

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY
RESOLUTION NO. 2018 - 12**

**A RESOLUTION ESTABLISHING A WATER RIGHTS FEE FOR
PURPOSES OF COUNTY RESOLUTION NO. 2006-57 AND
DELEGATING AUTHORITY TO THE COUNTY UTILITIES
DIRECTOR TO APPROVE PAYMENT OF THE WATER RIGHTS
FEE IN LIEU OF PROVIDING WATER RIGHTS IN CERTAIN
INSTANCES**

WHEREAS, Section X(A) of the Santa Fe County (“County”) Water Department Line Extension and Water Service Policy (“Water Service Policy”), adopted by Resolution No. 2006-57, provides:

At the time of execution of a Water Delivery Agreement, or before at the Applicant's election, an Applicant shall be required to deposit with the County water rights (or the cash equivalent at the County's option to the value of the water rights required, both as established by the County), to support deliveries pursuant to the Water Delivery Agreement, plus 20%; and

WHEREAS, under its Administrative Procedures for Water Demand Offset Requirements, the City of Santa Fe (“City”) assess a total water rights fee of \$16,000; and

WHEREAS, the County should establish a minimum water rights cash equivalent fee (“Water Rights Fee”) under the Water Service Policy that is comparable to the City’s total water rights fee; and

WHEREAS, the County Utilities Director should be delegated discretion in certain instances to allow applicants for new County water service to pay the Water Rights Fee in lieu of providing water rights.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners (“Board”) as follows:

1. The Water Rights Fee is hereby adopted.
2. The Water Rights Fee shall be \$16,000 per acre-foot or the last cost per acre-foot paid by the County for pre-1907 surface water rights that are divertable at the Buckman Direct Diversion, whichever is greater.

3. In cases where the total amount of water requested is 10 acre-feet per year or less, inclusive of the additional 20% required under the Water Service Policy, the County Utilities Director is granted discretion to determine whether to allow an applicant to pay the Water Rights Fee in lieu of providing water rights.
4. Applicants for new water service greater than 10 acre-feet per year, inclusive of the additional 20% required under the Water Service Policy, shall not be eligible to pay the Water Rights Fee unless otherwise approved by the Board in a contract or resolution.

PASSED, APPROVED, AND ADOPTED THIS 30th DAY OF January 2018.
 BOARD OF COUNTY COMMISSIONERS

By: Anna Hansen
 Anna Hansen, Chair



ATTEST:

Geraldine Salazar
 Geraldine Salazar, Santa Fe County Clerk

Date: 1-30-2018

APPROVED AS TO FORM:

RBF
 R. Bruce Frederick, Santa Fe County Attorney

Date: 1/17/2018

SFC CLERK RECORDED 01/31/2018

COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 31ST Day Of January, 2018 at 11:21:12 AM And Was Duly Recorded as Instrument # 1848953 Of The Records Of Santa Fe County



Deputy Diana Puertana Witness My Hand And Seal Of Office
 Geraldine Salazar
 County Clerk, Santa Fe, NM