

SANTA FE COUNTY

RESOLUTION No. 2012-147

A RESOLUTION ALLOCATING THE PROCEEDS OF THE SALE OF THE TOP OF THE WORLD RANCH WATER RIGHTS AS PART OF THE AAMODT WATER RIGHTS SETTLEMENT AGREEMENT

WHEREAS, Santa Fe County Board of County Commissioners, through Resolution 2012-53, approved on April 10th, 2012, resolved to participate fully in the implementation of the Aamodt Water Rights Settlement Agreement (Settlement); and

WHEREAS, the Settlement requires that certain transactions of water rights associated with the Top of the World Ranch occur between the County and the Bureau of Indian Affairs in the very near future; and

WHEREAS, such transactions will result in federal funds being transferred to the County; and

WHEREAS, the Cooperative Agreement between the County and the US Department of the Interior for implementation of the Settlement states that

“The County will ... reserve and exclusively use the funds received as a result of this Agreement to fulfill any one or combination of the following purposes: (1) the County’s monetary commitments described in the Cost Sharing and System Integration Agreement, as defined in Section 602 (5) of the Act; (2) the County’s other costs of implementing the Aamodt settlement; and (3) the County’s cost of OM&R of the County Water Utility serving the Pojoaque Basin. If the County determines that all or a portion of the funds is not needed for the purposes described above, the County may use the funds for any other purpose authorized by the County;” and

WHEREAS, under the Settlement, the US Bureau of Reclamation will construct a Regional Water System (RWS) in the Settlement area and will eventually transfer the RWS to County operation; and

WHEREAS, the County will likely have financial obligations upon transfer of the RWS, for both capital and operational expenses, and;

WHEREAS, the activities associated with the implementation of the Settlement requires a significant amount of work and coordination by the County with community organizations and stakeholders, the U.S. Bureau of Reclamation, the Bureau of Indian Affairs, the Indian Health Service, and other federal government agencies, as well as the Office of the State Engineer, the New Mexico Environment Department, and other state government agencies; and

WHEREAS, the work associated with the County's role in the Settlement implementation will require the services of a full-time term professional engineer, to be employed by the County through the completion of the facilities design in 2018;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY RESOLVES AND PROCLAIMS AS FOLLOWS:

1. At least eighty-five (85%) of the proceeds from the sale of the Top of the World water rights will be placed in a fund for sole and eventual use in implementation of the RWS at such time as needed.
2. A new full-time term position will be created in the Public Works Department, Utilities Division, to perform the functions of a professional engineer in charge of Aamodt Settlement Implementation on behalf of Santa Fe County for both outreach and technical matters, and Santa Fe County Utilities engineering.
3. Up to fifteen percent (15%) of the proceeds from the transfer of water rights will be dedicated to cover personnel salary and benefits for the position described above and associated equipment such as a vehicle or computer.

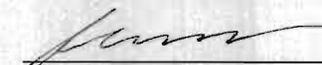
PASSED, ADOPTED, AND APPROVED this 30th day of October, 2012

BOARD OF COUNTY COMMISSIONERS



Liz Stefanics, Chair

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

ATTEST:

Valerie Espinoza
Valerie Espinoza, County Clerk



SFC CLERK RECORDED 11/05/2012

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for
Record On The 5TH Day Of November, 2012 at 01:23:08 PM
And Was Duly Recorded as Instrument # **1686696**
Of The Records Of Santa Fe County

Deputy *Maecella Patz* Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM