

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2015-75**

3 **INTRODUCED BY:**

4
5 Councilor Joseph M. Maestas

6 Councilor Peter Ives

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9
10 **A RESOLUTION**

11 **SUPPORTING LEGISLATION AMENDING NMSA 1978, § 72-1-9 PRESERVATION OF**
12 **MUNICIPAL, COUNTY, AND STATE UNIVERSITY WATER SUPPLIES.**

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14 **WHEREAS**, the purpose of NMSA 1978, § 72-1-9 is to preserve municipal, county, and
15 state university water supplies to allow these entities to plan for growth over a forty year period;

16 **WHEREAS**, in spite of the purpose of the statute, the Office of the State Engineer (OSE)
17 has argued that § 72-1-9, the forty year planning statute, can be used to show that a municipality
18 has abandoned a water right;

19 **WHEREAS**, municipalities, counties, and other entities encompassed by the statute may
20 need even longer planning periods, but in no event should these entities lose their water rights
21 except through statutory forfeiture or judicial abandonment processes;

22 **WHEREAS**, in the 2015 Regular Session of the Legislature, Senator Griggs introduced
23 Senate Bill 665;

24 **WHEREAS**, SB 665 proposed to amend NMSA 1978, § 72-1-9 to state that a water right
25 acquired and held unused pursuant to the provisions of this section shall not be automatically lost

1 after forty years, except by statutory forfeiture or judicial proceedings to prove abandonment.

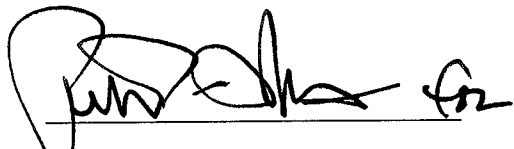
2 **WHEREAS**, in Resolution 2015-26, the City of Santa Fe supported the legislature's
3 effort to protect municipalities' investment in water rights acquired for future growth; and

4 **WHEREAS**, the City continues to support legislation, which will protect a
5 municipality's ability to perfect its unused water rights.

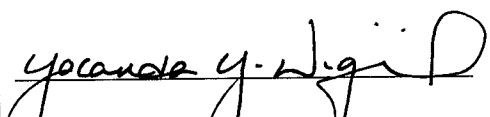
6 **NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
7 **CITY OF SANTA FE** that the Governing Body supports legislation relating to amending NMSA
8 1978, § 72-1-9 regarding the preservation of municipal, county and state university water
9 supplies.

10 **BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to the State
11 legislative delegation serving the City of Santa Fe.

12 PASSED, APPROVED AND ADOPTED this 9th day of September, 2015.

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14 _____
15 JAVIER M. GONZALES, MAYOR

16 ATTEST:

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18 
19 VOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

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22 
23 KELLEY A. BRENNAN, CITY ATTORNEY