

**SANTA FE COUNTY**

1913140

**SPECIAL MEETING****BOARD OF COUNTY COMMISSIONERS**

April 26, 2001

This special meeting of the Santa Fe Board of County Commissioners in conjunction with the community group, Voices of Santa Fe was called to order at approximately 6:05 p.m. by Chairman Paul Duran, at the Eldorado Hotel, Santa Fe, New Mexico.

**Members Present:**

Commissioner Paul Duran, Chairman  
 Commissioner Paul Campos  
 Commissioner Jack Sullivan

**Members Absent:**

Commissioner Marcos Trujillo  
 Commissioner Javier Gonzales

Amelia Hollis Romero greeted the participants, stating, "You are Voices of Santa Fe." She thanked those who had worked to make the meeting possible. She said the next Voices general meeting would be held on May 17, 2001.

Tim Garcia announced that they are proceeding with obtaining their 501-c (3) status and have received their Certificate of Incorporation with the state of New Mexico.

Ms. Hollis Romero recognized the presence of Representative Lucky Varela in the audience and introduced facilitator for the forum, Deborah Oliver, who asked the participants to write down their questions to be fielded by the Commissioners after the general remarks.

County Commission Chairman Paul Duran gave a brief history of the Santa Fe County Water Utility which was started in 1995 and serves an area south of the city by I-25, and a smaller area near La Tierra through a wheeling agreement with the City. The County Water Company is working to secure more water rights and has recently contracted for the rights to the Hagerman Well in conjunction with the Santa Fe Horse Park. There are plans to lease water rights from the state penitentiary as well as those from Valle Vista.

Also in the planning stages are possible diversions at San Ildefonso, Buckman and Santo Domingo. Additionally, the County is working to secure more San Juan-Chama and Top of the

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World water rights to transfer to a Ranney Collector. The City and County are committed to working together to obtain diversion facility funding from the federal government through the efforts of their lobbyists.

Commissioner Jack Sullivan stated he was new to the Commission and is recognizing the magnitude of the challenges in a county with the size and diversity of Santa Fe County. He pointed out Santa Fe County is the same size as Delaware. In the first 100 days of the present Commission, a great deal has been accomplished including: greater transparency to public review by having the meeting packets available early; new provisions for tabling; and televising of the Commission meetings, as well as those of the EZA and the Regional Planning Authority.

In water issues, in Eldorado an ordinance allowing transferring residential water rights has been reversed, and the Commission will be reviewing the moratorium there. Commissioner Sullivan said the County was active in dealing with a severe winter storm in Edgewood. The County hosted an intergovernmental summit to facilitate communication between the City, County and the tribes. A water summit featuring the State Engineer was also held and another summit is planned for the County and City on May 16, 2001. It is anticipated at that summit there will be discussion of who owns what of the San Juan-Chama water, the role of the water task force of the Regional Planning Authority, and issues concerning Las Campanas.

Other County activities: a cell tower ordinance is being drafted, the Milagro tower is being appealed, a 75 percent interest in the Hagerman Well has been purchased, and they are close to completing a 40-year water plan with an eye to banking water as allowed by the state. He reiterated that there is ongoing participation with the City on the Ranney Collector.

Commissioner Sullivan said the County is taking the lead in insisting on cooperation with the City. He noted the County has a "quicker forum" and no sub-committees, which facilitates decision making. He envisions the County, which now has a bigger population, will be an equal player with the City in water issues.

Commissioner Paul Campos stated this is a critical and exciting time in the history of the County. Heretofore, planning has been hit and miss and there is a need to determine where and how growth will occur. Planning and infrastructure have to be used to avoid sprawl, prevent the wells from going dry and avoid poisoning of the water table. He said there are lots of talented people in the City, County and pueblos who will guide progress.

State Representative Lucky Varela gave an update on the water issues in the last legislative session. He indicated there were 41 bills and seven memorials introduced in the House. In the Senate there were 42 water bills and four resolutions and memorials. He highlighted the results of the successful legislation: the Water Quality Act, the Private Community Water Systems (HB 159) Act, which seeks funding streams to help local

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communities with bonding and leverage; the Water and Wastewater Project Grant (HB 160), which allocates \$45 million in general funds, the Flood Control Act, the Irrigation Works and Structures provides funds for repair of ditches and dams statewide; Testing and Reporting on Water; the State Engineer has been given enforcement powers to mediate interregional water conflicts.

Mr. Varela said the Acequia and Water Rights Bill passed but was not signed, and Mr. Varela's Water Course Strategies failed to make it out of committee.

The Transfer of Water Rights is critical for assessment. He referred interested parties to the Legislative Council Service for details. House Bill 224, Chapter 172 is being worked on in the interim and authorizes the imposition of up to .25 of a percent of gross receipts tax for infrastructure for projects involving water, wastewater or solid waste. This includes stormwater drains and other improvements. A referendum will be required in order to enact the tax.

Mr. Varela stated that last year he worked on a resolution to allow the state penitentiary to work out an agreement with the County. Some capital outlay money was lost but can possibly be regained at a later date.

#### Public Comments

Ms. Oliver opened up the forum for questions. The first concerned reports of an aquifer contaminated by underground gas tanks somewhere near Harry's Road House. It was the speaker's understanding that businesses in that area have to have a closed system that recycles all the water. He said he had heard the builder of a development in that area was willing to subsidize this closed loop system but the County was not encouraging this.

Commissioner Duran stated he was unclear about the situation referred to, but there is a 40-acre tract belonging to Lee Brown across the freeway from Harry's Road House. Mr. Brown is proposing to put a school on the property, and wants to hook up to the City water system.

County Water Utility Manager Doug Sayre said there was a two-acre project, Camino Campos, in that area that was approved with City water and sewer. He added the well across from Harry's Road House is pumping the water out, cleaning it and reinjecting it to clean up the aquifer.

Commissioner Duran reaffirmed the County's commitment to recycling and using wastewater.

Commissioner Sullivan pointed out that in December, the Community College District

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plan was approved near the area under discussion. In this 17,000 acre area, reuse has to be addressed in order to get any increased density. Innovative wastewater treatment and recycling of effluent for landscaping are both encouraged.

Question: Why is water catchment not encouraged or required on new construction. Commissioner Sullivan said catchment is popular in Eldorado and was promoted by the Green Party in the last campaign. He noted catchment is feasible and low-tech, but not necessarily cost-effective due to energy costs. He added there are other variables to be considered, such as the rainwater going into catchment tanks would otherwise be recharging the aquifer or otherwise returning to the natural flow system through streams and rivers.

Commissioner Duran noted that at the water summit, recycling was listed as one of the goals. Catchment and recycling resolutions have taken a backseat to the County's primary effort to secure new, sustainable sources of water.

Land Use Administrator Estevan Lopez indicated these areas need to be explored. The Community College District Ordinance allows for developers to propose innovative technologies. Catchment is still susceptible to drought conditions.

An audience member stated there are symposia being held at Plan B to discuss these issues.

Question: Will a diversion in the river alter the riparian environment downstream?

Chairman Duran indicated that any diversion project would be subject to federal regulations, such as submission of environmental impact statements and NEPA studies.

Question: What is the County's position on purchasing agricultural water rights and transferring them to the County's system?

Chairman Duran stated that last year, the County adopted a policy of not transferring to domestic use water rights that were historically used for agriculture. While that remains the current policy, it may have to be changed in the future.

Mr. Lopez clarified that there is no formal policy on this, and the Top of the World rights, which are under negotiation are agricultural but not traditional. There is a requirement that no impairment of existing water rights must be demonstrated.

Question: A letter to the *New Mexican* stated that in times of drought no water flows from Colorado through the San Juan-Chama diversion tunnel and the only people entitled to the natural flow from the Chama River are those with priority rights. Are these contentions correct

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and will the City of Santa Fe be able to draw water from the Rio Grande if no water is coming through the diversion tunnel?

Mr. Lopez replied that the contract on San Juan-Chama water stipulates that the delivery amount is a "firm yield" and to his knowledge the firm yield had never failed to be delivered. There is water storage capacities in a series of dams, such as Lake Heron and at Abiqui.

Mr. Sayre amplified that there is excess storage that can be released to meet contractual obligations.

Question: Why are the County and the City assuming the Ranney infiltration gallery will be in San Ildefonso when San Ildefonso is absolutely uninterested and unwilling to have it located on its land?

Commissioner Duran said the County has been working on this project for years, along with the road issues in San Ildefonso. Federal funds are contingent upon a regional plan that includes working with the pueblos. He disagreed with the statement that the pueblo was not interested in working with the County, but said there are bigger issues that also have to be dealt with.

Commissioner Sullivan said it was his understanding that San Ildefonso was quite interested in securing a reliable source of potable water, given they have experienced nitrate problems with their groundwater. He stressed that the infiltration aspect of the diversion assures that less treatment is required on the water, which makes the system more efficient. The Bureau of Reclamation will be evaluating the pilot project.

Emphasizing the urgency in securing adequate water, Commissioner Campos said the process with San Ildefonso has dragged on for 20 years and Buckman might turn out to be a quicker solution. The Ranney Collector at San Ildefonso could be part of the long-term solution.

There was an appeal for each Commissioner to name two things they would like to see the City do to better cooperate with the County on water issues.

Commissioner Duran said he wanted to see the City participate in a water summit since both governing bodies are using the same tax base and unity is essential for federal funding.

Commissioner Campos stated the most urgent concern was work on a diversion with Las Campanas, which seems to be the quickest way to get water into the City and County systems. He said regional planning is also essential.

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Commissioner Sullivan asked that there be a greater level of trust on the part of the City with regard to the County. He said the City uses water as a land use protection tool and feared the County would squander the water if given the chance. There is now a realization that the City of Santa Fe has no more room to grow and affordable housing is only taking place in the County. This makes cooperation imperative. Water decisions and land use planning have to proceed *pari passu*. Secondly, reuse has to be looked at closely, as in the case of the golf courses at Las Campanas.

Speaking to the use of effluent in Las Campanas, Commissioner Campos suggested the issue needed to be taken off the table. Chairman Duran agreed that Las Campanas needed to participate in the water efforts. There is no point in three separate entities going to the river for water.

Question: We are mining groundwater and climate change is reducing the surface water supply. When will we have to begin limiting growth?

Chairman Duran agreed that historically, the aquifer is being mined. He referred to goals and visions in the Growth Management Plan calling for an end to depletion and contamination of the aquifer. Since most of the growth is taking place in the County, there is no choice but to develop a sustainable source of water.

Commissioner Campos stated we can't have growth without water and water is limited. Change has to occur, since we live in a dry area. He advised dealing with the situation now rather than later.

Commissioner Sullivan agreed that the problem has to be dealt with immediately, and referred to the Bernalillo water table which is predicted to drop 100 feet in 40 years. A suggested solution to Santa Fe's problem has been to cut off growth, but the result of a moratorium would be to move development farther out, contributing to increased sprawl and hop-scotch development. He brought up the Anasazi, who were forced to abandon their settlements due to lack of water, and said, "We're not there yet."

Question: When will the situation in Eldorado be addressed?

Chairman Duran noted that when the Eldorado development was approved there were insufficient water rights. He would like to see AMREP brought to the table. He would like to see the City and County extend their systems to that area.

Commissioner Campos discouraged the idea of relying on imported water which would have the effect of drying up northern New Mexico. He said the small communities that rely on agriculture and the acequias are already suffering. Eldorado Utilities has been struggling with

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the problem ineffectively for years.

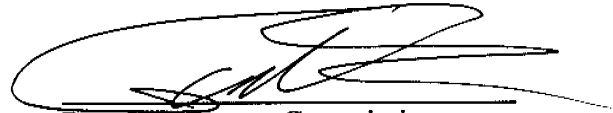
As the Commissioner from that district, Commissioner Sullivan stated he receives a great deal of comment from the people of Eldorado. Those interested in further development are eager for an end to the moratorium, whereas others are happy to see the finite water as limiting further growth. He stated the aquifer in the area is erratic and EDU has been ineffective in securing both wet and dry water. He pointed out that the community is doing wastewater studies and reuse has to be looked at closely.

Ms. Hollis Romero thanked everyone for their participation.

ADJOURNMENT

This meeting adjourned at approximately 7:45 p.m.

Approved by:



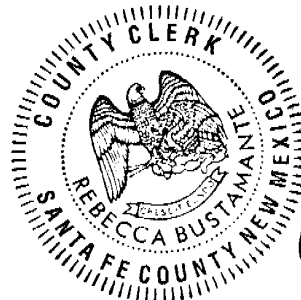
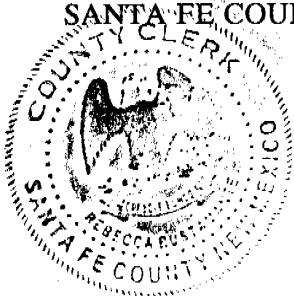
Board of County Commissioners  
Paul Duran, Chairman

Respectfully submitted:

*Debbie Doyle (RF)*  
Debbie Doyle

ATTEST TO:

*Rebecca Bustamante*  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK



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COUNTY OF SANTA FE } SS  
STATE OF NEW MEXICO

I hereby certify that this instrument was filed for record on the 30 day of May A.D. 2001 at 9:17 o'clock P.m and was duly recorded in book 1913 page 148 of the records of Santa Fe County.

Witness my Hand and Seal of Office  
*Rebecca Bustamante*  
County Clerk, Santa Fe County, N.M.  
*Marcia Salazar*  
Deputy

**HAGERMAN WELL, LAND AND WATER RIGHTS**

Current Status: PNM Ownership - Hagerman Well with 116.55 AFY Consumptive, 233 AFY Diversion and 2.6 acres land

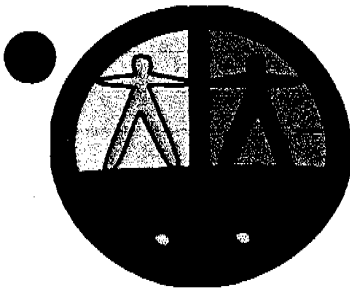
**SUMMARY OF PROPOSED AGREEMENTS**

Purchase Agreement (PNM, Co, HP)	Option and Buy-back Agreement (County, Horse Park)	Well Sharing & Use Agreement (Co, Horse Park)		
Joint Purchase by Santa Fe County & Santa Fe Horse Park \$1,300,000	SF County and SF Horse Park Agree to Use Treated Effluent for Irrigation Preferentially  Each Party Grants a Right Of First Refusal to the Other Party	County and Horse Park will Share in Routine O&M in Proportion to Use  Major Improvements or Repairs must be Agreed Upon		
Santa Fe County 75% for \$975,000	Horse Park Agrees to Acquire County's 75% Interest in the Land (1.95 Acres) by Trade and Cash Payment	County and Horse Park Agree to Grant Each Other Necessary Easements		
SF Horse Park 25% for \$325,000	If More than 116.55 AFY is Validated, County gets 40% Horse Park gets 60%	If Well is Made Part of County Utility, County will Operate		
Closing subject to water right verification and permitting by State Engineer	<p style="text-align: center;">Purchase Options</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">                             County Option                               If Long-term Alternate Supply Available to Horse Park                         </td> <td style="width: 50%;">                             Horse Park Option                               If Horse Park's 25% Share plus Alternative Supplies Insufficient for Irrigation                         </td> </tr> </table>	County Option  If Long-term Alternate Supply Available to Horse Park	Horse Park Option  If Horse Park's 25% Share plus Alternative Supplies Insufficient for Irrigation	Dispute Resolution Mechanism Spelled Out
County Option  If Long-term Alternate Supply Available to Horse Park	Horse Park Option  If Horse Park's 25% Share plus Alternative Supplies Insufficient for Irrigation			
If less than 116.55 AF (cons) is permitted, price is reduced  Horse Park gets to use land and water while transfer is pending	County has Option to Purchase All or Part of Horse Park's Share of Water Rights  Horse Park can Purchase up to Additional 15% Water Rights from County			

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**Voices of Santa Fe**

**General Meeting**  
**Thursday, April 26, 2001**  
**Eldorado Hotel**  
**5:30 p.m. to 7:30 p.m.**

**AGENDA**

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5:30 p.m. Welcome and Remarks Amelia Romero Hollis

5:35 p.m. Organizational Issues Tim Garcia  
Members and Role of Steering John Gasparich  
Committee  
Nomination and Election of Officers

5:45 p.m. **Special Forum**  
**Water Shortage and Conservation**  
**in Santa Fe County**

5:45 p.m. Introduction of Panelists Amelia Romero Hollis  
Description of Forum and Q&A Format Deborah Oliver

5:50 p.m. **Panel of County Commissioners**  
Statements (up to 10 minutes each)

6:30 p.m. **Questions & Answers** Deborah Oliver

7:25 p.m. **Conclusions**

7:30 p.m. **Adjourn**

**BECOME A MEMBER OF THE SANTA FE COMMUNITY  
WATER COLLABORATIVE**