

**SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION NO. 2024 - 076**

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**A RESOLUTION AMENDING 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, TO INCREASE  
THE WATER RIGHTS FEE EFFECTIVE AUGUST 1, 2024**

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**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**, on January 30, 2018, the Board of County Commissioners ("Board") adopted Resolution No. 2018-12 which, among other things, established 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**, Section 2 of Resolution No. 2018-12 states the following:

*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.*

**WHEREAS**, on August 3, 2019, the County purchased pre-1907 surface water rights that are divertable at the Buckman Direct Diversion (BDD) from Adela G. Padilla Revocable Trust for \$19,431 per acre-foot; and

**WHEREAS**, accordingly, pursuant to Section 2 of Resolution No. 2018-12, the current Water Rights Fee is \$19,431 per acre-foot; and

**WHEREAS**, pursuant to a Water Rights Purchase Agreement between the County and Suerte del Sur, LLC, Agreement No. 2024-0237-PW/BT, ("Water Rights Purchase Agreement") the County recently purchased 44.803 acre-feet per year ("afy") of consumptive use pre-1907 priority surface water rights that have been approved for transfer into the City of Santa Fe well field ("Buckman Wellfield") for offset purposes under OSE Permit No. SD-06468 into SP-4842 into RG-20516, et al. ("Water Rights"); and

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**WHEREAS**, the purchase price of the Water Rights was \$36,000.00 per afy; and

**WHEREAS**, before the Water Rights were approved for transfer into the Buckman Wellfield, the Water Rights were permitted for diversion at the BDD; and

**WHEREAS**, Section D of the Water Rights Purchase Agreement, stated, as a condition precedent to closing, that:

*D. Prior to Closing, the County must be satisfied, in its sole discretion, that either (1) the permit approving transfer of the Water Rights to the Buckman Wellfield, OSE Permit No. SD-06468 into SP-4842 into RG-20516, can be cancelled, leaving OSE Permit No. SD-06468 into SP- 4842 in place so that the County may divert the Water Rights at the BDD or (2) other permitting or use arrangement is put in place satisfactory to the County.*

**WHEREAS**, instead of cancelling the permit approving the transfer into the Buckman Wellfield, the County Utilities Division believes it is in the best interest of the County to pursue a permit from the New Mexico Office of the State Engineer with both the Buckman Wellfield and BDD as points of diversion for the Water Rights; and

**WHEREAS**, it may take at least a year to obtain a permit with the Buckman Wellfield and BDD as points of diversion for the Water Rights; and

**WHEREAS**, in order to adjust the Water Rights Fee to the current market rate for water rights while the County pursues an application for a permit to divert the Water Rights at both BDD and the Buckman Wellfield, the County Utilities Division recommends the Water Rights Fee set forth in Resolution No. 2018-12 be increased to \$36,000 per afy to reflect the purchase price of the Water Rights, with an effective date of August 1, 2024.

**NOW, THEREFORE, BE IT RESOLVED** that the Santa Fe County Board of County Commissioners hereby:

1. Amends Resolution No. 2018-12 to delete Section 2 in its entirety and replace it with the following language:
  - “2. The Water Rights Fee shall be \$19,431 per acre-foot until July 31, 2024. On August 1, 2024, the Water Rights Fee shall be \$36,000 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.”

**BE IT FURTHER RESOLVED** that all other provisions of Resolution No. 2018-12, not amended by this Resolution, shall remain in full force and effect.

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PASSED, APPROVED, AND ADOPTED ON THIS 11TH DAY OF JUNE, 2024.

SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS

By: Hank Hughes  
Hank Hughes, Chair

ATTEST:

Katharine E. Clark  
Katharine E. Clark  
Santa Fe County Clerk

Date: 06/13/2024

Approved as to form:

Jeff Young  
Jeff Young  
Santa Fe County Attorney



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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 18TH Day Of June, 2024 at 10:24:25 AM  
And Was Duly Recorded as Instrument # 2035996  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy Celeste Garcia County Clerk, Santa Fe, NM

