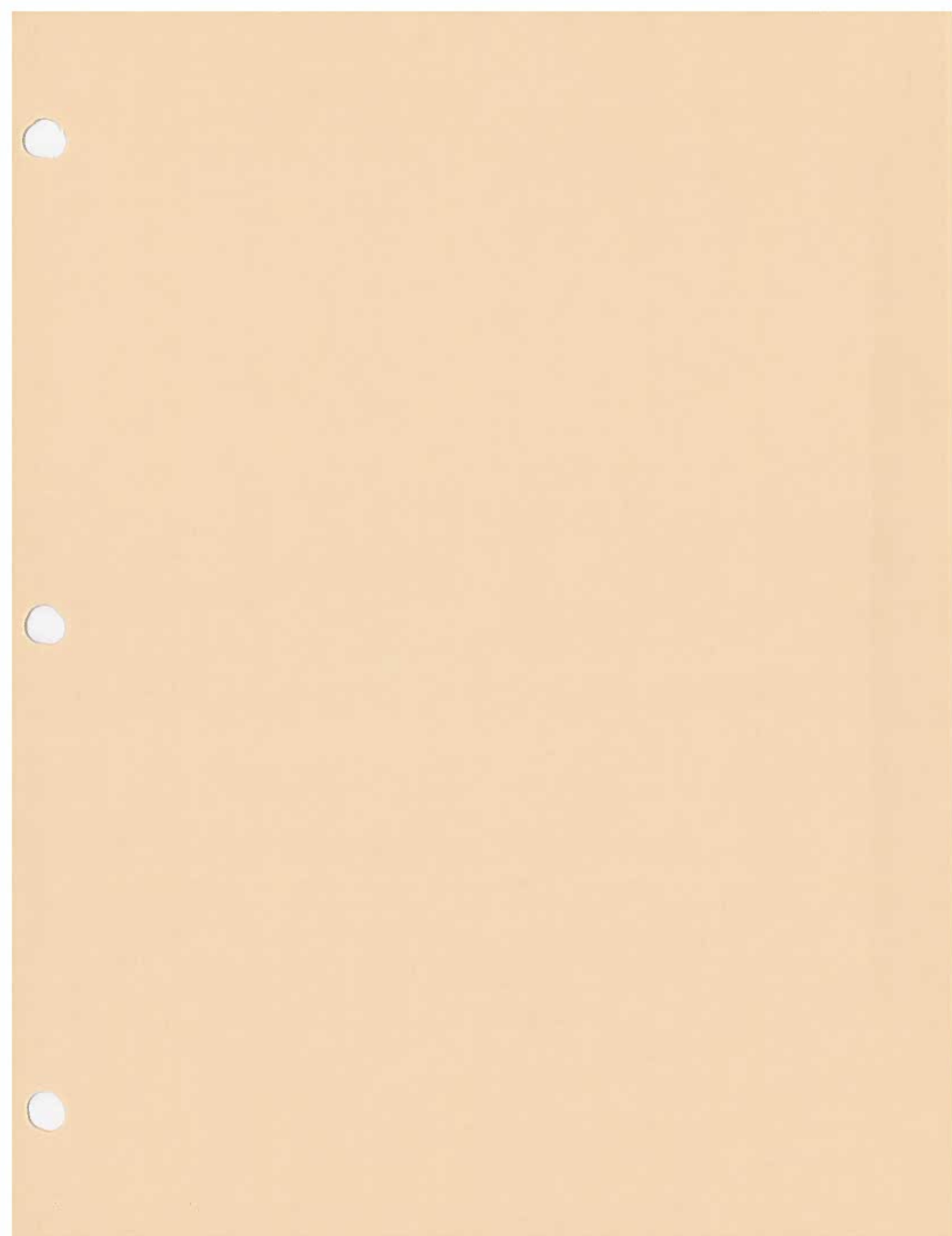
## Mailroom

The Mailroom processed the following in the month of April

|                                |      |
|--------------------------------|------|
| Co. Manager<br>(Commissioners) | 42   |
| Human Resources                | 62   |
| Fire Department                | 546  |
| Finance/Payroll                | 1181 |
| Utilities (Water Resources)    | 311  |
| Public Works                   | 76   |
| Land Use                       | 25   |
| Housing                        | 117  |
| Indigent/HAP                   | 10   |
| DWI                            | 57   |
| MCH                            | 0    |
| PFMD                           | 0    |
| Clerks                         | 155  |
| Elections                      | 416  |
| Assessors                      | 329  |
| Treasurers                     | 355  |
| Probate Judge                  | 0    |
| Attorney or Legal              | 21   |
| Sheriff                        | 233  |
| Corrections Admin              | 3    |
| Home for Good Program          | 0    |
| Purchasing                     | 6    |
| Care Connection                | 0    |
| HHS Admin                      | 28   |
| Adult Jail                     | 5    |
| Teen Court                     | 78   |
| ASD                            | 2    |
| E-911                          | 1    |
| RECC                           | 9    |
| Senior Services                | 0    |
| YDF                            | 0    |
| Affordable Housing             | 1    |
| Section 8                      | 163  |





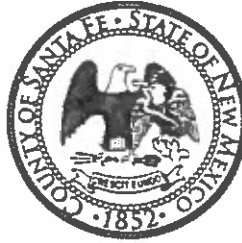




**Henry P. Roybal**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

### Memorandum

**To:** Santa Fe County Board of County Commissioners

**From:** Katherine Miller, County Manager, SFC  
Rachel O'Connor, Director, Community Services Department, SFC

**Date:** May 10, 2015

**Subject:** Community Services Monthly Report

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#### Health Services

Judy Williams met with Bruce Weatherbee, who (as requested by BCC last meeting) will be on the HPPC agenda in June. Prime among the issues he wants to talk about is the quality of care at CHRISTUS St. Vincent.

We have been asked by the NM Dental Association to sponsor a project for a large dental care event that will be held in 2016 at the Convention Center. In essence, this event provides free dental services, over the course of two to three days. Other counties who have done this (San Juan, Dona Ana, Sandoval) have been pleased with the high turnout. We're meeting with Legal to see if HCAP funds can be used for this, and if so, how such a "sponsorship" might be done

The Mobile Health Van saw 12 patients on the van for Mental Health Awareness Day out at SFCC. Eight people were screened for depression, anxiety, traumatic events, and PTSD. Michael Ell from CHRISTUS St. Vincent Behavioral Health Department was there to provide referral and resource information. We had 2 Santa Fe County employees that sought out our services today after receiving the email from HR about the Mental Health Screening Event. The other people were from the college and general Santa Fe population.

"Fiesta Para Bebés". We participated in this early childhood event at Sweeney Elementary School on Saturday. The mobile health van conducted free screenings, and we handed out close to 100 of the new Resource Directories for Families with Young Children

#### Senior Services

Yesterday staff met with Michele Lis regarding the Strategic Plan for Seniors. Now that the stakeholder meeting is over we are starting to schedule meetings to meet with individual

Commissioners, and with experts in the field. There are so many issues for consideration including geographic location and need as we move forward.

Greg and I attending a meeting with Public Works and the Eldorado Seniors to discuss colors scheme for tiles etc. at the Community Center.

### **Community Safety**

This week award letters and professional services agreements were sent to 11 organizations to implement youth programs to Santa Fe County youth. Teen Court staff will conduct site visits to many of the programs to better understand how they operate and benefit the youth involved.

Teen Court will be requesting data from Santa Fe Public Schools in an effort to continue with our program evaluation. We are hopeful SFPS will be willing to assist in this project as the outcome of the study will be beneficial to them as a referring agency.

The DWI Program met with the NM Traffic Safety Bureau to discuss the funding of an additional Compliance Monitor to insure compliance with Ignition Interlock requirements.

This week the DWI program attended the Alcohol Fair Tax training and Summit. The Training and Summit is an effort to join stakeholders from around New Mexico to create a unified voice for advocating to increase alcohol taxes by 25¢ per drink during the 2017 Legislative Session. Dr. David Jernigan of Johns Hopkins University and Vincent DeMarco of the Maryland Health Care For All will be conducting the training and hosting the summit. They'll share the plan they used to successfully raise alcohol taxes in Maryland.

Teen Court is working with Sage Inn to develop a mural on their property that faces Don Diego Avenue. The owners of the property requested to go in a different direction in respect to the proposal submitted by our most recent artists. We will submit a new proposal by Sebastian Velasquez who is well known in the community for his artwork and has created hundreds of paintings and murals since the year 2000. Though his artwork can be found throughout the United States, several Santa Fe locations have showcased Velasquez' artwork, including galleries, municipal buildings, and countless businesses and homes.

The DWI program participated in Community Day/Dia De La Gente this Saturday May 9<sup>th</sup>.

### **Community Operations**

Staff is finalizing a Resolution on the policies and procedures for the Resolution for the Fairgrounds. We are hoping to bring this forward in June, 2015.

Staff is finalizing the scope of work for the RFP for the management of the Pojoaque ball fields.

There are over 725 children enrolled in Imagination Library in Santa Fe County.

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**HEALTH POLICY & PLANNING COMMISSION**

**April 3, 2015**

**Santa Fe, New Mexico**

This regular meeting of the Santa Fe County Health Policy & Planning Commission (HPPC) was called to order by Chair Judith Williams at approximately 9:00 a.m. on the above-cited date at the Santa Fe County Community Services Department conference Room, 2052 Galisteo Street, Santa Fe.

The following members were present:

**Members Present:**

Judith Williams, Chair  
Catherine Kinney  
John Abrams  
Vivian Heye [late arrival]  
Bonnie Keene  
Don Reece  
Carolyn Roberts  
Reena Szczepanski

**Member(s) Absent:**

AnnaMaria Cardinalli  
Bryan Conkling  
Shirlee Davidson [excused]  
[Two Vacancies]

**County Staff Present:**

Patricia Boies, Director, Health Services Division  
Rachel O'Connor, Director, Community Services Department  
Kyra Ochoa, Health Services Staff

**Others Present:**

Jim Breland, Presbyterian Medical Group  
Ramona Flores-Lopez, Santa Fe Prevention Alliance  
Juanita Sedillo, Highlands Nursing Student  
Wendy Johnson, La Familia  
Jay Jolly, La Familia  
Robin Hunn, Santa Fe Project  
Trip Rothschild, La Familia  
Kathy Armijo Etre, Christus St. Vincent

### **III. Introductions**

Those present introduced themselves.

### **IV. Approval of Agenda**

Commissioner Reece moved to approve the agenda as published. Commissioner Abrams seconded and the motion carried unanimously.

### **V. Approval of Minutes February 6, 2015**

Commissioner Roberts moved to approve the February minutes as presented and Commissioner Kinney seconded. The minutes were unanimously approved.

#### **March 6, 2015**

Commissioner Kinney offered clarifications and corrections and those were incorporated into the recorded March minutes.

Commissioner Roberts moved approval as amended and Commissioner Abrams seconded. The motion carried unanimously.

### **VI. Matters of Public Concern None were presented.**

### **VII. Presentations**

#### **A. Presbyterian Medical Group St. Michael's Clinic: Plans to Increase Access to Health Care for Santa Fe County**

Ms. Boies spoke of the new clinic building going up on St. Michael's, adding the clinic manager will be Bonnie Lochner. She introduced Jim Breland, Director of Clinics and Support Services for Presbyterian Medical Group. He said he has responsibility for the medical group operations at all five regional facilities – Española, Clovis, Tucumcari, Socorro and Ruidoso. He is the project and operations manager for the clinic in Santa Fe. Mr. Breland outlined the extent of Presbyterian's work throughout the state, noting they care for approximately one-third of New Mexicans. He elucidated the purpose, vision, values and strategy, emphasizing the importance of respect.

Turning to the Santa Fe facility, he said it is 33,000 square feet, situated on seven acres, with room for expansion. It will open on April 20<sup>th</sup> and he invited the Commission to tour the new facility on April 16<sup>th</sup>. Mr. Breland said the clinic will constitute a medical home with physicians, a care manager, clinical pharmacist, and behavioral health professional. Services will include primary and urgent care, general radiology, ultrasound, Tri-Core lab, and a sample pharmacy from Albuquerque. Starting in July specialists serving on a rotating basis will include

a cardiologist, endocrinologist, neurologist, pulmonologist, rheumatologist, sleep medicine specialist, ob-gyn, general surgeon, orthopedist, podiatrist and urologist.

He spoke of the physicians, noting they hope to eventually have ten primary care physicians. They will start with a staff of 25, increasing to 35 plus.

There will be a home health office in the clinic. Commissioner Roberts asked if there would be hospice. Mr. Breland said they have a relationship with providers. He listed the hours of operation planned for general and urgent care. Specialty care will be by appointment and there will be a sliding fee scale and financial assistance. The clinic will be able to provide Medicaid enrollment help. They will incorporate telemedicine and want to be involved in the community. They have the capacity to expand up to 46 acres on the south side. He explained how the sample pharmacy would work in conjunction with Albuquerque.

Responding to questions from the Commission, Mr. Breland said they are a managed care organization (MCO) for Centennial Care. They are working to recruit more internal medicine and other physicians. They are involved with SBIRT and do Suboxone in Espanola.

Mr. Breland left brochures and information, stating he was available to answer questions. He said there will be a community event at the farmers market on May 9<sup>th</sup>.

#### **VIII. Matters from the Commission and Staff**

- A.     Update on *Health Action Plan* Priorities**
- B.     Director's Report**

Ms. Boies distributed an initial "report card" with information on indicators from the Health Action Plan. She noted that two Commission members have expiring terms and will not be reapplying. Commissioner Kinney said much progress has been made during her time on the Commission and she has learned a great deal but will not continue to serve. Commissioner Davidson is also retiring. Commissioner Heye's term is also expiring, and she is reapplying.

Ms. O'Connor stated she and Ms. Boies met with the Santa Fe Community Foundation regarding indicators for the action plan. The Foundation has a webpage tracking indicators and suggested HPPC might be interesting in collaborating. She did not believe much financial contribution would be required. Ms. Boies said a presentation might be helpful. She indicated the Santa Fe Community Foundation entered all the information from the resources directory into their searchable website.

Commissioner Reece asked if the DOH Epidemiology Department will be providing statistics and Ms. Boies said Kelly Gallagher from that department has worked closely with the HPPC.

Ms. Boies reported that a conference on behavioral health sequential mapping is coming up. The RFP for the low birth weight prevention initiative has gone out. Three vendors responded, and two were chosen – La Familia and Las Cumbres. A total of \$250,000 has been allocated for this initiative.

Ms. Boies distributed statistics for the mobile health care van, which will be participating in local health fairs and Community Day on the Plaza.

Ms. O'Connor reported on the following:

- The budget, tailored to the priorities established, has been submitted
- Fewer claims are coming in due to increased coverage from Medicaid, and fewer claims than expected have come in from the undocumented population
- County Manager Miller will be meeting with the Mayor of Edgewood to discuss the south county First Choice initiative. This may be an agenda item at an upcoming meeting; the Commission may want to take a position
- A vendor has been chosen for the mobile crisis unit – PMS – and she hoped a contract would be in place soon
- An appointment was made with the DOH to determine the status of an SBIRT grant
- Interest in the Imagination Library is exploding. The Brindle Foundation will be donating money for Spanish language books.

### **C. Other Matters from the Commission**

Commissioner Kinney said the visit to First Choice in Albuquerque was worthwhile. She said they are moving to a patient centered medical home model. All patients go through SBIRT upon intake. There is a systematic Narcan program and they heavily emphasize the social determinants of health. They do an immediate triage.

Dr. Johnson said La Familia follows a similar model. They have procured a behavioral health grant and are on the verge of tripling psychiatric time available. They also incorporate SBIRT, Narcan and Suboxone as well as substance abuse counseling, stated Dr. Johnson.

Commissioner Abrams stated he was impressed with First Choice's breadth of services that including gardening, dentistry and a family kitchen. Commissioner Roberts spoke of the social determinants checklist they use .

Ms. Boies said another visit to La Familia might be warranted, given the number of new HPPC members since the last visit.

Commissioner Roberts said the SOS group is putting forth a suggestion that the Board of Pharmacists send out notices to doctors who fail to check the P&P when prescribing narcotics. Reminder letters could then be issued.

A discussion ensued regarding action at the legislature. Ms. Flores-Lopez stated the proposal to evaluate the cost of substance abuse made it through the House but did not get to the Senate. SB 241 is on the Governor's desk. This would allow full liquor licenses to be transferred anywhere in the state. Commissioner Heye said HM26 regarding hepatitis C passed.

Commissioner Szczepanski reported on the following bills:

- SB 42 Medicaid for the incarcerated, is on the Governor's desk

- HB274 allowing for the synchronization of prescriptions is pending
- HB108 targets health investment zones would entail matching funds and collaboration
- The health care pricing transparency is on the Governor's desk
- HB139 allows caregivers to be designated and trained post-discharge passed

Ms. Boies pointed out Shelley Mann-Lev was given a public advocate award at the annual meeting of the New Mexico Public Health Association.

Chair Williams said she found the Fiscal Impact Reports issued by the LFC to be biased.

Ms. O'Connor said there is a request to fund a city fire department initiative but was not sure where funding would come from. Commissioner Roberts said she heard mental health screenings might be involved and doubted whether the fire department was qualified to do that. Chair Williams said she understood the City program was to target "frequent flyers." Ms. O'Connor said she was waiting to see if the City funds the proposal. The County's mobile crisis unit is different from this City fire department initiative, which would be more like a home visiting program.

#### **IX. Future Agenda Items**

Items mentioned for possible inclusion on the next agenda were the Edgewood First Choice project and the mobile crisis unit.

#### **X. Announcements**

- A. Next HPPC meeting Friday, May 1, 2015, 9 a.m., Santa Fe County  
Community Services Department conference Room, 2052 Galisteo Street,  
Santa Fe

#### **XI. Adjournment**

This meeting was declared adjourned at approximately 10:50 a.m.

Approved by:

\_\_\_\_\_  
Judith Williams, Chair  
Health Policy & Planning Commission

Respectfully submitted by:

Debbie Doyle, Wordswork

**DRAFT**

SUBJECT TO APPROVAL





**Henry P. Roybal**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**Memorandum**

**To:** Santa Fe Board of County Commissioners

**From:** Carole H. Jaramillo, Finance Director

**Via:** Katherine Miller, County Manager

**Date:** May 13, 2015

**Re:** *Financial report for the month ending 4/30/2015*

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**ISSUE:**

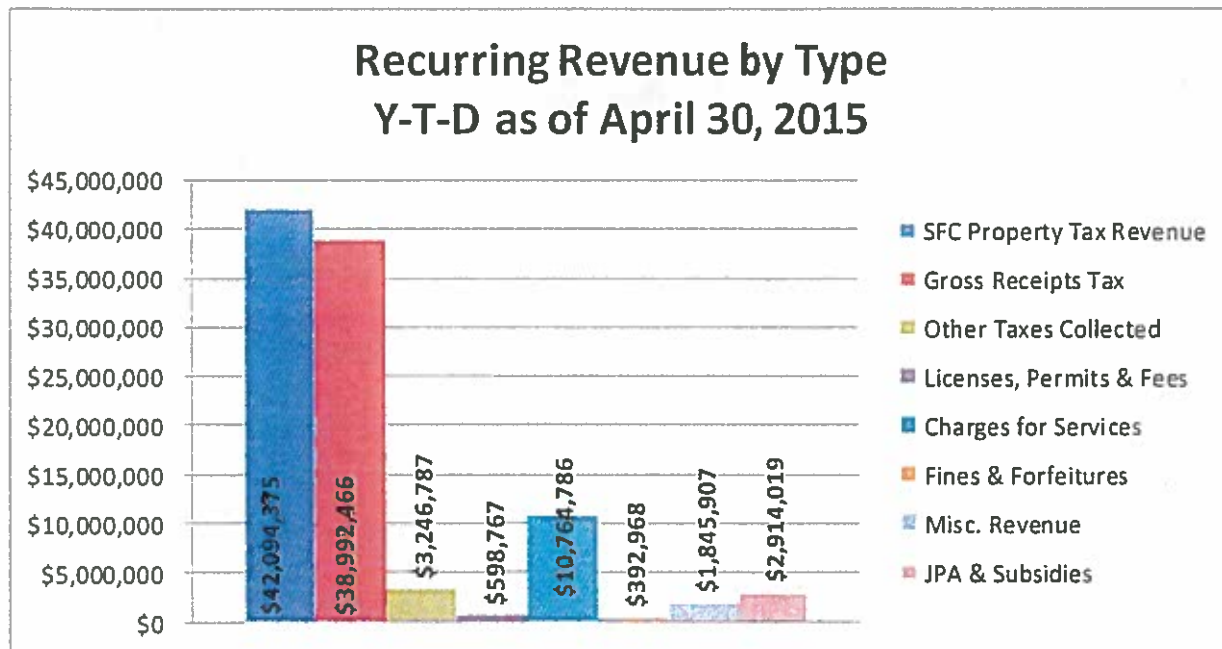
Presented herein, is a report summarizing the financial activities of the County through the month ending April 30, 2015.

**BACKGROUND:**

This report presents a comparison of recurring revenues and expenditures and highlights various capital expenditures which are non-recurring. Also highlighted are major sources of revenue: property taxes and gross receipts taxes with year over year comparisons to fiscal year 2014.

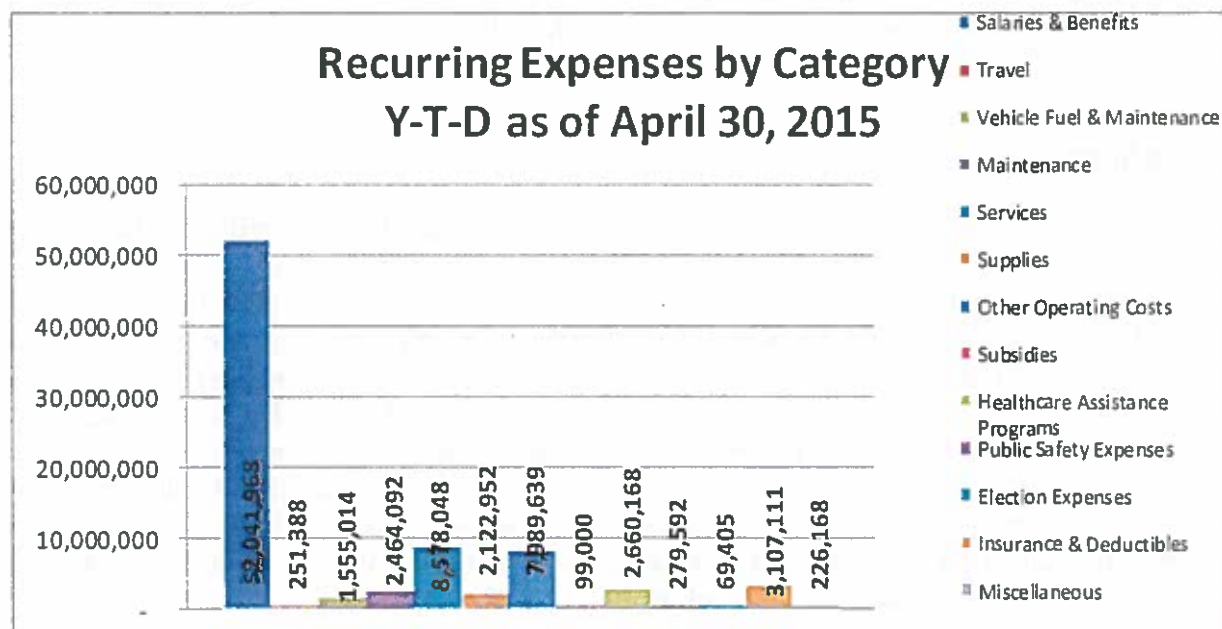
**Recurring Revenue**

Through the month of April, the recurring revenues collected totaled \$100.9 million. The revenue collections were below the prior year's collections for the same period by \$7.5 million or 6.9%. The decrease can be attributed to decreased collections for other taxes (\$81,439), JPAs and subsidies (\$461,703), charges for services (\$633,949) and miscellaneous revenue (\$6.6 million). The biggest portion of the difference is related to the receipt of \$5.4 million related to the Aamodt Settlement during FY 2014. This is a one-time receipt of funds, which is skewing the year over year comparisons. Other significant factors contributing to the decreased revenues are the changes made to the expiration date of transfer station permits leading to a decrease of transfer station permit sales of \$125K as well as a reduction in Care of Prisoners revenue which is down by \$2.0 million from the same period in FY 2014. The following chart illustrates the recurring revenue by type and provides the amount collected through April 30, 2015.

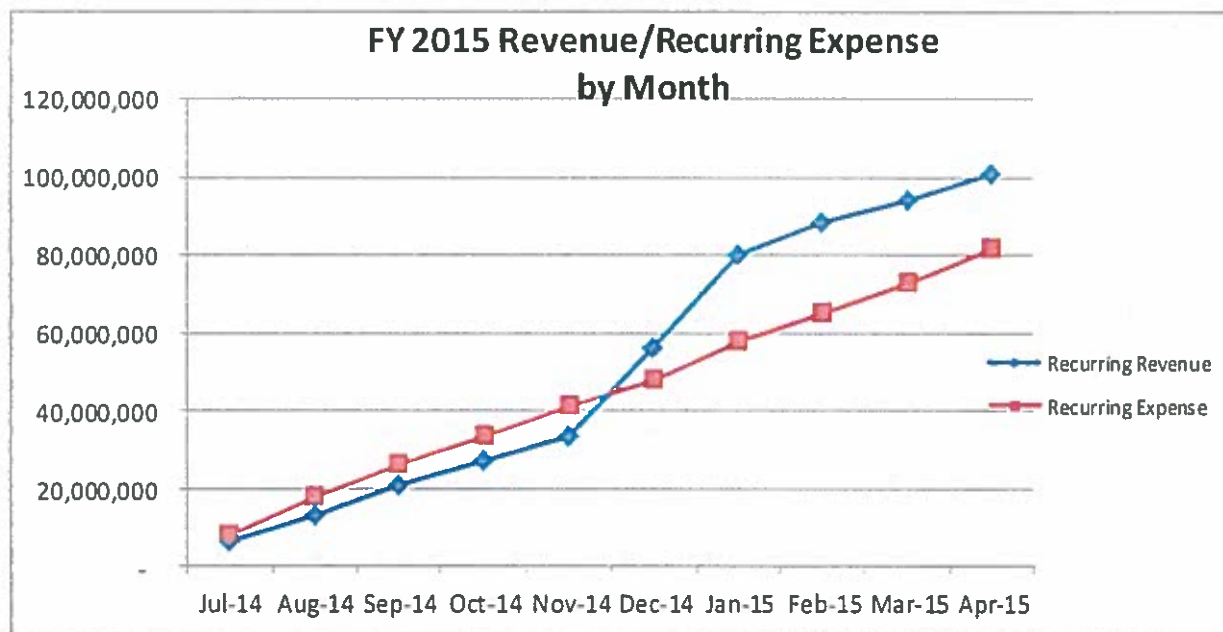
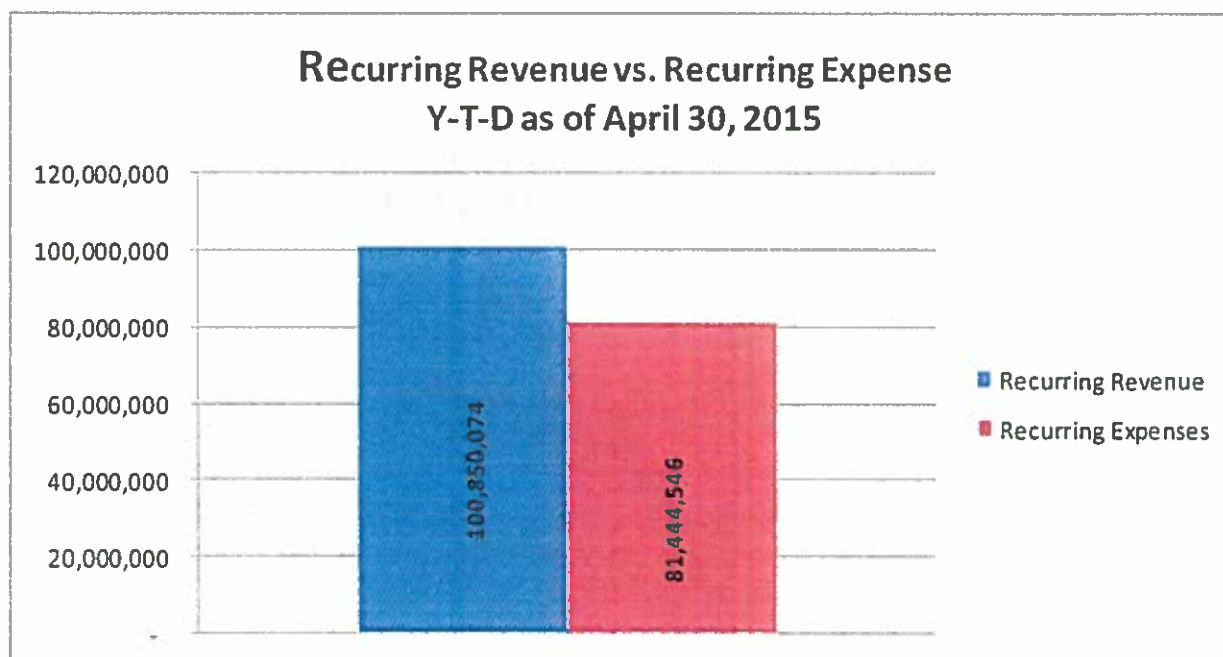


### Recurring Expenses

Through the month of April, the recurring expenditures total \$81.4 million. This exceeds the prior year expenditures of \$80.0 million for the same period by \$1.4 million or 1.75%. This increase is the net result of increases in salaries and benefits, travel, supplies, healthcare assistance, insurance and deductibles and miscellaneous expenses offset by decreases in vehicle expenses, maintenance, services, other operating expenses and public safety expense. The chart below represents the amounts expended for the various categories of recurring expenses year to date through April 30, 2015.



In the period through April 30, 2015, recurring revenues exceeded recurring expenditures by \$19.5 million. Typically expenditures will exceed revenue collections at the start of each fiscal and equalize later in the year as property taxes are collected. It is desirable and anticipated that by this point in the fiscal year recurring revenues will exceed recurring expenses. This condition is caused by the cyclic nature of property tax collections where the months following when bills are sent and when payments are due see the highest revenues. These are the months of December, January, May and June. In the early months of the fiscal year, it is the budgeted cash that balances the budget. The following bar chart shows the recurring revenue compared to recurring expenses in total while the subsequent line graph illustrates the progression of recurring revenue collections compared to recurring expenses month by month through April, 2015.

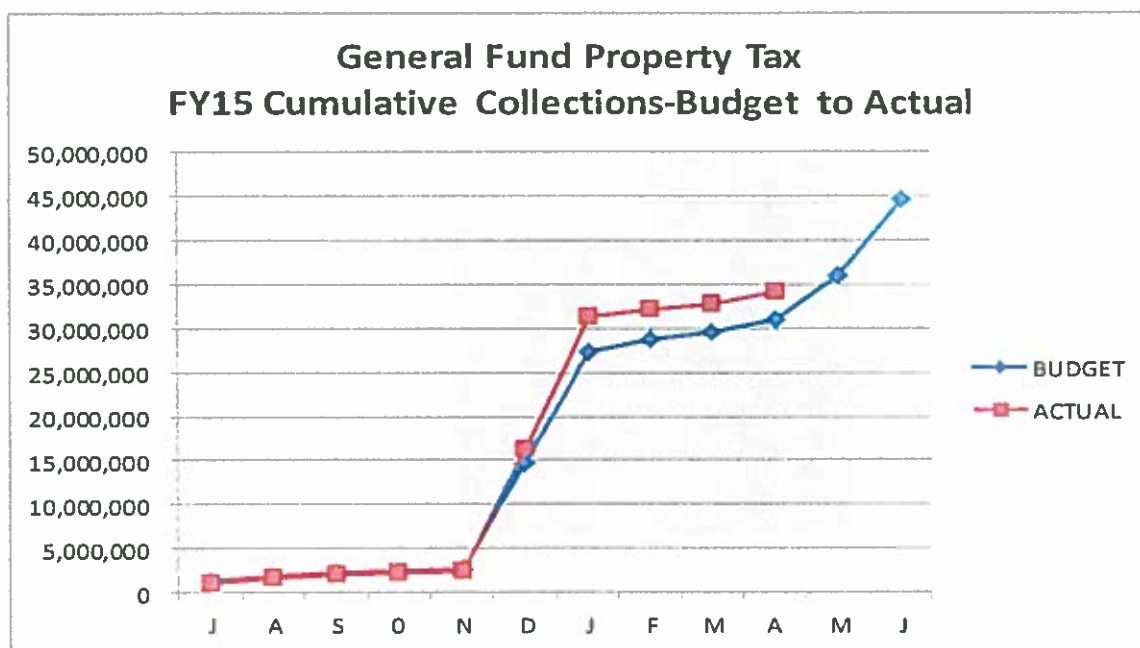


Below are charts reflecting the primary sources of recurring revenue for Santa Fe County year-to-date through April 30, 2015.

#### *Property Tax Revenue*

Property tax is recorded monthly and compared to the actual monthly budget forecasts. Property tax revenue budget estimates are conservative, as a budget shortfall in property tax receipts would have a serious impact on various County operations. Property taxes are the source of revenue for the County.

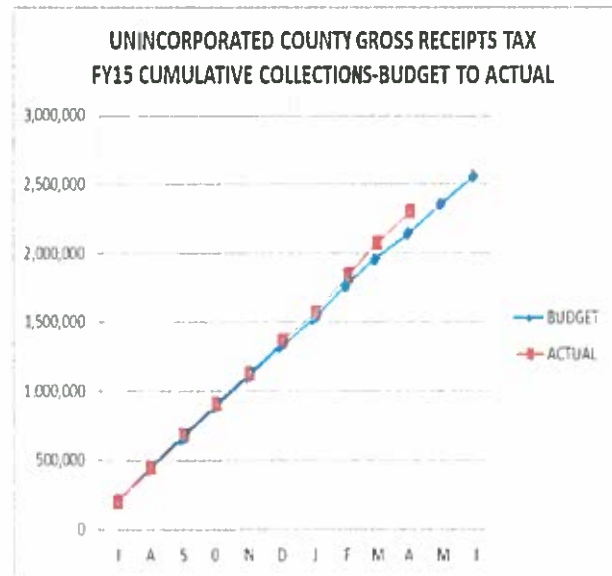
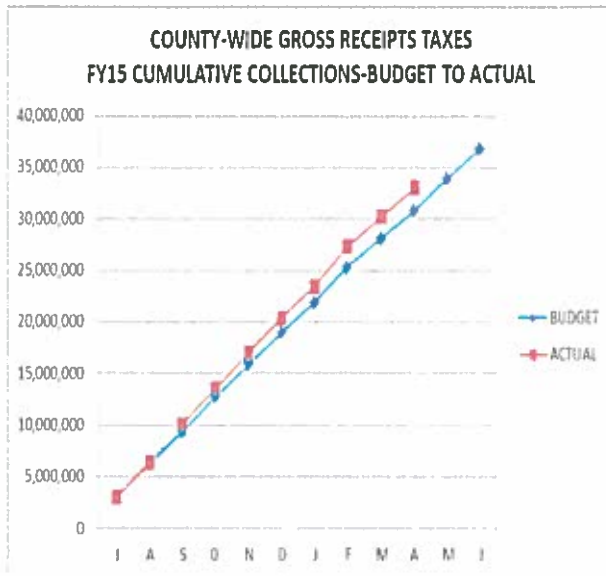
Actual property tax collections of \$34.3 million through the end of April exceeded the budget of \$31.0 million by \$3.3 million (operational only). The collections are \$0.3 million greater than the prior year's collections for the same time period.



#### *Gross Receipts Tax Revenue*

The gross receipts taxes are estimated from trend data taking into account economic factors that impact various business activities such as construction, wholesale, retail and service sectors. Combined, both the county-wide and the unincorporated gross receipt taxes collected through April total \$35.4 million and are \$2.5 million above the budgeted amount of \$32.9 million. Total year-to-date collections were above the collections of the prior year by \$92,674 for the same time period. These amounts exclude the Regional Transit District GRT which is passed through in its entirety to the North Central Regional Transit District. Fiscal year to date that tax has raised \$3.6 million.

The unincorporated GRT collections total \$2.3 million through the month of April and are \$0.2 million above the budgeted amount of \$2.1 million. The collections are \$181,112 above the prior year collections. The increase is mainly attributable to the enacted Fire Excise Tax which began receiving monthly collections in September of FY 2014 resulting in an average monthly amount of \$100,000 to \$115,000. Through April the Fire Excise GRT collections total \$1.1 million.



### Non-Recurring Expenditures

Capital expenditures are considered non-recurring expenditures and may be funded by recurring or non-recurring sources. Non-recurring sources include bond proceeds, special appropriations, grants and cash balances from excess revenues of prior years. Recurring sources used for capital include the capital outlay gross receipts tax.

The following is a listing of some of the major capital expenditures incurred through the month of April:

|                               |             |                                  |           |
|-------------------------------|-------------|----------------------------------|-----------|
| La Cienega Fire #2/CC/Library | \$ 350,966  | Glorieta Estate MDWA             | \$224,275 |
| Madrid Ball Park              | \$ 148,793  | Glorieta/El Dorado Sr Ctr        | \$340,415 |
| Solid Waste Equipment         | \$ 296,685  | Corrections Vehicle Purchases    | \$148,132 |
| Sheriff Vehicle Purchases     | \$ 703,725  | Utilities Vehicle/Eqmt Purchases | \$ 97,799 |
| Eldorado/Canoncito/SE Sector  | \$ 161,175  | Santa Fe Rail Trail              | \$880,115 |
| Herrada Road                  | \$1,302,647 | Phase 2A Road Annexation         | \$944,495 |
| Pojoaque Little League Fields | \$ 830,496  | Thornton Ranch OS                | \$193,534 |

### Finance Division Activities

The Finance Division is in the process of preparing the FY 2016 budget with formal direction from the BCC. The Finance Division will bring forward the final FY 2016 budget for approval by the BCC on June 9, 2016 after which it will turn its attention to closing FY 2015, preparing for the annual audit and preparing the Comprehensive Annual Financial Report (CAFR).

### SUMMARY:

In summary, Santa Fe County is enjoying a healthy financial position with recurring revenues well in excess of recurring expenses and adequate funding to support its capital project priorities. The

primary sources of revenue for the County, property taxes and gross receipts taxes, are both performing well and are being recognized at rates better than budgeted. Expenses are being recognized at rates lower than budget. The positive variance created by higher than budgeted revenue and lower than anticipated expenses is expected to continue through the end of the fiscal year.



