Appendix A

State Statute

(1978 NMSA § 72-14-3.2)

72-14-3.2. Water conservation plans; municipalities, counties and water suppliers.

A. As used in this section, "covered entity" means municipalities, counties and any other person that supplies, distributes or otherwise provides at least five hundred acre-feet of water annually for domestic, commercial, industrial or government customers for other than agricultural purposes, but does not include Indian tribes, pueblos, nations, chapters or any entity of a tribe, pueblo, nation or chapter.

B. A covered entity may develop, adopt and submit to the state engineer by December 31, 2005 a comprehensive water conservation plan, including a drought management plan.

C. The manner in which the covered entity develops, adopts and implements a comprehensive water conservation plan shall be determined by the covered entity. The plan shall be accompanied by a program for its implementation.

D. In developing a water conservation plan pursuant to this section:

(1) municipalities and counties shall consider ordinances and codes to encourage conservation measures; covered entities without ordinance or code enforcement ability shall consider incentives to encourage voluntary compliance with a set of conservation guidelines. Covered entities shall identify and implement best practices in their operations to improve conservation of the resources; and

(2) the covered entity shall consider, and incorporate into its plan if appropriate, at least the following:

(a) water-efficient fixtures and appliances, including toilets, urinals, showerheads and faucets;

(b) low-water-use landscaping and efficient irrigation;

(c) water-efficient commercial and industrial water-use processes;

(d) water reuse systems for both potable and nonpotable water;

(e) distribution system leak repair;

(f) dissemination of information regarding water-use efficiency measures, including public education programs and demonstrations of water-saving techniques;

(g) water rate structures designed to encourage water-use efficiency and reuse in a fiscally responsible manner; and

(h) incentives to implement water-use efficiency techniques, including rebates to customers or others, to encourage the installation of water-use efficiency and reuse measures.

E. The water conservation plan shall contain a section that references the regional water plans in the area that have been accepted by the interstate stream commission. The section shall cite conservation guidelines mentioned in the regional plan that have been adopted into the covered entity's water conservation plan.

F. A covered entity may at any time adopt changes to its water conservation plan and shall submit changes to the state engineer.

G. After December 31, 2005, neither the water trust board nor the New Mexico finance authority shall accept an application from a covered entity for financial assistance in the construction of any water diversion, storage, conveyance, water treatment or wastewater treatment facility unless the covered entity includes a copy of its water conservation plan.

Appendix B

Annual Water Report

(2010)

Annual Water Report

City of Santa Fe
September 2010

Sangre de Cristo Water Division

City of Santa Fe
David Coss, Mayor
Robert P. Romero, City Manager

City Councilors
Rebecca Wurzburger, Mayor Pro-Tempore, Dist. 2
Patti Bushee, Dist. 1
Chris Calvert, Dist. 1
Rosemary Romero, Dist. 2
Miguel Chavez, Dist. 3
Carmichael Dominguez, Dist. 3
Matthew Ortiz, Dist. 4
Ronald Trujillo, Dist. 4

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- Water Budget Administrative
- ITT Department
- City Attorney's Office
- Wastewater Division
- Land Use Dept
- Utility Billing Division, Finance Dept

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Introduction

As water resources in northern New Mexico become increasingly limited and the region's population continues to grow, the improved understanding of water-related issues is imperative. As one of the largest municipal water suppliers in the state, the City of Santa Fe water utility delivers billions of gallons of water each year to customers in the greater Santa Fe urban area.

The purpose of this report is to provide the Santa Fe community with an annual report that summarizes the state of the municipal water utility and the water resources we depend upon. This report compiles and summarizes information about the City's water utility, including water supply, water right, offsets and credits, conservation, precipitation, types of water use, water quality, system maintenance, energy use, future water needs, climate change, mission and goals, and utility financial information.

This report fulfills the reporting requirements of the City of Santa Fe Ordinance 2009-38 "Water Budget Requirements." The information presented within this report contains water data through December 2009, Year 2010 projections, and a snapshot of future needs. Averages from previous years are included for comparison. For the sake of brevity, not all the supporting data is included here. More information is available on the City's website at www.santafenm.gov or by contacting the water utility directly.

Santa Fe Watershed 1926

2010 Water Demand and Supply Picture

This page summarizes the City's water picture for 2010. Details on how this year's water picture relates to the past can be found in subsequent sections of this report.

Demand (Acre-feet)

Total: 10,000 acre-feet		10,000
City Customers:		9,019
Water Deliveries:	Santa Fe County	450
	Las Campanas	525
	Agua Fria Village	1.25
	Hyde Park Estates	5

*assumes 100 GPCD and little new demand

Anticipated Supply Source (Acre-feet)

Santa Fe River Use	5,040
City well use	1,000
Buckman well use	4,000*
Buckman Direct Diversion	0

*plus 1,000 acre-feet San Juan-Chama (SJC) water for offsets

Storage Projected for 2010 (Acre-feet)

Target end of year storage in municipal reservoirs		1594
2010 SJC water to be stored		7,200
Total Anticipated stored SJC Water:		
El Vado Reservoir		0
Abiquiu Reservoir		6,500
Elephant Butte Reservoir		20,100
Total		**34,830**

Santa Fe River Flows (Acre-feet)

Santa Fe River bypasses:		800
Effluent Releases to Santa Fe River		4,000

Anticipated 2010 Offset Requirements (Acre-feet)

Rio Grande	2,000
Rio Tesuque	35
Rio Nambe-Pojoaque	62
La Cienega Area	1.2

Private Wells

Estimated Number of Private Wells within the City limits		696
Anticipated number of replacement wells drilled		0
Anticipated number of new private wells		0

Current basic 5/8" residential water rate

Monthly Service Charge	$14.54
Sept-April	$4.79/1,000 gallons for first 7,000 gallons, $17.14/1,000 gallons thereafter
May-Aug	$4.79/1,000 gallons for first 10,000 gallons, $17.14/1,000 gallons thereafter

Water Demand

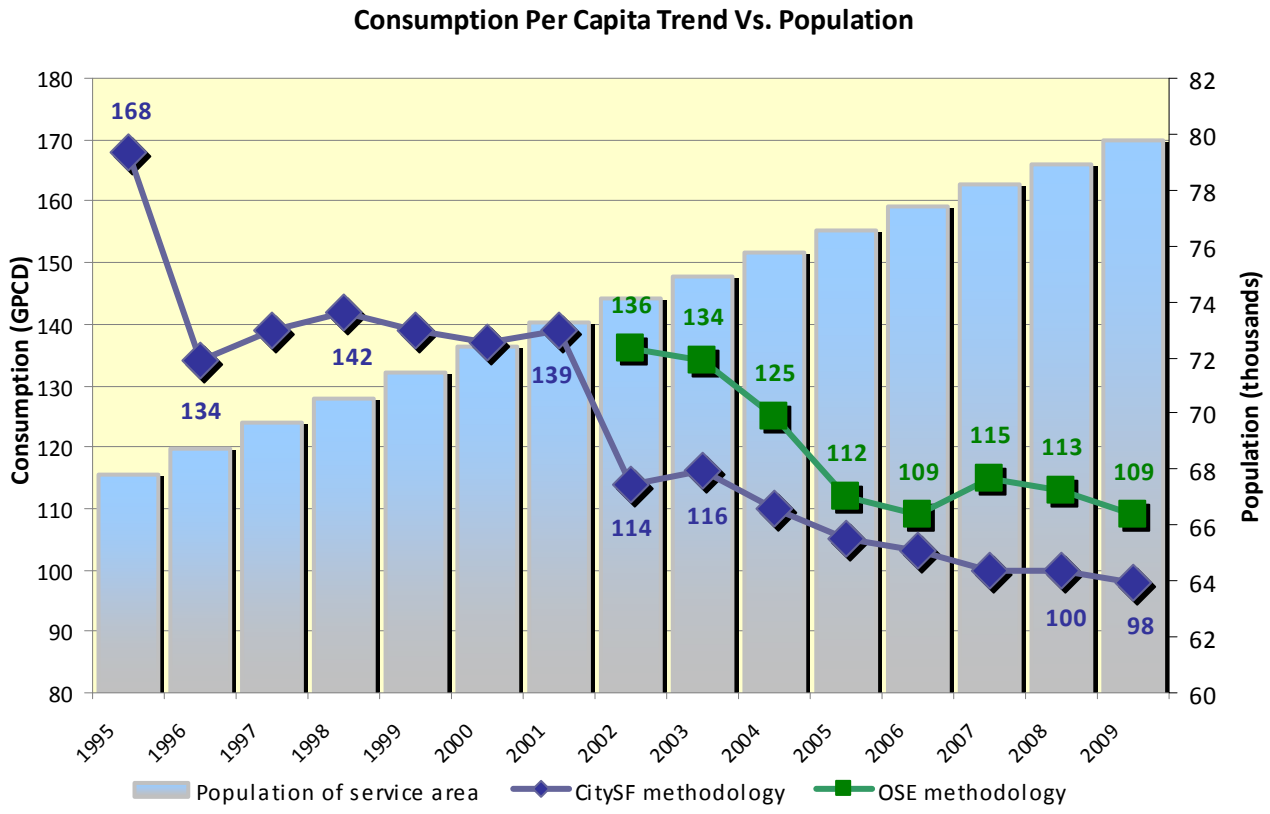
Per Capita Consumption

A common metric for comparing annual water use and water conservation effectiveness is gallons per capita per day (gpcd), which is derived by dividing the number of people served by the amount of water produced. In 2009, City utility customer demand of 9,086 acre-feet resulted in utility-service-area gpcd of 98-109 (depending upon the method used), one of the lowest of any comparable city in the country. The calculated gpcd does not include wholesale deliveries to Las Campanas and Santa Fe County (see section on Wholesale Water Deliveries for use numbers by these customers). For 2009, the single-family residential use rate is 68 gpcd.

The chart below shows gpcd results calculated with two different methodologies. The method used by the City for the past fifteen years derives at the service area population using the 2000 Census population data (adjusted for households that rely soley on domestic well water) and updates it based on growth rates from annual housing permits. The New Mexico Office of the State Engineer (OSE) method bases the population served from the number of water utility residential customers, multiplied by a Census-derived vacancy rate, and a Census-based residents per household value. The OSE method also accounts for institutional (colleges, retirement homes, etc) uses.

Water Use by Sector

In 2009, the City conducted a detailed study on water use by sector (e.g. single family, apartment, office, medical, religious, schools, parks). The report, ***Water Use In Santa Fe*** *(2009)*, is available on the City's website at: http://www.santafenm.gov/DocumentView.aspx?DID=5017.



Water Bank

The City has a series of ordinances that require all new projects to acquire water for their new water demand. The options available for the acquisition of water are numerous, and the City's water bank tracks the inflows (credits), outflows (debits), ownership, and designated use. For detailed information, please refer to ordinances 2005 Water Transfer Ordinance, 2009-38 Water Budget Requirements (effective January 1, 2010), and Water Conservation provisions in City Code Chapter 25.

Water credits are derived from multiple sources:

a. the transfer of Middle Rio Grande water rights for development projects as required under the 2005 Water Bank Ordinance (and modified by 2009-38),
b. water conserved through the current conservation rebate program,
c. water conserved via a conservation credit program,
d. the acceptance of toilet retrofits credits verified by June 30, 2010 by Water Budget Administration Office,
e. the Water Division's water right acquisition program, and
f. water conserved by City-initiated conservation programs (2002 WaterWise 8000 toilet exchange, 2002-2009 washing machine rebate program).

Any new water demand on the City water system requires a water credit from the credit bank in an equal amount. As defined by ordinance, development projects that require less than 10 acre-feet of water (residential), less than 7.5 acre-feet of water (mixed use), or less than 5 acre-feet (commercial) can acquire the necessary water from the alternatives 'a', 'b', 'c', and 'd' above. All projects with larger water demands must use option 'a'. Water credits generated through City efforts (i.e. 'e' and 'f' above) are available for the water needs of City (e.g. new parks, municipal buildings, convention centers) or City-supported projects (e.g. low priced dwelling units, Santa Fe River). Once water is allocated to a project from a water credit account, the appropriate 'debit' is made from the water bank.

In keeping with the past practice of assigning conserved water to the City's affordable housing credit pool, a resolution was adopted in 2008 to allocate up to approximately 49.7 acre-feet of conserved water from the City's washing machine rebate program. Furthermore, it was determined that the city's own conservation credits and water right purchases will be considered for allocation to the affordable housing credit pool on an annual basis (see table on the next page).

The Office of Affordable Housing tracked 58 new homes under the Santa Fe Homes Program (SFHP) and Housing Opportunity Program (HOP) in 2009, which would require an approximate annual total water budget of 10 acre-feet. If the uptake rate were to continue into the future, the existing LPDU credit pool will last through 2013.

WATER BANK ACCOUNTING 2009

Sources of Water	Beginning Balance acre-feet	IN acre-feet	2009 Activity OUT Dedicated to Private Project acre-feet	OUT Private Project acre-feet	OUT Public Projects* acre-feet	OUT Other Projects** acre-feet	Ending Balance acre-feet
WATER RIGHT CREDITS							
Privately held water right credit not yet dedicated to projects	367.0		38.4				328.7
Privately held water right credit dedicated for projects	179.6			19.5			160.1
Publicly held water right credit	9.6	9.6			9.6		0.0
WATER CONSERVATION CREDIT							
Derived from 2002-2009 toilet retrofit program, balance held privately as precertifications	150.0	0.0		39.0			111.0
Derived from 2010 Rebate Program - Commercial	0.0	0.0		0.0			0.0
Derived from 2010 Rebate Program - Residential	0.0	0.0		0.0			0.0
Privately held water conservation contract credit - derived from Commercial	0.0	0.0		0.0			0.0
Privately held water conservation contract credit - derived from Residential	0.0	0.0		0.0			0.0
Publicly held water conservation contract credit	0.0	0.0			0.0	0.0	0.0
Publicly held conservation credit derived from other City-sponsored conservation program***	0.0	0.0		0.0	0.0	0.0	0.0
LOW-PRICED DWELLING UNIT (LPDU) CREDIT POOL							
LPDU Credit Pool derived from water conservation and water right purchase	-5.0	59.3	0.0		2.5		51.9

* City projects including, but not limited to, parks and open space, LPDU (=affordable housing), water for the Santa Fe River, city buildings and other city facilities

** Other projects in which the city is a partner and private or non-city public uses and projects which recognize other city priorities such as economic development and stability, energy efficiency, job growth and community health.

***In 2009 derived from 2002-2009 washing machine rebate program

Annual Breakdown of Sources of Water Conservation Credits from Rebate Program

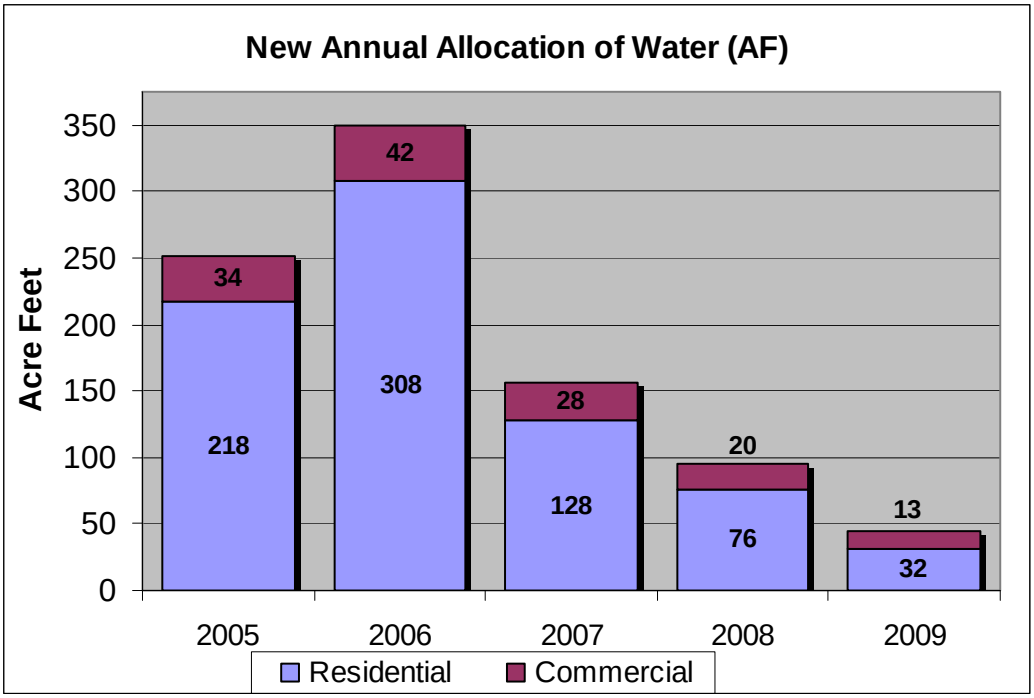
	residential	commercial
Tier 3 High-Efficiency Washing Machine	11.4	na
Hot Water Recirculators	0.9	na
High Efficiency Toilet <1.3 gpf	na	na
Rain Barrel	discontinued	
Water Harvesting	na	na
Waterless Urinal	na	na
Commercial Process Efficiency	na	na

Our Near-future Water Demands

Any entity seeking new water service within the City limits must complete either an **Agreement for Metered Service (AMS)** or an **Agreement to Construct and Dedicated (ACD)**. An AMS is typically an agreement to connect a single meter to the City system. An ACD is an agreement for the connection of multiple meters, such as a subdivision or commercial centers. The applicant must specify the type of connection on the application from which staff make an estimate on the amount of water that will be used. The annual allocation in AMS and ACD showed a sharp decrease from 2005-2007; demand for new services for 2009 stood at 45 acre feet.

In November of 2009, the water budget numbers were adjusted to reflect current data on water use by sector in Santa Fe (for more information see http://www.santafenm.gov/DocumentView.aspx?DID=5017).

Every new demand placed on the City system is offset through purchase of water rights or water conservation credits from the Water Bank, as established by Ordinance 2009-38.

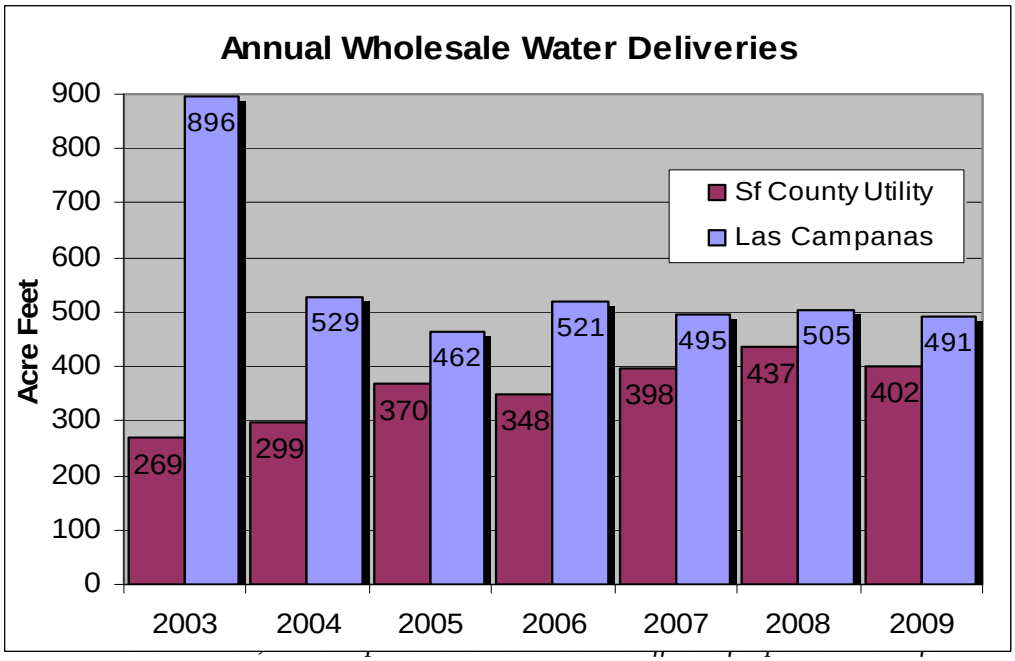


AMS and ACD Water Service Agreements										
	2005		2006		2007		2008		2009	
Residential	**Units**	**Demand (AFY)**	**Units**	**Demand (AFY)**	**Units**	**Demand (AFY)**	**Units**	**Demand (AFY)**	**Units**	**Demand (AFY)**
Single Family Residence	587	141.8	965	246.4	307	68.8	187	43.2	5	1.3
Apartment/Condominium	153	32.1	285	59.9	185	38.9	116	24.4	0	0.0
Guesthouse	77	9.2	9	1.1	6	0.7	5	0.6	2	0.2
Mobile Home	0		1	0.2	0		0	0.0	133	30.3
Senior Complex	246	34.4	0		137	19.2	56	7.8	0	0.0
Subtotal Residential:	**1063**	**217.7**	**1260**	**307.5**	**635**	**127.6**	**364**	**76.0**	**140**	**31.8**
Commercial	**sq. ft.**	**Demand (AFY)**	**sq. ft.**	**Demand (AFY)**	**sq. ft.**	**Demand (AFY)**	**sq. ft.**	**Demand (AFY)**	**sq. ft.**	**Demand (AFY)**
Office (Non-medical)	44355	2.7	22115	1.3	60923	7.3	83717	4.7	51452	3.1
Office (Medical)	52699	7.9	42000	6.3	33281	10.0	20300	3.1	2996	0.4
Retail Store	30470	1.8	51993	3.1	33280	4.0	1200	0.1	6929	9.0
Grocery Store	9259	1.1	0		0		0		0	0.0
Restaurant (Full Service)	0		20525	5.9	0		0		0	0.0
Restaurant (Limited Service)	1500	2.5	0		0		3022	8.4	1	0.0
Wholesale, Warehousing	4273	0.2	149050	6.0	0		37846	1.5	10612	0.4
Industrial Manufacturing	0		4375	0.2	0		0		0	0.0
Church (without day care)	7541	1.2	0		0		0		0	0.0
Lodging (Limited service)	46	6.9	0		0		0		0	0.0
Schools, Elementary	0		605	4.8	0				0	0.0
Other (not listed above)	196249	9.9	64977	14.6	29001	6.7	141	1.7	0	0.0
Subtotal Commercial:	**346392**	**34.2**	**355640**	**42.2**	**156485**	**28.0**	**146226**	**19.5**	**71990**	**12.9**
Total Allocation:		**251.8**		**349.7**		**155.5**		**95.5**		**44.8**

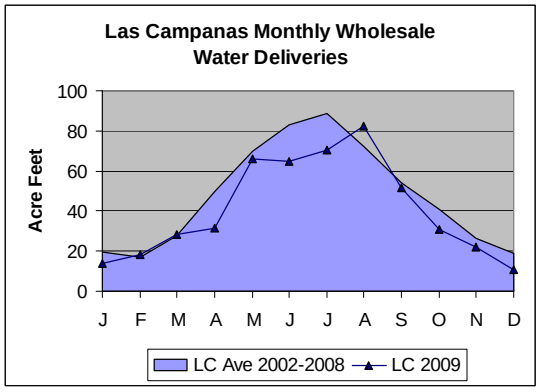
Wholesale Water Deliveries

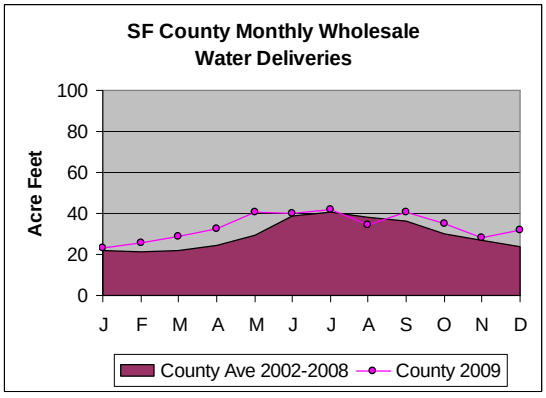
The City has contracts to deliver wholesale potable water to both Las Campanas and Santa Fe County Utility. According to the terms of the 2003 settlement agreement between Las Campanas and the City, Las Campanas may purchase up to 650 acre-feet per year of potable water (under normal conditions) fm the City water utility for its domestic and commercial needs. Additionally, Las Campanas may purchase up to 322 acre-feet per year of potable water for its golf courses.

The County has access to up to 500 acre-feet per year of wholesale delivery water from the City of Santa Fe and 375 acre-feet per year of imported San Juan Chama Project water. Upon implementation of the BDD in 2011, the County may buy up to 500 acre-feet per yeaer under normal BDD operating conditions, with an additional 850 acre-feet available under drought and emergency conditions.



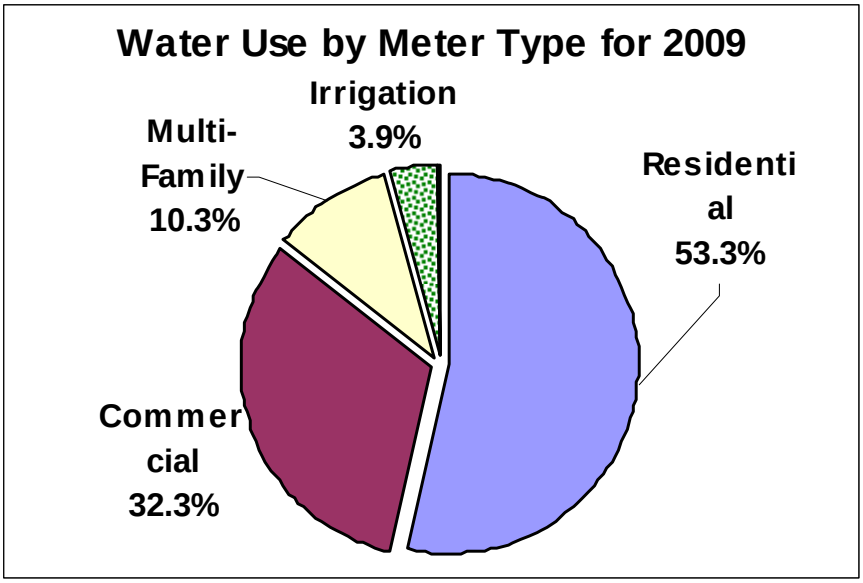
irrigating their golf course.

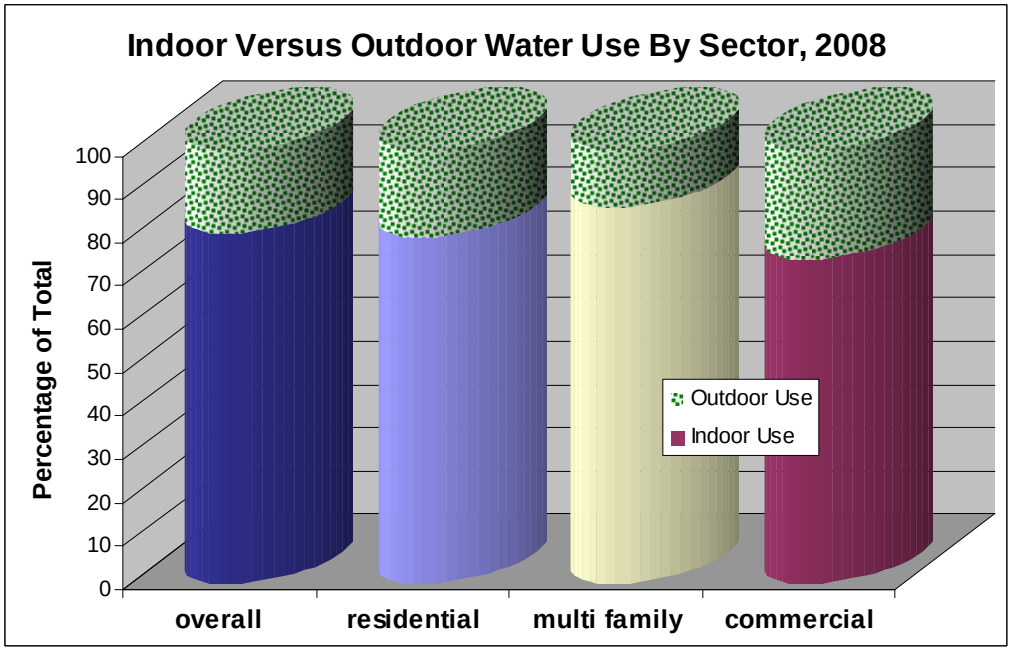




Residential and Commercial Consumption

The creation of a new multi-family billing category in 2006 caused a shift in total use from commercial to residential/multi-family, since many apartment complexes and condos had previously been billed as commercial customers. As of the end of 2009, the City had a total of 31,440 utility customer meters. Of the 8,500 acre-feet billed, the single family residential sector used 4,530 acre-feet (53%), the multifamily sector used 878 acre-feet (10%), and the commercial sector used 2,743 acre-feet (32%). Irrigation use accounted for 330 acre-feet (4%).





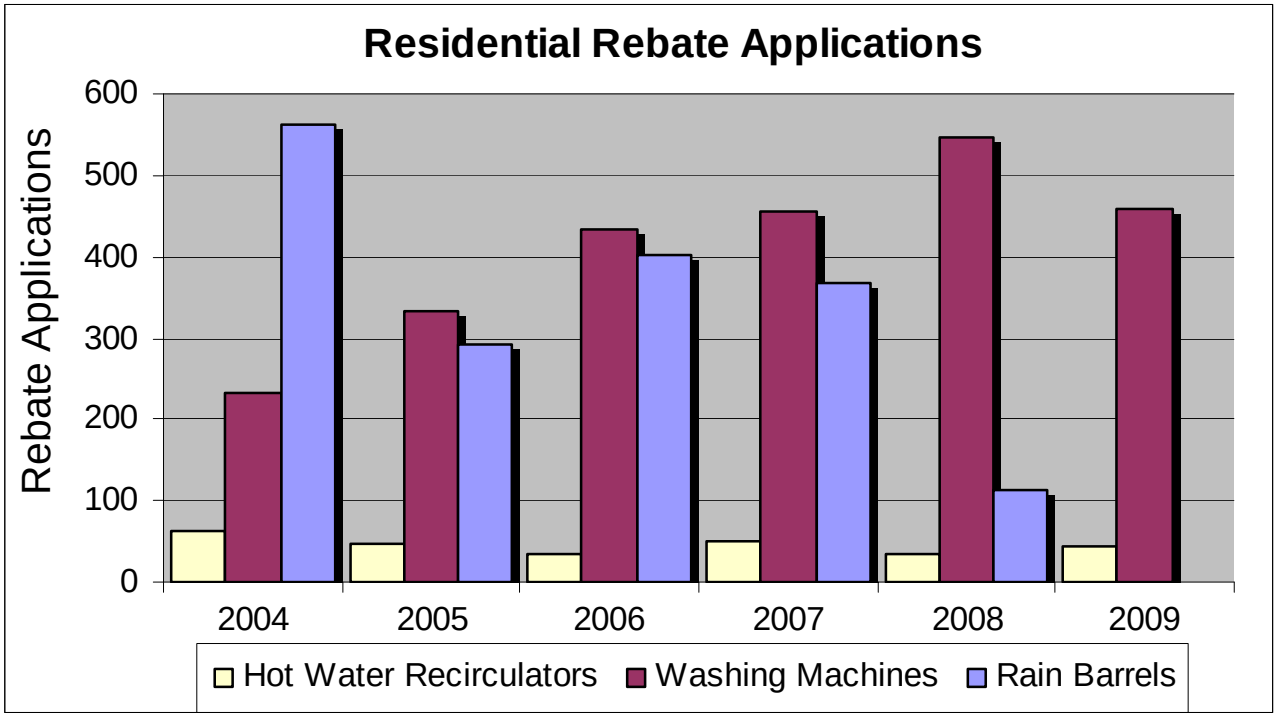
Conservation Programs

Residential Rebate Program

For the past six years, the Water Conservation Office has offered incentive rebates for the purchase of water-saving appliances including hot water recirculators, efficient clothes washing machines, and rainwater collection barrels. The rain barrel rebate program was phased out in October, 2008 because of reduced customer participation and the minimal return on the City's investment in actual water saved. The 2010 rebate system will be incorporated into the Water Bank, which will keep track of conserved water to offset new development. The graph below is a summary of the Rebates and total AF savings of the City's rebate program for the past six years.

Commercial Rebate Program

The City also offers several rebates in the commercial sector. More information can be found at the City of Santa Fe Water Conservation Office website at http://www.water2conserve.com/index.html



Residential Rebate Programs				
	Total Rebates	Savings (AF)	Total Rebates	Savings (AF)
	2004		2005	
Hot Water Recirculators[1]	60	1	46	1
Washing Machines[2]	217	5	339	8
Rain Barrels[3]	541	0	286	0
	2006		2007	
Hot Water Recirculators	33	1	49	1
Washing Machines	434	11	456	11
Rain Barrels	403	0	368	0
	2008		2009	
Hot Water Recirculators	34	1	43	1
Washing Machines	556	14	460	11
Rain Barrels	113	0	Discontinued 10/08	

Total Water Savings (AF) 2004-2009		
	# of Rebates	Savings (ac-ft)
Hot Water Recirculators	265	5.73
Washing Machines	2462	61.14
Rain Barrels	1711	0.26

1) Assuming each installed device saves 7,000 gallons/yr

2) Assuming a 16.4 gallon/load savings, 5.7 loads/wk

3) Assuming one 50-gallon barrel is filled and totally used once/yr

Water Budget Program (Toilet Retrofits)

The toilet retrofit program, adopted in 2002 as part of the Annual Water Budget Ordinance, offsets new water demands on the City water utility. The program requires that new building projects either replace the equivalent of their calculated demand by retrofitting high-flush toilets with low-flush toilets or by purchasing pre-1907 Middle Rio Grande surface water rights. The goal of this program is to prevent new demand on the water supply system. This is the final year of this program, which has been replaced by the water bank as required by the Water Budget Requirement Ordinance.

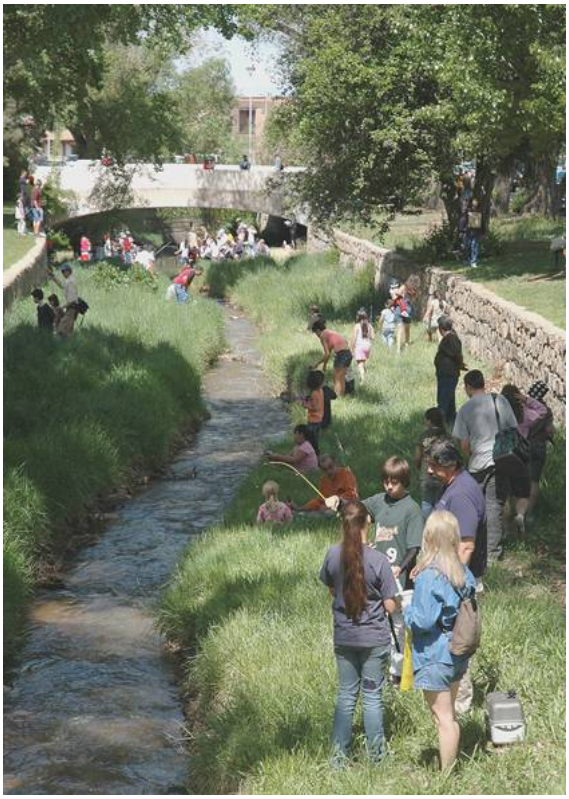
Pre-certifications are water credits awarded to entities who have retrofitted any number of toilets but have not designated the water credits to a future project.

Toilet Retrofit Program								
	2003	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**Total**
Applicants Required to Retrofit	714	661	677	720	645	355	170	3942
Residential Applicants	558	533	606	665	576	329	111	3378
Commercial Applicants	39	19	71	55	69	26	59	338
Option B Applicants	50	28	17	71	165	141	28	500
Number of Precertifications (in toilet equivalents)		6853	6079	7145	6365	6000	7500	
Annual amount dedicated to building permits	225	366	150	164	57	46	39	**1047**

Water for the Santa Fe River

With the adoption of the City's Long Range Water Supply Plan (2008) the City solidified its commitment to provide some water to a living Santa Fe River. The Water Plan calls for 1000 acre-feet to be bypassed to the urban reach of the river in normal and wet years once the Buckman Direct Diversion facility is fully operational. Since 2008, the City has passed resolutions annually providing for flow based on current hydrologic conditions and the water utility's assessment of its ability to meet the year's projected demand.

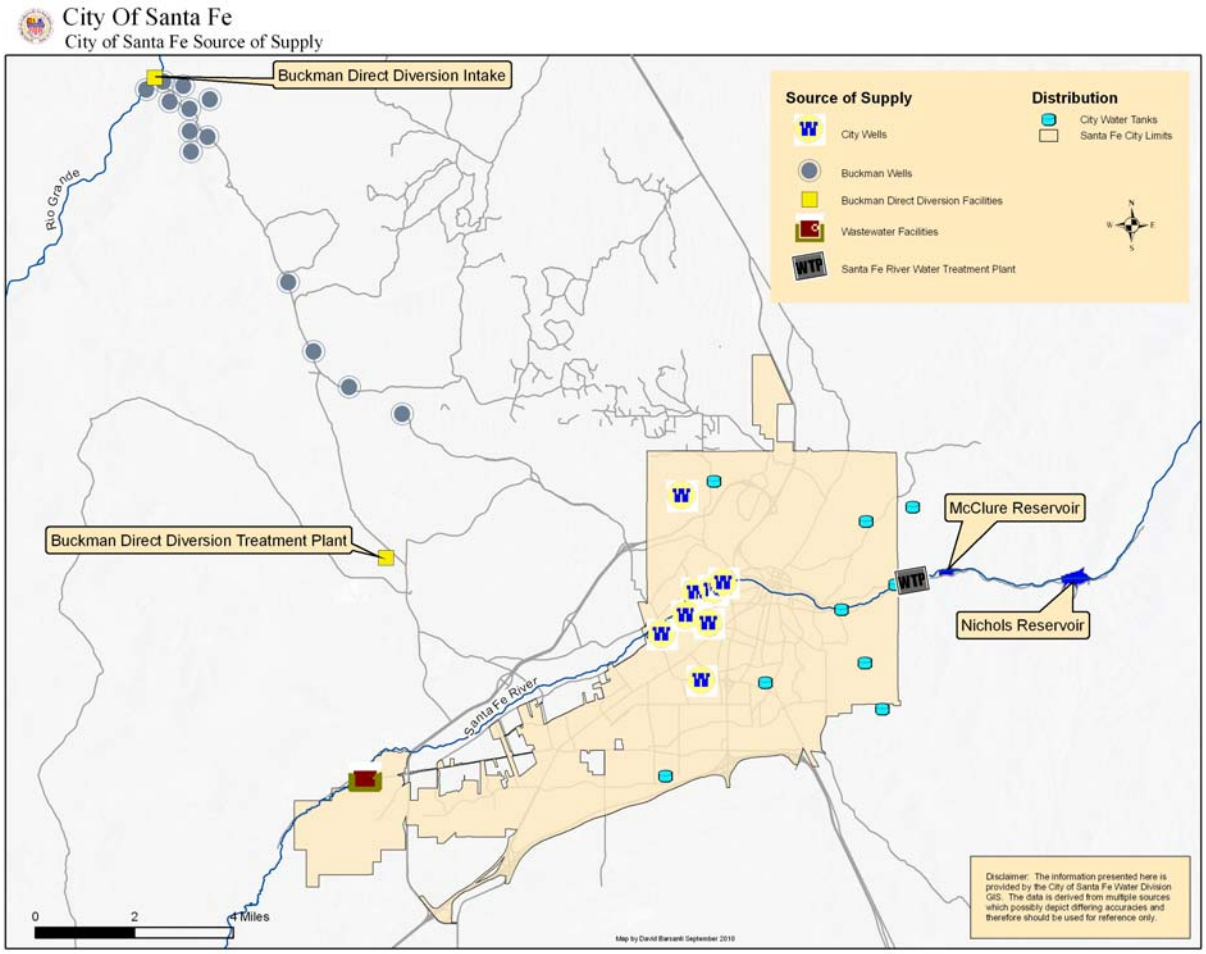
Year	Targeted Bypass Flow for the Santa Fe River per Resolution (acre-feet)	Actual Bypass Flow for the Santa Fe River (acre-feet)
2008	200	200
2009	700	719
2010	800	>2,500



Our Water Supplies

Sources of Potable Supply

The municipal water utility produces water for its customers from one of the City's three supply sources: the Santa Fe River, the City well field, and the Buckman well field, all identified in the map below.



The City of Santa Fe has been relying on the Santa Fe River for its community needs since the founding of the City four hundred years ago. Since 1995, when the City purchased Sangre de Cristo Water Company from PNM, the City has managed a licensed water right of 5040 acre-feet per year on the river. Water from the Santa Fe River is treated at the Canyon Road Water Treatment plant (map on previous page), from which it flows into over 560.5 miles of distribution lines throughout the City.

Stream gage records dating back to 1915 identify the mean inflow (50th percentile) of the Santa Fe River in the upper watershed to be approximately 4,909 acre-feet with the 25 and 75 percentiles being 3,065 and 7,045 acre-feet, respectively.

The first water supply reservoir was built on the Santa Fe River in 1881. Currently the City has a license to store up to 3,985 acre-feet (combined) of Santa Fe River water in McClure and Nichols Reservoirs. Both municipal drinking water supply reservoirs are located east of the City within the closed upper Santa Fe River municipal watershed.

Groundwater pumping from wells in the Santa Fe area presently accounts for a majority of the available municipal water supply. The City has seven active groundwater wells within the City limits, most of which are focused near the Santa Fe River (see map). The wells were installed in the 1940s and 1950s, and have been redrilled or upgraded over the years. The City also has thirteen groundwater wells in the Buckman well field, northwest of town (map on previous page). The newest Buckman wells are all 2,000 feet deep and began producing in 2003.

Beginning in the spring of 2011, the utility will begin using a fourth water supply source: San Juan Chama Project water delivered via the Rio Grande. When the new regional Buckman Direct Diversion facility becomes operational next year, the City of Santa Fe will be able to fully use its 5,230-acre-feet share of Colorado basin surface water for the first time since contracting for the water in 1976. San Juan Chama Project water is delivered from tributaries of the San Juan River via a series of diversions and underground pipelines through the Continental Divide to the Rio Grande basin and distributed to the Project's contractors at the outlet of Heron Reservoir near Chama, New Mexico.

City of Santa Fe Diversion Water Supply Portfolio

Source	***Water Rights (ac-ft)***	***Available Water (ac-ft)***
Santa Fe River	5,040	4,000 assuming 1,000 to river
City Wells	3,586*/ 4,944	sustainable use
Buckman Wells	10,000	sustainable use
Buckman Direct Diversion	5,230**	available in 2011

** when the City uses the Northwest well*
*** City's San Juan-Chama water*

Water Rights used for 'Offsets'

In addition to water rights that the City can directly divert for water supply, the City maintains a portfolio of 'offset' surface water rights that are associated with the Buckman wellfield and the Northwest Well. The purpose of these acquired water rights is to keep the nearby stream systems 'whole' or unaffected by the impacts that pumping groundwater has on surface water. The City has acquired sufficient water rights to satisfy its current obligation on the Rio Grande, Rio Tesuque, and Rio Pojoaque through a combination of acquired surface water rights, the City's San Juan Chama water, leased San Juan Chama water, and stored San Juan Chama water. The City is developing options to offset impacts in the La Cienega area. The City is continually developing plans and acquiring water rights to satisfy offset future obligations.

City's Surface Water Offsets (Acre-Feet)

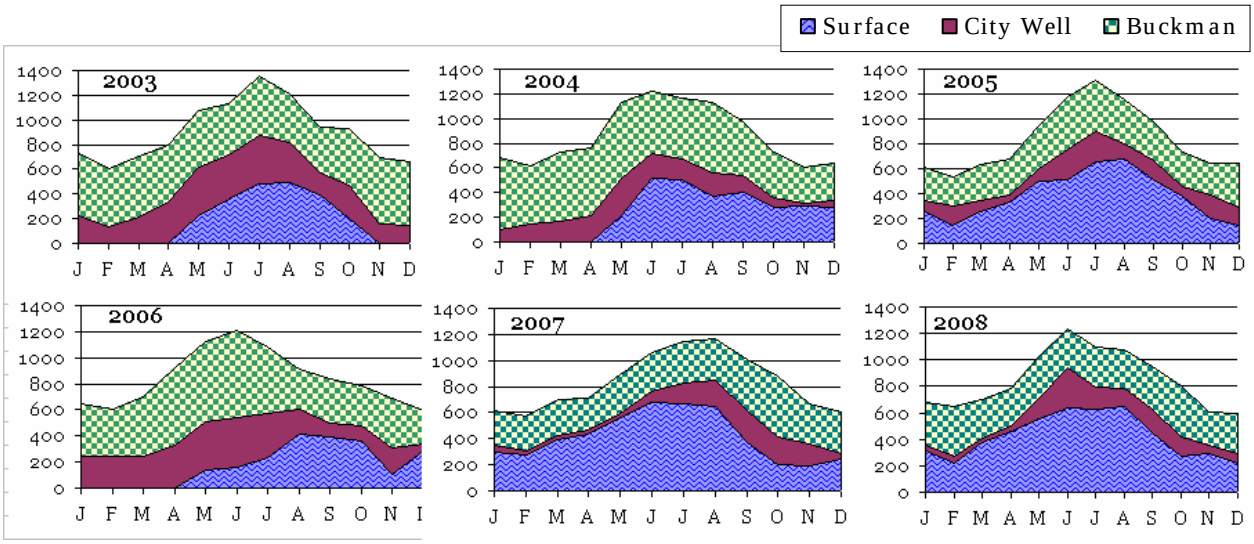
Stream system	*Water rights (af)*	*Offsets needed in 2010 (af)*
Rio Tesuque*	49	35
Rio Pojoaque*	88	62
Rio Grande**	1,438	2,000
La Cienega	1	1

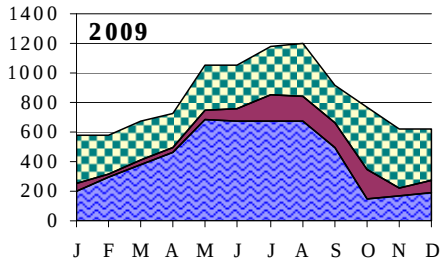
** includes water owned by Las Campanas*
*** includes water owned by Santa Fe County and Las Campanas*

Production by Supply Source

As shown in the 'Monthly Water Production by Source' below, the City has taken advantage of increased availability of surface water from 2007-2009 to decrease use of the City and Buckman well fields, allowing them to rest for use in drier years, when surface water is not as readily available.

Annual Production by Supply Source (acre-feet)





Annual Production (acre-feet)	
2003	10,825
2004	10,379
2005	10,037
2006	10,108
2007	10,098
2008	10,192
2009	9,978

Water Storage

The City stores water in three ways: in the municipal reservoirs in the upper Santa Fe River watershed, on the Rio Grande/Rio Chama system, and by 'relinquishment' water.

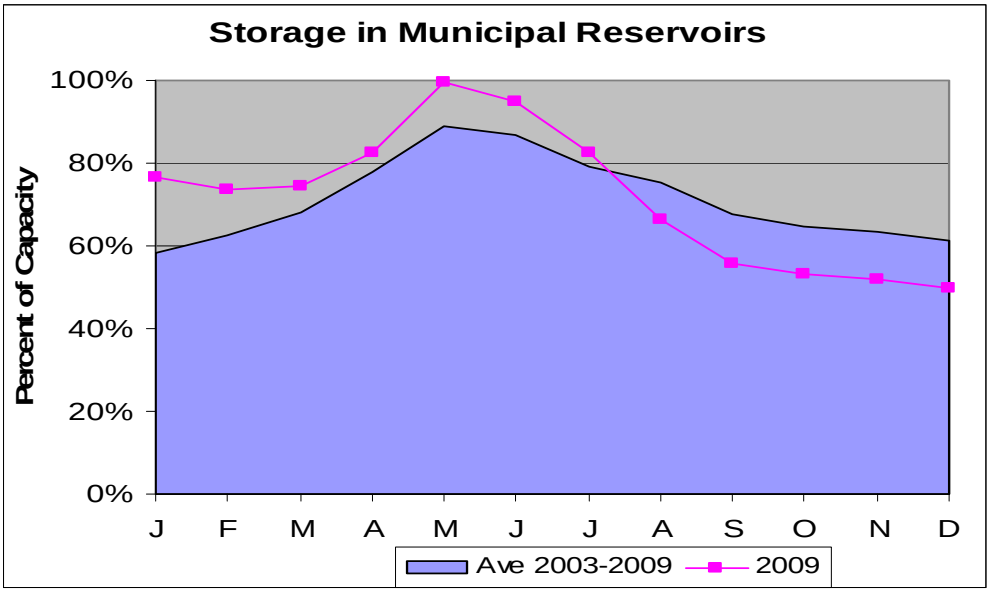
The Municipal Reservoirs: The water utility stores Santa Fe River water in McClure and Nichols Reservoirs in the upper watershed (see map on page 17). Storage levels of the reservoirs were 58.4% at the end of 2009, a result of average rainfall in the fall of 2008 and a relatively high snowfall in 2009. While the City water utility has been targeting a carry-over storage of 40% to hedge against drought-induced summer supply deficit, once the Buckman Direct Diversion comes online, a lower carry-over storage target may be considered.

Stored San Juan-Chama Project Water

For the past decade, the City has been storing its unused portion of San Juan-Chama water in reservoirs along the Rio Chama-Rio Grande river system. As of December 2009, the City had a total of 29,642 acre-feet stored, with 8,230 acre-feet stored in Heron Reservoir, 5,045 acre-feet in El Vado Reservoir (moved in January 2010), 6,517 acre-feet in Abiquiu Reservoir and 9,857 acre-feet in Elephant Butte Reservoir.

Relinquishment Credits

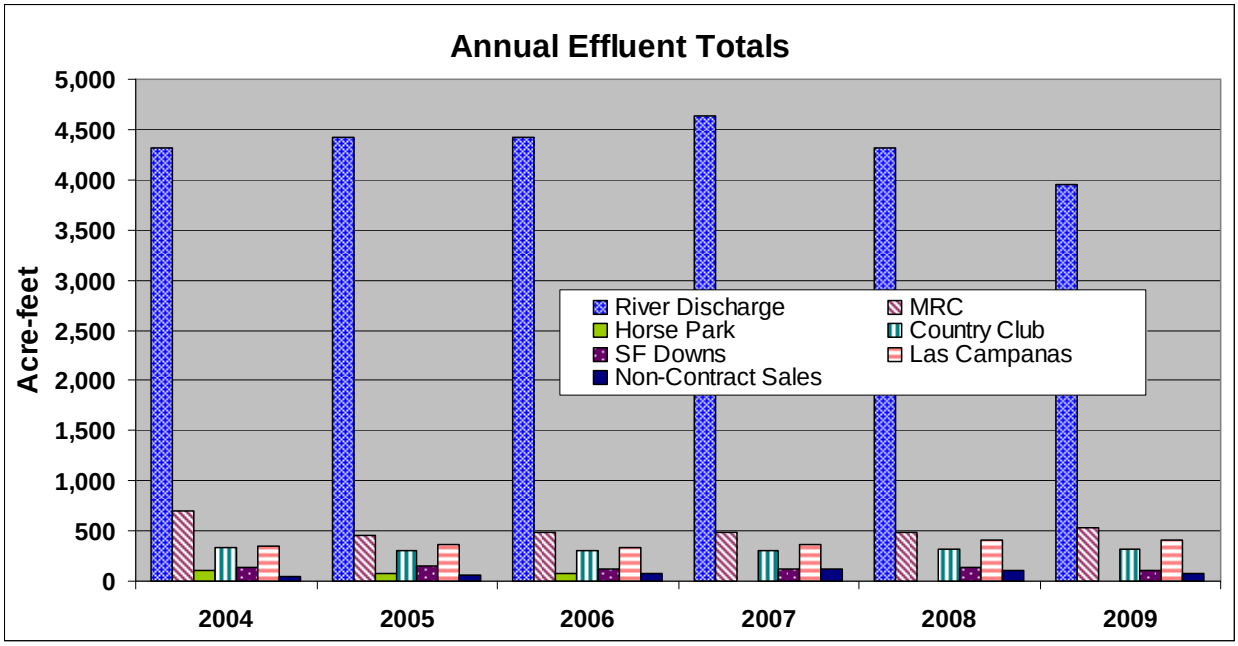
The New Mexico State Engineer has granted the City a total of 7,500 acre-feet of relinquishment credits: 6,052 acre-feet in 2003 and 1,448 acre-feet in 2008. The City used 1,260 acre-feet through 2007 and has a current balance of 6,240 acre-feet. New Mexico receives relinquishment credits when the quantity of Rio Grande water provided to Texas is above that required by the Rio Grande Compact. Relinquishment water allows the City to store relinquishment 'credit' water in the municipal reservoirs during times when the Rio Grande Compact would otherwise limit the City's right to store surface water. As an alternative to using relinquishment credits, the City often releases its San Juan Chama water into the Rio Grande in exchange for the permission to store Santa Fe River water, which would otherwise be prohibited by the Rio Grande Compact.



Treated Effluent Water Deliveries

The City has agreements to distribute treated wastewater effluent to various users in the Santa Fe area, including the US Forest Service, the City's Municipal Recreation Complex, the Marty Sanchez golf course, the Santa Fe Country Club golf course, The Downs of Santa Fe Racetrack, and the Las Campanas golf course. Treated effluent is used for irrigation instead of potable water.

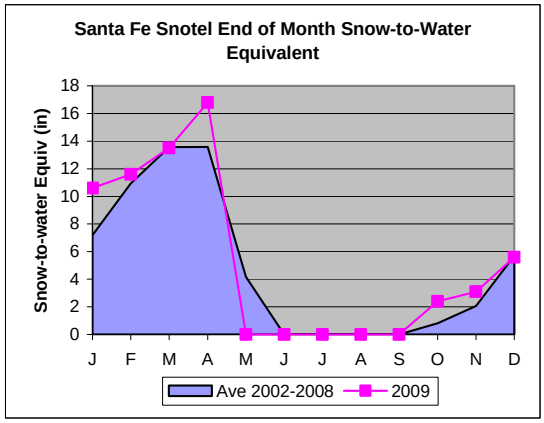
There is little difference in effluent use in the most recent year compared to previous years, except that the Santa Fe Horse Park is no longer contracting for treated effluent. The biggest changes occurred in 2003 and 2004, when Las Campanas began taking effluent deliveries in accordance with the 2003 Settlement Agreement between the City and Las Campanas.

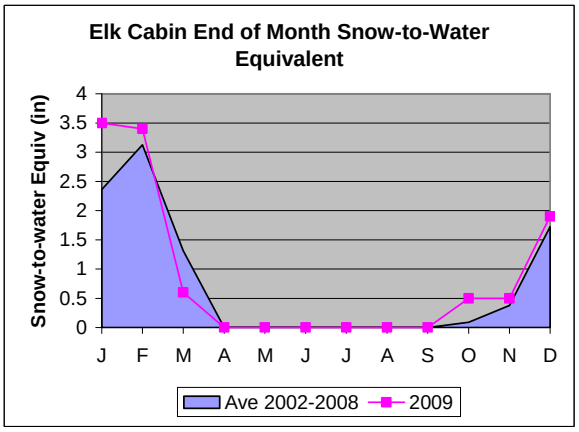


	River Discharg	MRC	Horse Park	Country Club	SF Downs	Las Campanas	Non-Contract	Totals
2004	4316	698	99	339	143	349	41	5984
2005	4428	456	80	301	157	369	61	5851
2006	4417	481	71	300	126	335	80	5810
2007	4636	483	0	310	128	371	121	6050
2008	4318	480	0	317	141	406	100	5762
2009	3949	532	0	314	109	405	83	5391

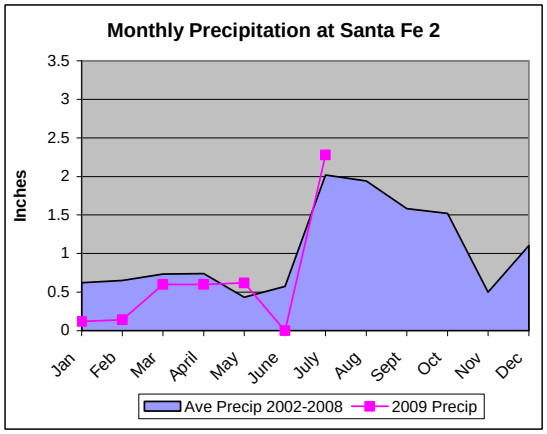
Precipitation

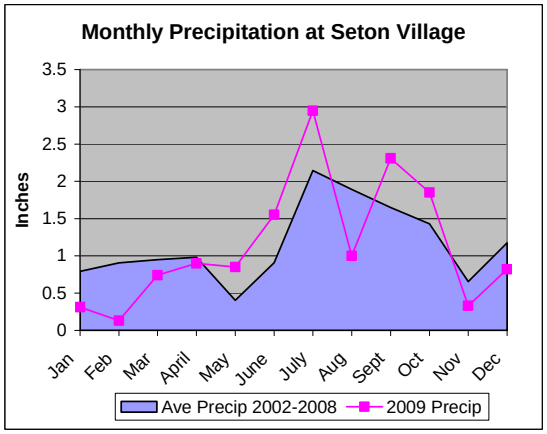
'SNOTEL' weather stations accurately measure snow pack as well as precipitation in the form of water (http://www.wcc.nrcs.usda.gov/snotel/New_Mexico/new_mexico.html). The snow-to-water equivalence of the snow pack is used to predict spring runoff and watershed yield. There are two Snotel weather stations in the upper Santa Fe watershed: 'Santa Fe' at an elevation of 11,445 feet and, 'Elk Cabin' at 8,210 feet. Santa Fe reported a total of 89.6 inches for 2008 and 35.7 inches at the end of first quarter 2009. Elk Cabin reported a total of 14 inches for 2008 and 7.5 inches at the end of first quarter 2009.





Precipitation data is also gathered in two additional locations in Santa Fe. Santa Fe 2 (approximately 2 miles southwest from the Santa Fe plaza) reported 14.94 inches for the year of 2008 and 4.36 inches through July of 2009. Seton Village (approximately 4.5 miles south of downtown Santa Fe) reported 18.56 inches for the year 2008 and 13.74 inches for the year 2009.





Water-Related Policies, Programs and Projects

Conjunctive Use and Sustainability

Santa Fe's surface water supply has the advantage of being renewable, high quality, inexpensive to treat, and energy efficient (e.g. gravity flow). The disadvantages of surface water supply include its extreme variability and the impacts that using surface water can have on the downstream ecosystem. Groundwater availability does not have the wild fluctuations in variability, and is, therefore, more reliable as long as it is not overused. To have a sustainable and reliable water supply source, the City municipal utility conjunctively uses both surface water and groundwater. Conjunctive management is a water resources principal that espouses maximizing the use of renewable surface water, and preserving the groundwater when needed for droughts or emergencies, allowing for its more sustainable use.

Monitoring Groundwater Water Levels

Working together, state, federal and local agencies such as the Office of the State Engineer, the New Mexico Environment Department, New Mexico Bureau of Geology and Mineral Resources, the US Geological Survey (USGS), Santa Fe County, Los Alamos National Laboratory, and the City municipal water utility periodically assess the state of our regional aquifer, in terms of both quality and quantity. Water level and water quality data, especially when linked to groundwater models, are needed to understand the characteristics and flow of groundwater as well as the actual and potential impacts of groundwater production.

The USGS monitors water level changes throughout the region, and provides the data through the web at http://groundwaterwatch.usgs.gov/countymaps/NM_049.html and http://waterdata.usgs.gov/nm/nwis/gwlevels. In addition, the City of Santa Fe regularly updates a website on groundwater production from the Buckman well field and area water level changes. Further information and water level graphs for Santa Fe's monitoring wells can be found at: http://www.santafenm.gov/index.aspx?NID=1030.

While water levels had been declining significantly in both of the City's well fields over the past decades, most groundwater level data since 2003 show either positive groundwater level recovery or significantly reduced rates of decline. This shift is attributed to an overall reduction in the City's groundwater withdrawals compared to a decade ago, because of successful conservation efforts, the greater use of Santa Fe surface water, and less-frequent drought conditions.

Monitoring Groundwater Quality

The City has been working with regional partners in a cooperative effort to characterize the occurrence of uranium, arsenic and nitrate in the regional groundwater. Over 500 private well samples have been collected and analyzed in the field and in local laboratories. More information is available on the website of the NM Environment Department at: http://www.nmenv.state.nm.us/fod/LiquidWaste/documents/SF.Co.09.water.test.results2.pdf. In general the report shows nitrate levels above approximate background of 2mg/L in much of the municipal area, with a few wells showing nitrates above the drinking water standard of 10mg/L. The

results of the study suggest that naturally-occurring uranium is present in the groundwater in the mountain zone, while arsenic is concentrated in wells along a series of north-south oriented faults in the center of the basin.

Drinking Water Quality

Santa Fe tap water is of excellent quality. The table lists contaminants which have associated Primary Maximum Contaminant Levels (MCLs) that are regulated **and** were detected in the City's drinking water samples collected by the City and New Mexico Environment Department in 2009. The compounds below represent a small fraction of the substances tested; testing is required for over eighty contaminants. Drinking water, including bottled, may reasonably be expected to contain at least small amounts of some contaminants. The presence of these contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's (EPA) Safe Drinking Water Hotline (800-426-4791), or visiting www.epa.gov/safewater. The City's water quality report for 2009 is available at the following link: http://www.santafenm.gov/DocumentView.aspx?DID=6044.

City of Santa Fe 2009 Water Quality Table

Inorganic Contaminants	Units	MCL	City Well Field[b]	Range[a] 2008- 2010		Buckman Tank[c]	Canyon Road WTP	Violation	Typical Source
				Low	High				
Arsenic	ppb	10	5	1	5	8	ND	No	Erosion of natural deposits; runoff from orchards; runoff from glass and electronics production wastes
Barium	ppm	2	0.7	ND	0.7	0.1	0.0062	No	Discharge from drilling wastes; discharge from metal refineries; erosion of natural deposits
Chromium [Total]	ppb	100	2	ND	2	5	ND	No	Discharge from steel and pulp mills; erosion of natural deposits
Fluoride	ppm	4	0.28	0.15	0.28	0.5	0.4	No	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories
Cyanide	ppm	0.2	0.044	ND	0.044	ND	ND	No	Discharge from steel/metals factories; discharge from plastic and fertilizer factories
Nitrate [as N]	ppm	10	6.7	3.1	6.7	1.2	0.053	No	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion from natural deposits
Radioactive Contaminants									
Gross Alpha Emitters	pCi/L	15	2.7	1.3	2.83	7.4	ND	No	Erosion of natural deposits
Radium 226/228	pCi/L	5	2.07	ND	2.07	ND	0.156	No	Erosion of natural deposits
Uranium	ppb	30	2.62	ND	3	9.6	0.021	No	Erosion of natural deposits
Disinfectants & Disinfection By-Products									
Haloacetic Acids (HAAs)	ppb	60	8.81	0.1	16.9	1.1	13.76	No	By-product of drinking water chlorination
TTHMs [Total Trihalomethane]	ppb	80	18.9	0.2	33.7	1.4	36.41	No	By-product of drinking water chlorination

Notes:

a. The range represents the highest and low values. Range values are not given if only one sample was taken during the range period.

b. City wellfield: Alto, Agua Fria, Ferguson, Osage, Santa Fe, St. Mikes & Torreon

ppm: parts per million, or milligrams per liter (mg/l); ppb: parts per billion, or micrograms per liter (ug/l); pCi/l: picocuries per liter (a measure of radioactivit
ug/l: number of micrograms of substance per liter of water; mg/l: number of milligrams of substance per liter of water

Preparing for Climate Change

The City of Santa Fe Water Division has the responsibility to prepare the municipal water utility for a range of conditions that might result from global climate changes like less alpine snowpack, earlier peak stream flows, reduction in total streamflow, greater evaporative losses, more extreme weather events, and increased summer demand from a hotter, drier, and longer summer season. Fortunately, much of the future water supply planning that has been incorporated in the adopted Long Range Water Supply Plan contemplates how the City's water supply need can be managed using our diverse water portfolio under a range of conditions, including drought. However, the utility recognizes the need to evaluate the vulnerability of the water system to predicted impacts, develop response strategies to reduce those potential impacts, reduce our own contribution to greenhouse gas emissions and educate ourselves and the community on the impact that global warming will likely have on our water supplies and water utility.

Buckman Direct Diversion Project

The Buckman Direct Diversion project is a $216-million regional water supply project that allows water customers in the City and County to use renewable surface water instead of relying mostly on groundwater unsustainably. Construction on the project began in October of 2008 and will be completed by the spring of 2011.

The project included a raw water intake on the east bank of the Rio Grande at Buckman, 6 booster stations, a 15 million gallon per day, $150 million, state-of-the art water treatment plant, and 26 miles of transmission pipeline (raw and finished). The project is governed by a joint City and Santa Fe County board. More information on the project can be found at www.bddproject.org.

A view of the BDD gravity thickener.

Energy Use

The City of Santa Fe has worked to increase the use of renewable energy and reduce the total energy consumption associated with running the water utility.

Hydroelectric Project

This project will capture the energy of the finished water flowing downhill from the Canyon Road Water Treatment plant into the 5 million gallon tank. The 170 ft of net head generated by approximately 5,000 acre-feet per year will pass through a pump turbine, generating 100 kilowatts of energy and earning renewable energy credits (REC) from PNM. The City received a $161,807 New Mexico Finance Authority (NMFA) Drinking Water Loan for project engineering, as well as an additional $702,590 in ARRA funding for hydroelectric project construction and equipment. The project is expected to pay for itself in 19 years, without taking into account the payments for RECs or higher future cost of electricity. Construction began in September of 2010.

Buckman Direct Diversion Solar Project

The Solar Project is a proposed solar facility that includes high efficiency photovoltaic panels on a 5-8 acre area adjacent to the Buckman Direct Diversion Water Treatment Plant (BDD WTP). The facility will produce up to 1 megawatt of solar electrical energy approximately 1/3 the average electrical demand of the BDD WTP. Because the solar project is intended to reduce on-peak demand, there will be an additional environmental benefit by reducing peak unit emissions and by leveling electricity usage, possibly forestalling the installation of additional power plants over time. The project has received $141,400 of federal stimulus money under the NMFA Drinking Water State Revolving Loan Fund Program for additional BDD Project expenses. Construction for this project has begun.

PNM Peak Saver

This is an electrical Demand Management Program designed to relieve PNM's Grid during Peak Periods. It is a no-cost voluntary program that pays performance-based incentives to participants without penalties of any kind. Through the use of real time power monitoring, City of Santa Fe and EnerNOC can monitor and measure the electrical consumption at the facility. The Peak Saver season is from Jun 1- Sept 30 each year. Weather Events are most likely to be called in the afternoon on the hottest days of the year and for the last four hours of the day. The City Buckman Well Field participated in the PNM Peak Saver in 2009 during which time there were 7 PNM Peak Saver events called for a total of 26 hours. To date the City of Santa Fe has earned $37,780 for 3 out of 4 months of the 2009 season, which is approximately equal to 1334kW and 33,826kWh grid reduction.

Water Utility Energy Efficiency Program

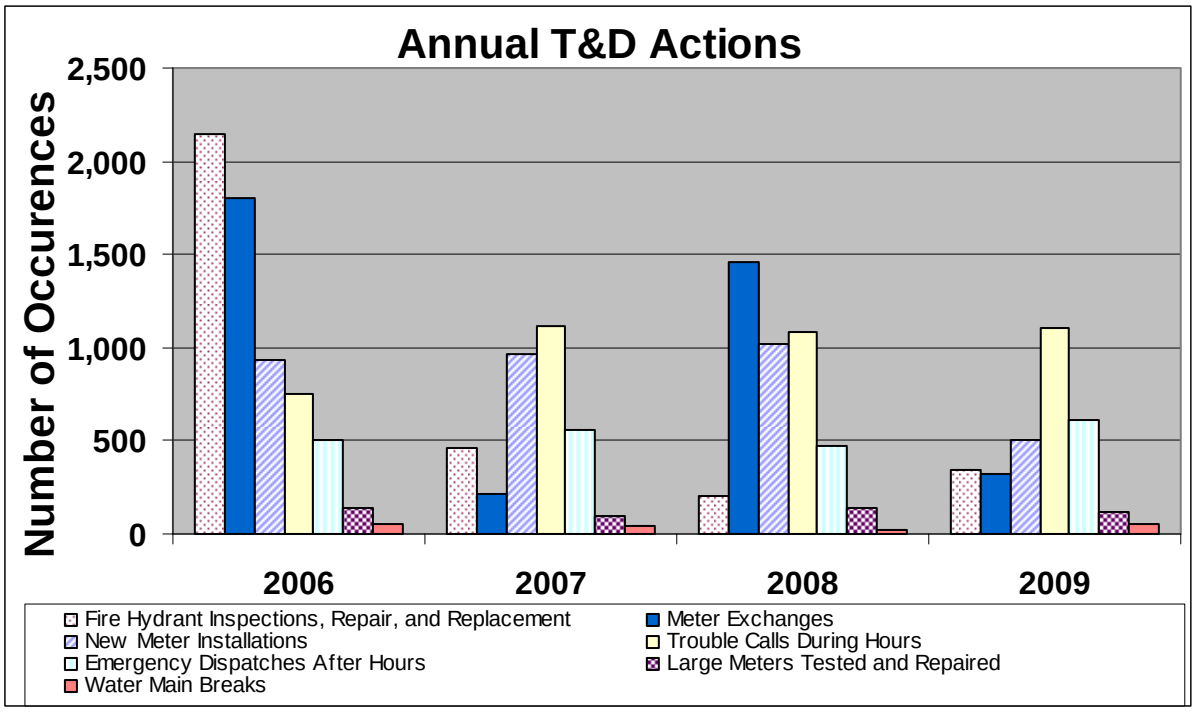
The City of Santa Fe's current power usage is $1.4 million in electricity and $200,000 in gas. The City's current on-peak energy usage is 35-40%. Using telemetry to relay real-time energy usage from all of the utility's pumping sites and processing the data with software the City already owns, the City can optimize energy usage to limit on-peak usage and draw from the cheapest sources of water to meet instantaneous demand. A conservative estimate of annual savings is $140,000. The NMFA has provided a Drinking Water Loan of $250,000, and construction of telemetry components that will interface with existing infrastructure is expected for September 2010.

System Maintenance

The Transmission and Distribution (T&D) section of the Water Division is responsible for the upkeep of the City's water lines, valves, and meters. Throughout the year this team handles emergencies and trouble-shoots a system that includes components over 100 years old. The section also installs and maintains the newer parts of the City's water system. The following table is a summary of the frequency of some of the T&D team undertakings from the past 5 years. Please note that these numbers represent only a portion of the T&D team activities.

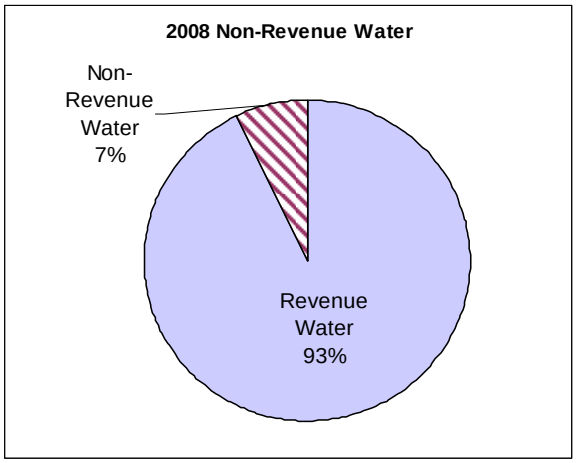
In 2009 T&D flushed all of Zone 4 and completed flushing half of the City's water mains. Flushing the City's water distribution system removes accumulated silt/sediment from distribution system piping and addresses customer complaints regarding water quality. During 2009, T&D also completed the replacement of 22 large meters, 10 mainline isolation valves, and a mainline replacement on Camino Altito.

A member of the T&D staff repairs a main line leak.



Non-Revenue Water Audit

As of last year, the Water Division began conducting annual non-revenue water audits in house. In 2008, seven percent of the City's production was non-revenue water. The purpose of this audit is to account for water that does not generate revenue and, hopefully to identify efficiency improvement potential. Several factors comprise "non-revenue" water, including inaccurate meters and system leaks. Industry standards report that a water system is performing well if non-revenue water is approximately 10-15 percent of total production.



Fiscal Responsibility

The Water Division is committed to managing the water utility to maintain fiscal responsibility to its customers. This is achieved by an annual review of our 10-year finance plan and 10-year capital improvement plan (CIP) with the goal of maintaining a high level of service while increasing effectiveness and efficiency. In early 2009 the City Governing Body approved a water rate increase in the amount of 8.2 % for five consecutive years. The rates increase is needed to primarily pay for the Buckman Direct Diversion project, a key component in providing the community with a reliable and sustainabile supply.

This rate increase coupled with the approved 10-year finance plan and CIP, allowed the Water Division to receive an AA+ rating from Standard & Poors and an AAA rating from Fitch for our $61M bond sale in November 2009. These ratings are among the highest received by a water utility west of the Mississippi River. This excellent bond rating translates into a reliable, lower-cost income source for the water utility.

To supplement the water utility's rate and bond income, the City Water Division has been fortunate to receive over $57 million in federal, state and local grants and low interest loans over the past 10 years with six million dollars secured in 2009.

Appendix C

Comprehensive Water Conservation Requirements Ordinance (SFCC 1987 § 25-2.2)

25-2 COMPREHENSIVE WATER CONSERVATION REQUIREMENTS.*

25-2.1 Short Title.

This section may be cited as the Comprehensive Water Conservation Requirements Ordinance. (Ord. #1997-17, §2)

25-2.2 Purpose.

The purpose of this section is to provide the city the means to reduce per capita water demands by requiring its citizens and businesses to comply with prescribed water conservation regulations and by establishing financial incentives for water conservation. (Ord. #1997-17, §3)

25-2.3 Scope.

There is established a city of Santa Fe comprehensive water conservation requirements ordinance that shall apply to all water whether potable or effluent, and all customers of the city water or wastewater utility wherever situated to the extent legally permissible. (Ord. #1997-17, §4; Ord. #2001-34, §1; Ord. #2006-53, §5)

25-2.4 Declaration of Policy.

A. The governing body finds and determines that encouraging and requiring the adoption of water conservation strategies is an effective and low cost means to balance water demands with limited available water supplies and production capabilities. The governing body further recognizes that as a consequence of implementing water conservation regulations, reduction in water use provides the following benefits to the city and its citizens:

(1) Potential for reduction of individual residential and commercial customers' water and sewer bills.

(2) Serves as a critical interim source of supply while additional supply sources are being brought on line.

(3) Reduces peak summer demands thereby reducing short and long-term system costs.

(4) Enhances the local environment by minimizing transport of fertilizer, pesticide, and other contaminants from runoff to surface waters and deep percolation to ground waters. Enhances the global environment by reducing energy consumption associated with water production, treatment, and distribution.

B. It is hereby declared, because of the city's immediate and long-term limited water supplies and the overall benefits of water conservation, that the city promote and require water use efficiency strategies for the public health, safety, and general welfare of its citizens.
(Ord. #1997-17, §5)

25-2.5 Conservation Signage and Literature Distribution.

A. Public, semi-public, and governmental restroom and shower facilities shall post not less than one (1) water conservation sign in each restroom and shower facility, the size of which shall not be less than eight and one-half (8.5") inches by eleven (11") inches. Such entities may use a city-provided sign or develop their own sign using city-provided text, the text of which shall cite this section. A "public facility" shall not include those facilities solely used by the entity's employees. A "semi-public facility" shall include all private clubs and fraternal organizations.

B. Hotels, motels, and other lodging facilities shall provide a water conservation informational card or brochure in a visible location in each guest room. Such facilities may use city-provided literature or develop their own using city-provided text. Lodging facilities shall not provide daily linen and towel changing for those guests staying multiple nights unless the guest specifically requests each day that the linen and towels be changed.

C. Retail plant nurseries shall provide their "end-use customers" with city-provided low water use landscape literature and water efficient irrigation guidelines at the time of sale of any outdoor perennial plants. An "end-use customer" is the person or persons who will ultimately own the plant material. A landscape contractor or architect is not an end-use customer. In order to facilitate the purchasing of low water use plants, nurseries are strongly encouraged to tag or sign their low water use plants that require little to no supplemental watering once established. For the sale of all turf or grass seed or sod, the customer shall be given city-provided literature indicating the restrictions to planting water consumptive turf, per Chapter XIV.

D. Landscape contractors, maintenance companies and architects shall provide their prospective clients with city-provided low water use landscape literature and water efficient irrigation guidelines at the time of presenting a service contract to the prospective client. Landscape professionals are strongly encouraged to educate their customers regarding the operation of their timed irrigation systems.

E. Title companies and others closing real estate transactions shall provide the entity purchasing a home, business, or property with city-provided indoor and outdoor conservation literature at the time of closing.

F. City departments shall provide indoor and outdoor conservation literature to:

(1) All persons applying for a building permit from the permit and development review division.

(2) All customers initiating new water service from the city water division.

(Ord. #1997-17, §6; Ord. #2001-34, §2)

25-2.6 Indoor Conservation.

A. Minor water system leaks, as determined by the city, from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the water division or utility billing section. A severe leak, as determined by the city, shall be repaired immediately. Failure to do so may result in discontinuance of service as set forth in Rule 9, Exhibit A of Chapter XXV SFCC 1987*. Proof of repair shall be provided to the water division or utility billing section upon completion of the repair.

B. For all new and remodeling construction and all replacements of existing plumbing fixtures, the water conservation plumbing standards set out below shall be met. In addition, with the exception of item (4), all existing nonresidential water users shall retrofit their facilities such that the plumbing fixtures noted below are in place by January 1, 2003. Any property with more than three (3) rental units shall retrofit their facilities such that the plumbing fixtures noted below with the exception of items (2) and (4) are in place by August 28, 2007, (one (1) year from the date of adoption of this subsection). Other residential water users are exempt from this retrofit requirement.

(1) Water closets. Water closets, either flush tank, flushometer tank, or flushometer valve operated, shall have an average consumption of not more than 1.6 gallons (6.1 liters) of water per flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6 gallons per flush shall not be used to satisfy this requirement.

(2) Urinals. Urinals shall have an average water consumption of not more than 1.0 gallon (3.8 liters) of water per flush, with the exception that, if approved by the inspection and enforcement division, blowout urinals may be installed for public use in stadiums, race courses, fairgrounds, and other structures used for outdoor assembly and for similar uses.

(3) Non-metered faucets. Lavatory and kitchen faucets shall be equipped with aerators and shall be designed and manufactured so that they will not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute.

(4) Metered faucets. Self-closing or self-closing metering faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, and convention halls. Metered faucets shall deliver not more than 0.25 gallons (0.95 liter) of water per use.

(5) Shower heads. Shower heads shall be designed and manufactured so that they will not exceed a water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety showers are exempted from this provision.

(6) Installation. Water-conserving fixtures shall be installed in strict accordance with the manufacturers' instructions to maintain their rated performance.

(7) Certificate of compliance. For all new and remodeling construction, all of the requirements regarding water conserving devices mentioned in subsections 25-2.6 B(1) SFCC 1987 through 25-2.6B(6) SFCC 1987 shall be certified by a certificate of compliance by a licensed mechanical contractor or plumbing permittee before or at the time of the final plumbing inspection.

(8) Authority to permit exceptions. The city water division director upon advice of the city plumbing inspector shall have the authority to permit exceptions to subsections 25-2.6 B(1) through 25-2.6B(7) SFCC 1987 in any case necessary to maintain adequate health and sanitation standards.

(9) Existing nonresidential water users failing to retrofit their facilities by September 8, 2003 and existing properties with more than three (3) rental units failing to retrofit their facilities by February 28, 2008 (eighteen (18) months after the adoption of this subsection), shall be subject to four (4) times the administrative fees set forth in subsection 25-1.4A(1) SFCC 1987. After a citation for failing to retrofit has been issued, the water user shall have sixty (60) days to obtain such retrofits. During that sixty (60) day period, no further citations shall be issued. After that sixty (60) day period, the water service shall be discontinued following notice as set forth in Exhibit A, Rule 9, paragraph D.3 of this chapter.*

C. *Eating Establishments.* All public and private eating establishments shall provide water or other beverages only upon request. Eating establishments serving beverages in single-serving containers shall only serve an accompanying glass if specifically requested by the customer. These provisions shall be clearly communicated to the customer in at least one (1) of the following manners: on the menu, by use of a "table tent" or similar signage on the table, or posting in a location clearly visible to all customers. All catering and banquet operations shall comply with the provisions of this subsection.

D. *Lodging Restrictions.* Lodging facilities shall not change the sheets and towels more than once every four (4) days for guests staying more than one (1) night unless there is a justified public health reason. Guests shall be informed of this requirement in writing at the time of check-in.
(Ord. #1977-17, §7; Ord. #2001-34, §3; Ord. #2003-31, §1; Ord. #2006-53, §6)

25-2.7 Outdoor Conservation.

A. *Outdoor Irrigating Periods.* Outdoor irrigation is prohibited between 10:00 a.m. and 6:00 p.m. from May 1 through October 31. It is recommended that outdoor irrigation be limited to no more than three (3) days per week, recognizing that low-water use plants and native

vegetation require less irrigation. The use of grey water meeting applicable standards or water harvested from precipitation is encouraged.

B. *Exemptions:*

(1) Nursery stock. Plants being irrigated for retail or wholesale sale are exempt from paragraph A, above.

(2) Licensed landscape maintenance and contracting companies. All manual watering by landscape maintenance and contracting companies licensed with the state of New Mexico construction industries division and registered with the city of Santa Fe business registration unit are exempt from paragraph A, above. Landscape companies setting timed irrigation systems shall ensure that the systems comply with paragraph A.

(3) Acequias. Irrigation from acequias is exempt from paragraph A, above.

C. *Potable Water Use for Certain Construction and Landscaping Purposes.* For those construction and landscaping purposes permitted by the New Mexico environment department to use treated wastewater, potable water use from a fire hydrant is prohibited. Treated wastewater from the city's effluent fill station or other facility shall be used for such purposes.

D. *Swimming Pools.* Swimming pools located outside shall be covered when not in use. Kiddy pools less than twelve (12") inches in depth and less than five (5') feet in diameter are exempt from this provision.

E. *Vehicle Washing:* All manual car washing shall use a hose equipped with a positive shut-off nozzle.

(1) All vehicle washing at residences is limited to once-per month per vehicle; and

(2) Commercial car sale lots and other commercial and governmental entities with on-site vehicle washing facilities are limited to washing each vehicle one (1) time per month unless there is a demonstrated public health or safety reason for more frequent washings. Commercial car sale lots shall be allowed to wash cars at time of sale and prior to placing in a showroom.

F. *Hard Surface Cleaning.* Using water to clean hard surfaces with a hose or power washer, including but not limited to, the cleaning of tennis courts, sidewalks, driveways, walls, parking areas and outdoor eating areas is prohibited except to prevent or abate public health, safety or accident hazards when alternative methods are not available.

G. *Turf.* The planting of cool season grass is strongly discouraged. For further restrictions see subsection 14-8.4(F)(4) SFCC 1987.

H. *Authority to Permit Exceptions.* The city water division director has the authority to permit exceptions to this subsection provided the water conservation objective is not compromised.
(Ord. #1997-17, §8; Ord. #2001-34, §4; Ord. #2003-12, §1; Ord. #2006-53, §7)

25-2.8 Reserved.*

25-2.9 Turf Restrictions.**

A. Turf requirements for sports fields and golf courses shall comply as follows:

(1) Sports fields or golf courses created after August 25, 2003, shall not install turf grass sod or turf grass seed mixes.

(2) Sports fields or golf courses created prior to this date which have artificial turf shall not convert to natural turf.

(3) Sports fields or golf courses created prior to this date which have natural turf may be permitted to rehabilitate the natural turf if the area needing to be rehabilitated does not exceed seventy-five percent (75%) of the turf area. Rehabilitation of more than seventy-five percent (75%) shall not be permitted. Such turf areas in excess of seventy-five percent (75%) shall be replaced with artificial turf.

B. This section shall apply to all customers of the city water system except city owned sports fields or golf courses or to sports fields or golf courses which are part of a public or private preschool, elementary school, junior high school, high school, college or university.

C. As appropriate, violations of this section shall be considered a misdemeanor punishable as set forth in Section 1-3 SFCC 1987. In addition, the city may discontinue water service following a twenty-four (24) hour notice as set forth in Rule No. 9 of Exhibit A, Chapter XXV SFCC 1987* or pursue enforcement of these specific performance requirements in an appropriate court of law.
(Ord. #2003-28, §3)

25-2.10 Reserved.*

25-2.11 Other Water Conservation Programs.

The governing body may adopt other water conservation programs, including but not limited to, rebates or vouchers for water saving devices. Such programs shall be adopted by

resolution and shall not exceed funds allocated by the governing body each fiscal year. No water user shall be eligible for both a rebate or voucher and a retrofit credit for any specific water saving device. (Ord. #2003-29, §2)

25-2.12 Domestic Water Leak Repair Loan Program.

A. *Legislative Findings.* The governing body has determined the following:

(1) The city has limited water resources especially in years of drought;

(2) The city of Santa Fe encourages the community to conserve water in various ways;

(3) Leaking toilets, leaking water service lines, and leaking fixtures may account for a significant portion of residential water consumption; and

(4) The costs associated with water leak repair can prove discouraging or prohibitive for many residential water customers.

B. The city shall provide loans for the purpose of water leak repair provided the following are met:

(1) The loan recipient shall be a residential customer of the city water system;

(2) Loans are available on a first come, first serve basis until all dedicated funds are expended;

(3) Each city water customer shall be limited to a one-time loan;

(4) The loan recipient shall be solely responsible for employing and settling with the leak repair contractor;

(5) The contractor performing repair work shall be licensed in New Mexico for residential plumbing;

(6) The city does not warrant, endorse, or assume liability for the quality or performance of the repair performed;

(7) The loan amount shall be within the city's adopted range;

(8) The loans shall be extended at zero percent interest;

(9) The loans shall be repaid according to established terms including minimum monthly payments and penalties for nonpayment;

(10) The city may file a lien in the amount of the loan on the property for which the loan is applied for. The city may assess a fee for the placement of the lien. The lien shall be removed upon full loan repayment;

(11) The amount of the lien shall be increased by eighteen percent (18%) per annum in the event that the loan is not repaid in the agreed upon time period;

(12) The loan recipient shall agree to allow the city access to inspect the premises in order to verify repair;

(13) Loans for leak repair shall comply with city program guidelines as adopted.

C. The total of all loans shall not exceed the amount appropriated by the governing body each fiscal year.

D. A tracking mechanism shall be utilized to evaluate the cost and water savings of the leak repair program. The water conservation committee shall annually evaluate the program's effectiveness and propose program improvements. This information shall be reported annually to the governing body.
(Ord. #2004-15, §1)

25-3 WATER WASTE.

25-3.1 Applicability.*

A. Section 25-3, regarding water waste, shall apply to the following:

(1) All water customers of the city water system whether located within the city limits or not;

(2) All city effluent customers whether located within the city limits or not;

(3) All customers of the city waste water system whether located within the city limits or not; or

(4) All private well users located within the city limits.

B. The use of the word water in Section 25-3 shall mean potable water, stormwater, grey water and effluent.
(Ord. #2006-53, §11)

25-3.2 Wasting Water Prohibited.*

A. No person, firm, corporation, or county, state, or federal facility or operation, to the extent allowed by law, or municipal facility or operation shall waste water. Wasting water shall include the following:

(1) The pumping, flow, release, escape, or leakage of any water from any pipe, valve, faucet, irrigation system or facility onto any hard surface such that water accumulates as to either create individual puddles in excess of ten (10) square feet in size or cause flow along or off of the hard surface or onto adjacent property or the public right-of-way, arroyo, or other water course, natural or manmade;

(2) During the irrigation of landscaping, the escape or flow of water away from the landscaping plants being irrigated even if such flow is not onto a hard surface; or

(3) The nonbeneficial use of water including, but not limited to, leaks to indoor and outdoor plumbing system (faucets, hose bibs, showerheads, toilets, etc.) in excess of 0.25 gallons per minute. Residential water users, both single family and multifamily are exempt from the indoor plumbing aspect of this restriction.

B. The following are not considered wasting water. However, water used in such a manner shall be minimized:

(1) The incidental runoff caused by vehicle washing provided that a shut-off-nozzle is used;

(2) The periodic draining of swimming pools and spas;

(3) Flow resulting from temporary city water system failures or malfunctions;

(4) Water applied, such as in the cleaning of hard surfaces, to prevent or abate public health, safety, or accident hazards when alternate methods are not available. The washing of outdoor eating areas and sidewalks is not included in this exemption;

(5) Flow resulting from vandalism, high winds, emergencies, and acts of God;

(6) The occurrence of an unforeseeable or unpreventable failure or malfunction of plumbing or irrigation system hardware, prior to the issuance of a formal warning notice issued to the water user as set forth in subsection 25-1.4 SFCC 1987;

(7) Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities;

(8) Water applied to abate spills of flammable or otherwise hazardous materials;

(9) Flow resulting from a routine inspection or maintenance of the city water system;

(10) Water used by the city of Santa Fe in the installation, maintenance, repair or replacement of public facilities and structures including but not limited to traffic control devices, storm and sanitary sewer structures and road or street improvements; or

(11) Water used by contractors or utilities including but not limited to saw cutting of pavement, compaction, or other use required under terms of their contract. (Ord. #2006-53, §13)

25-3.3 Warnings.

For unforeseeable or unpreventable violations, the city shall generally issue a formal warning notice prior to taking enforcement action. Prior to taking formal enforcement action, the city may instruct the water user to not operate the faulty system until it is appropriately repaired. If operating the system is integral to the operation of the facility the city may at its discretion provide a fifteen (15) calendar day time period in which to remedy the violation prior to commencing formal enforcement action. Once a warning notice has been issued, subsequent water waste events shall be subject to enforcement action. (Ord. #2006-53, § 15)

Appendix D

Water Emergency Management Plan Ordinance (SFCC 1987 §25-5)

25-5 WATER EMERGENCY MANAGEMENT PLAN.*

25-5.1 Short Title.

This section may be cited as the Water Emergency Management Plan Ordinance. (Ord. #2006-53, §19)

25-5.2 Purpose.

The purpose of this section is to provide the city the means to implement measures for controlling water use in response to water-system-related emergencies or water emergencies due to catastrophic events or prolonged drought that may disrupt systems operations or the sources of water supply. (Ord. #2006-53, §20)

25-5.3 Policy.

Because of the conditions prevailing in the city of Santa Fe, the general welfare requires that the city maximize the beneficial use of its available water resources to the extent to which it is capable, and that the conservation of water is to be practiced with a view to the reasonable and beneficial use thereof and to avoid waste or unreasonable use, in the interest of the citizens of the city of Santa Fe and for the public health, safety and welfare. (Ord. #2006-53, §22)

25-5.4 Declaration of Water Emergency.

The city manager is authorized to determine and declare that a water emergency exists in any and/or all parts of the city or county of Santa Fe that is served by the city water system if any of the following occur:

A. The water division director reports the occurrence of any of the following:

(1) A general water supply shortage due to increased demand or limited supply;

(2) Distribution or storage facilities of the city water system are inadequate to meet demand or minimum quality standards; or

(3) A disruption of the supply, storage, or distribution facilities of the city water or wastewater systems.

B. An unforeseeable disaster or water emergency such as an earthquake, or other catastrophic event affecting the Santa Fe or Rio Grande river watershed, or groundwater supply, or other major disruption in the water supply.

C. A foreseeable water emergency, such as extended drought conditions.
(Ord. #2006-53, §24)

25-5.5 Water Emergency Management Plan.

There is established a city of Santa Fe water emergency management plan that shall apply to all water customers of the city water system whether located within the city limits or not and to all private well users located within the city limits.

A. *Regulations, Rules and Conditions.* Upon the determination that a water emergency exists, the city manager is authorized to promulgate such regulations, rules and conditions relative to the time of using water, the purpose or purposes for which it may be used, and such other necessary limitations as will, in the city manager's opinion, relieve the water shortage in any such section or sections of the water service area.

B. *Water Emergency Implementation Stages.* In addition to the regulations, rules and conditions set forth in subsection 25-5.5A SFCC 1987, the city adopts the following water emergency implementation stages. The water use restrictions and fines of each stage apply to all higher stages unless the higher stage has a more stringent requirement. At no time shall water be wasted or used unreasonably.

(1) "Water Warning - Orange" implementation stage is incorporated into Chapter XXV SFCC 1987 as Exhibit "C"*; and

(2) "Water Crisis - Red" implementation stage is incorporated into Chapter XXV SFCC 1987 as Exhibit "D".*
(Ord. #2006-53, §§ 26, 44, 45)

25-5.6 Implementation of Water Emergency Management Plan.

A. Upon the city manager's determination and declaration that a water emergency exists as set forth in subsection 25-5.4 SFCC 1987, the city manager shall determine which provisions of the water emergency management plan are necessary to implement in order to protect the public health, safety and welfare and to prudently plan and supply water to the city water system's customers.

B. Upon the city manager's determination that implementation of the water emergency plan is necessary, the city manager is authorized and directed to implement the provisions of the water emergency management plan, as follows:

(1) The city manager may implement the promulgation of rules, regulations and other conditions relative to the time of using water, the purpose or purposes for

which it may be used, and such other necessary limitations as will, in the city manager's opinion, relieve the water shortage in any such section or sections of the water service area; and

(2) The city manager is authorized to implement the "Water Warning-Orange" water emergency implementation stage as shown on Exhibit "C" or the "Water Crisis - Red" water emergency implementation stage as shown on Exhibit "D" at the end of this chapter;

C. If the severity of a water emergency lessens, the city manager may, upon recommendation of the water division director, rescind or lower the water emergency implementation stage.

D. Depending upon the nature of the water emergency in order to protect the health, safety and welfare of the citizen's of Santa Fe and to protect public and private property, the governing body may upon a majority vote of those present adopt temporary water rate surcharges above those rates set forth in Exhibit B of this chapter.*
(Ord. #2006-53, §28)

25-5.7 Water Emergency Management Plan Applications.

A. The water division director shall provide data, comparing the operational water system supply to the operational water system demand, to the city manager by April 15 of each year or as necessary to determine the appropriate water management plan.

B. If the operational water system supply as determined by the water division director's sole discretion, equals between eighty percent (80%) and ninety-nine percent (99%) of operational water system demand, the city manager may declare a "Water Warning - Orange" water emergency implementation stage. If the operational water system supply as determined by the water division director's sole discretion, is less than eighty percent (80%) of operational water system demand, the city manager may declare a "Water Crisis - Red" water emergency implementation stage.

C. For purposes of determining the appropriate water emergency implementation stage, operational water system supply is defined as the sum of the following sources of supply according to the administrative procedures established by resolution of the governing body:

(1) Canyon Road treatment plant;

(2) City wells;

(3) Buckman wells; and

(4) Buckman direct diversion treatment plant.

D. For the purposes of determining the appropriate water emergency implementation stage, the operational water system demand shall be determined according to the administrative procedures established by resolution of the governing body and in a manner consistent with the Long Range Water Supply Program upon its adoption.

E. The administrative procedures for determining the operational water system supply and demand shall be available at the city's water division.
(Ord. #2006-53, §30)

25-5.8 Announcement and Publication of Water Emergency Management Plan.

Upon the implementation of the water emergency management plan as set forth in subsection 25-5.6 SFCC 1987, the city shall give public notice by public announcement and by publishing a notice giving the extent, terms and conditions respecting the use and consumption of water a minimum of once a day for three (3) consecutive days in a daily newspaper of general circulation in Santa Fe. The provisions of the water emergency management plan to be implemented shall become effective immediately upon public announcement. Upon such public announcement and publication of notice, proper notice shall be deemed to have been given to each customer of the city water system or other party affected by the water emergency management plan. (Ord. #2006-53, §32)

Adopted: May 29, 1996
Amended: June 13, 1996
Amended: July 31, 1996
Amended: September 11, 1996
Amended: June 28, 2000
Amended: April 10, 2002
Amended: May 28, 2003
Adopted: August 28, 2006 (effective January 1, 2007)

CITY OF SANTA FE

EMERGENCY WATER REGULATIONS

EXHIBIT C* "WATER WARNING – ORANGE" IMPLEMENTATION STAGE

(Subsection 25-5.5)

A. Landscape Restrictions.

(1) Any requirement to plant new landscaping under Chapter 14 SFCC 1987 associated with new construction shall be held in abeyance until all water emergency management plans are rescinded. The property owner or developer shall post a bond sufficient to cover the costs of installing the required landscaping.

(2) Except as set forth in paragraph (4) below, the planting of cool-season grass is prohibited. Violation of this provision shall be subject to a $500 administrative fee as set forth in subsection 25-1.4 SFCC 1987. Subsequent watering of cool-season grass with potable water shall be subject to additional fines.

(3) The planting of all other plant materials is strongly discouraged. New plantings shall comply with the current irrigation restrictions.

(4) New turf areas in public parks may be installed as long as the overall total square footage of turf in public parks does not increase from that in existence at the time of adoption of this ordinance. Existing turf areas in public parks may be renovated by sod or seeding.

B. Irrigation Notices. All plant nurseries or landscape professionals or community gardens shall provide their customers at the time of sale or service contract, literature, the text of which is provided by the city, indicating that the city is under twice per week watering restrictions, that the new plantings shall comply with those restrictions, and that violations are subject to administrative fee assessments.

C. Irrigation Restrictions.

(1) Except as set forth in paragraph (2) below, outdoor irrigation using potable water shall comply with the following:

(a) Odd-numbered addresses shall irrigate only on Tuesdays and Saturdays. Even-numbered addresses shall irrigate only on Wednesdays and Sundays;

(b) For a location lacking an identifiable odd or even-numbered address, the owner or managing agent shall select an odd-even schedule to which it chooses to adhere provided the city water division is so notified; and

(c) A large irrigation user may designate a portion of its landscape area as "odd" and a portion as "even" if active use of the landscaping and/or water pressure limitations constrain the owner's ability to irrigate the entire landscaped area in either an odd or even day provided the city water division is so notified.

(2) The following exemptions apply:

(a) Plants being irrigated for retail or wholesale sale are exempt;

(b) Licensed landscape maintenance and contracting companies doing manual watering may apply to the city's water conservation office for an exemption; however, they shall not manually irrigate their clients' landscaping more than two (2) days a week. For those customers of landscape companies that have automatic irrigation controllers, the odd-even address watering days and times shall be complied with; and

(c) Public parks, public school athletic fields and public roadside landscapes. This provision is adopted in order to serve community needs for active and passive recreation deemed essential to the quality of life for persons of all ages and to protect tax paid investments in landscaped facilities. Maximum irrigation for turf and woody plant areas shall be based upon evapotranspiration (ET) replacement to maintain the health and vigor of the plants as follows:

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total
ET (in inches)	0.70	1.55	2.80	4.25	5.05	4.50	3.00	1.65	0.50	24.00

However, the city will use the information received from its weather stations to determine optimal watering levels which may be less than those listed in the chart above. Woody plant materials in roadside landscapes may be irrigated once a week. Roadside landscapes shall mean those located within the public right-of-way completed as part of a publicly funded project and maintained by the city. Public parks, public school athletic fields and roadside landscapes shall be reviewed and retrofitted to incorporate the most efficient available technology in irrigation and xeric plant selection.

C. Swimming Pool and Spa Restrictions. One initial filling is allowed for swimming pools and spas. This includes indoor or outdoor facilities. Kiddy pools less than 12 inches in depth and five feet in diameter are exempt from this provision.

D. Posting of Water Shortage Bulletin. Excluding residential facilities, owners of restrooms, showers, and locker facilities shall post a city-provided 8.5 by 11 inch water shortage announcement in the restroom, shower, and locker room areas. This provision applies to all private, public, governmental, and commercial establishments. In addition to restroom signs, all indoor commercial establishments shall post the same announcement in a location clearly visible to their customers.

Adopted: May 29, 1996

Amended: September 13, 2000

Amended: April 10, 2002

Amended: May 28, 2003

Adopted: August 28, 2006 (effective January 1, 2007)

CITY OF SANTA FE

EMERGENCY WATER REGULATIONS

EXHIBIT D* "WATER EMERGENCY – RED" IMPLEMENTATION STAGE

(Subsection 25-5.5)

A. Landscaping Restrictions. The planting of all plant materials is prohibited.

B. Irrigation Restrictions.

(1) All outdoor irrigation using potable water is prohibited except as noted below.

(2) The following exemptions apply:

(a) Plant materials classified to be rare, exceptionally valuable or essential to the well being of the public at large or rare animals may be irrigated twice per month. The watering shall occur on the first and third Tuesdays of the month.

(b) Irrigation of plants for retail or wholesale shall be reduced in volume by an amount determined through approval of the "Water Emergency – Red" implementation stage by the governing body.

(c) Irrigation for public parks, public school athletic fields, and roadside landscapes shall reduce irrigation permitted in Section B.(2)(c) of Exhibit C, Chapter XXV SFCC 1987 by 35%.

C. Swimming Pool and Spa Restrictions. The filling or refilling of all swimming pools or spas is prohibited except where this use is storage for a water supply. The operation of any fountain or similar water feature is prohibited except for short periods of time to prevent damage.

D. Vehicle Washing Restrictions.

(1) All vehicle washing at residences, commercial car sale lots and other commercial and governmental entities is prohibited.

(2) The use of water by all types of commercial car washes or commercial vehicle service stations and not in the immediate interest of the public health, safety and welfare shall be reduced in volume by an amount determined through approval of the "Water Emergency – Red" implementation stage by the governing body.

(3) Such washings are exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings such as refuse collection trucks and vehicles used to transport food and perishables.

E. Commercial Use. The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by an amount determined through approval of the "Water Emergency – Red" implementation stage by the governing body.

F. Sales of Potable Water. All sales of potable water outside of the water service area shall be discontinued, with the exception of sales previously approved by the governing body. Water shall not be dispensed at the potable water fill station.

Appendix E

Landscape and Site Design Ordinance (SFCC 1987 §14-54.1 A)

14-8.4 LANDSCAPE AND SITE DESIGN

(A) Purpose and Intent

(1) It is the purpose and intent of this ordinance to foster the creation of regionally appropriate, sustainable landscapes. This ordinance requires the utilization of water harvesting and encourages the development and utilization of other alternate sources of landscape irrigation water, because potable water is an increasingly scarce resource. Water conservation, water harvesting, and irrigation efficiency shall guide landscape design, installation, and maintenance to foster a responsible and judicious use of our water and other natural resources.

(2) It is also the purpose and intent of this chapter: to protect and promote the health and beauty of the natural setting and urban landscapes; to recognize and provide for appropriate changes in the urban context; and to protect and preserve public and private landscape resources. It is also the purpose and intent of this chapter to enhance the appearance of the City's streets and public places in order to promote their role as community amenities and social spaces that contribute to civic pride and vitality.

(B) Applicability

(1) The requirements of this section apply to, and a landscape plan that demonstrates compliance with this chapter is required with the following:

(a) Applications for subdivision plat approval, except lot split and family transfer.

(b) Applications for development plan approval.

(c) Applications for master plan approval.

(d) Applications for building permits as follows:

(i) All new construction resulting in an enclosed structure with a gross floor area greater than 500 square feet.

(ii) For additions or remodeling of existing structures that disturb greater than 1000 square feet of land area, or have a valuation over $80,000. Existing landscaping or other improvements may meet the requirements of this section.

(2) The requirements of this section apply to and a landscape plan that demonstrates compliance with this chapter is required for development on city owned rights-of-way, parks, building grounds, and all other city owned parcels.

(3) The requirements of this section do not apply to the following:

(a) Applications for new single-family dwelling units located on lots that are less than 9,000 square feet, which shall comply with Escarpment regulations

when applicable, and which shall comply when applicable with §14-8.4(F), "Plant Material Standards," and §14-8.4(E), "Water Harvesting and Irrigation Standards."

(b) Interior residential remodeling.

(c) Properties located in the Business Capitol District, which shall comply with §14-4.3(E).

(4) Additional landscape requirements may apply to properties subject to Terrain Management regulations as set forth in §14-8.2, and to those located in the Escarpment Overlay District as set forth in §14-5.6. Additional landscape requirements applicable to outdoor and emergency water use are set forth in Chapter 25.

(5) Removal of existing significant vegetation shall comply with §14-8.4(F)(5).

(6) The installation or rehabilitation of turf for certain sports fields and golf courses, as defined therein, shall comply with §25-2.9 SFCC 1987. (Ord. No. 2003-28 § 1)

(C) Compliance and Enforcement

The Director of the Land Use Department or the Director's designee shall have the authority to enforce this chapter. (Ord. No. 2007-45 § 30)

(1) No building permit shall be issued, or development plan, master plan, or subdivision plat recommended for approval without compliance with this chapter.

(2) Lack of compliance with this chapter may result in withholding or revocation of a Certificate of Occupancy.

(3) Should the requirements of this chapter not have been met prior to the request for a Certificate of Occupancy the applicant may provide a financial guarantee, as per the existing policy of the Land Use Department at the time of the request. (Ord. No. 2007-45 § 30)

(4) In any case in which more than one set of landscape requirements are applicable, the more stringent shall be applied. In the Escarpment Overlay District, compliance with both this section and §14-8.2 shall be required.

(5) The Director of the Land Use Department, or the director's designee, shall have discretion to allow alternate means of compliance with the requirements of this section when the proposed alternate means satisfy the intent, and are equivalent to or exceed the requirements of this section, and when: (Ord. No. 2007-45 § 30)

(a) Site conditions, including but not limited to the configuration of the lot, topography, and/or existing vegetation make full compliance impossible or impractical; and/or;

(b) The proposed alternate means of compliance are appropriate to the design intent, especially in response to landscape or site design consistent with the surrounding area, or with the historic character of Santa Fe; and

(c) The proposed alternate means of compliance promotes water conservation and water harvesting equal to or greater than the original requirement.

(D) Landscape Plan Submittal Requirements

When the requirements of this section apply, information shall be provided as set forth in the user's guide.

(E) Water Harvesting and Irrigation Standards

Water conservation shall guide landscape and site planning, design, installation, and management. Landscape planning shall begin early in the development process in conjunction with the requirements of Terrain Management, §14-8.2. Landscape design shall apply the principles of xeriscape and achieve the highest industry standards for irrigation efficiency. Alternative sources of irrigation water shall be developed including harvested water from roof and site runoff. Graywater use is recommended where appropriate. Potable water shall be used as a back-up or temporary irrigation water source to the greatest extent possible. The purpose of these strategies is to develop drought tolerant landscapes, and to reduce the demand on the potable water system.

(1) Water Harvesting

(a) The landscape plan shall include passive water harvesting for landscape irrigation purposes as a minimum requirement. (Ord. No. 2005-11 § 5)

(b) Passive water harvesting techniques include but are not limited to:

(i) Surface collection: swales, parking lot islands, bar ditches, detention or retention ponds, and constructed wetlands. Detention and retention ponds should be integrated landscape features, rather than single-purpose flood control ponds.

(ii) In-ground storage: soil amendments, constructed rain gardens, French drains, pumice wicks, permeable paving, and collection structures with infiltration fields or galleries. In-ground structures shall utilize techniques and materials that have been proven effective, safe and structurally sound.

(c) Active water harvesting systems:

(i) Storage and distribution systems: above ground rain barrels, storage tanks and below grade cisterns that use gravity or pumps to distribute water to an irrigation system.

(ii) Active water harvesting systems shall be maintained and the water used for landscape irrigation purposes. The Director of the Land Use Department or the Director's designee shall have the authority to inspect, test and monitor as needed, the components of active water systems including but not limited to: tanks, pumps, and controllers. (Ord. No. 2007-45 § 30)

(2) Graywater

Graywater irrigation is appropriate for some landscape installations. Graywater use is regulated by the New Mexico Environmental Improvement Board, Liquid Waste Disposal Regulations, which defines minimum lot size and requires other Uniform Plumbing Code standards. Contact the New Mexico Environment Department for further information.

(3) Water Features

(a) Water features, including but not limited to, fountains, streams, and ponds are classified as high water use.

(b) The water surface area of the feature shall not exceed twenty percent of the total allowable cool season turf area, and shall be included in the total area of cool season turf allowed as specified in §14-8.4(F)(4).

(c) Water used in these installations shall be re-circulated.

(d) The water feature shall be designed to prevent seepage and leaks.

(4) Irrigation Standards

Landscape irrigation plans shall integrate water harvesting with the highest industry standards for efficient irrigation use. The development of alternative sources of irrigation water is recommended including harvested water from cistern collection and gray water. Potable water irrigation may be used as a supplemental or temporary system. Irrigation designers and installers are encouraged to use the City of Santa Fe Landscape Irrigation Systems Standards as a guide to minimum specifications for irrigation systems. All new irrigation systems and major renovation of existing systems shall comply with the following standards.

(a) A permit is required for all new irrigation system installations. A permit is required for major renovation of existing irrigation systems, which includes the installation of backflow prevention devices and the installation of additional zones.

(b) A Uniform Plumbing Code approved backflow prevention device is required for all irrigation systems connected to the city water system including existing irrigation systems. Atmospheric vacuum breakers are the minimum

required standard for above grade systems such as those connected to hose bibs and frost-free hydrants.

(c) An automatic, digital multi-programmable controller is required for all irrigation systems installed in commercial, industrial, and, multi-family residential development, with an irrigated landscaped area larger than 1000 square feet.

(d) Hand watering for commercial, industrial, and multi-family installations of less than 1000 square feet of landscaped area is allowed. Shut-off nozzles are required on hoses used for hand watering.

(e) Irrigation system operation information including recommended monthly and seasonal irrigation schedules, and water budgets based on gallons used for landscape plantings for year one and year three, shall be included on the irrigation plan or with attached documentation.

(f) Irrigation systems shall be designed for the site-specific topography, site orientation, micro-climate, prevailing winds, and soil type so as to prevent runoff, minimize evaporation, and promote infiltration.

(g) Irrigation systems shall be designed to prevent water waste, over-watering, and to prevent overspray or drainage of water onto any paved or unplanted surface.

(h) Planting beds shall be swaled, sloped, or recessed below grade a minimum of 2 feet to prevent fugitive water.

(i) Irrigation systems shall be zoned by levels of water use. For the most efficient water use, plants with similar water use requirements shall be grouped together. Separate zones are required for permanent and temporary irrigation lines.

(j) Overhead spray irrigation is prohibited for watering trees and shrubs. It is permitted for turf and ground cover plants and for temporary irrigation systems for revegetation with drought tolerant plant species. Spray irrigation is prohibited in areas where any dimension is less than 10 feet.

(k) Temporary irrigation systems are allowed and encouraged in conjunction with the use of revegetation with drought tolerant plant material. Temporary irrigation systems shall be reviewed on a case-by-case basis and removed after the vegetation is established.

(l) Turf, sod, or grass seeding of cool season species shall not be planted on slopes greater than 25%, or in areas where any dimension is less than 10 feet. Revegetation using temporary irrigation, with annual plant species used for erosion control to meet the requirements as set forth in Terrain Management §14-8.2 is exempt from this restriction.

(F) Plant Material Standards

(1) Plant material selection shall emphasize drought tolerant plant species and shall limit the use of high water use plant species. All required plant material shall be cold hardy to USDA Classification Zone 5 (-15° F) or colder. For appropriate plant material see the City of Santa Fe Plant List and consult local nurseries.

(2) Required plant material shall be installed as follows:

(a) All required deciduous trees shall be 2 inch caliper minimum.

(b) All required shrubs shall be 5 gallon minimum except as noted on the City of Santa Fe Recommended Plant List.

(c) All required evergreen trees shall be a minimum 6 feet in height, except as otherwise required in the Escarpment district.

(d) When more than ten trees are required by this chapter, more than one species shall be provided.

(e) Stormwater detention and retention ponds shall be planted with appropriate trees, shrubs, and grasses with a minimum of 1 tree and 3 shrubs per 500 square feet of required ponding area. Plants located in the bottom 1/3 of the detention or retention pond must be adaptable to periods of submersion and may require replacement during periodic maintenance to remove silt.

(f) Any plant material required by this chapter failing to show healthy growth due to damage, pest, disease or neglect shall be promptly replaced with a similar plant.

(g) Required new plant material shall be protected from damage by vehicles.

(h) New plant material shall be mulched to minimum depth of 2 inches and the mulch renewed yearly or as needed. Mulch may be of organic or inorganic material. Plastic sheeting is not permitted as weed barrier.

(i) It shall be the responsibility of the owner or tenant to properly maintain all materials and installation required by this section, including but not limited to: proper pruning, soil testing, fertilizing, and weeding.

(3) Controlled or Prohibited Plant Materials

(a) As of March 1, 2002, turf grass sod or turf grass seed mixes installed within the city limits shall contain 25% or less Kentucky bluegrass.

(i) Public parks and commercial recreation areas are exempt from this restriction. These locations shall install only the minimum cool season turf required for the active recreational use.

(ii) As of March 1, 2002, Russian Olive (Elaeagnus angustifolia) and Salt Cedar (Tamarix spp.) shall not be sold or installed within the city limits because of their classification as noxious weeds.

(4) Turf

(a) Warm season grasses are recommended for most turf applications. The installation of cool season turf grasses is discouraged, as they require greater quantities of irrigation water. Refer to the City of Santa Fe Recommended Plant List for specific information on grass species. Cool season turf shall be limited to areas with relatively low evaporation from wind and heat and/or locations used for passive or active recreation. The total area of cool season turf shall be limited as follows.

(i) Single-family residential units shall not install cool season turf in excess of 1000 square feet, or ten percent of the total lot area, whichever is less.

(ii) Multi-family residential developments shall not install cool season turf in excess of twenty per cent of the required common open space.

(iii) Commercial and industrial developments shall not install cool season turf in excess of 1000 square feet, or three percent of the required open space, whichever is greater.

(iv) Public parks and commercial recreation areas are exempt from this restriction. These locations shall install only the minimum cool season turf required for the active recreational use.

(5) Existing Vegetation

(a) Existing healthy vegetation is an important cultural, environmental, and economic resource and shall be preserved to the greatest extent possible.

(b) The director of the Land Use Department or the Director's designee shall review grading plans during the permit process and may require the preservation, relocation or replacement of existing significant vegetation. The following criteria shall be used to review existing significant vegetation. (Ord. No. 2007-45 § 30)

(i) Priority shall be given to preserving significant trees that provide screening, buffering, wildlife habitat and/or linkages to wildlife habitat.

(ii) Significant trees to be preserved or relocated shall be healthy and free from serious insect or parasite infestation.

(iii) Significant trees to be relocated shall be selected from areas with adequate soil conditions for successful relocation.

(iv) The recommended season for relocation of piñon trees is September 15 to May 15.

(v) If relocation of existing significant trees is not possible within these guidelines, then equivalent plant material shall be provided. Replacement evergreen trees shall be 6' tall or greater, replacement deciduous trees shall be 2" caliper or greater.

(vi) Relocated or replacement trees shall be irrigated until they are established.

(c) A minimum of 40% of significant piñon pine (Pinus edulis) shall be preserved, relocated on site or replaced as specified in this section. Piñon pine that are preserved or relocated on site and are a minimum of 8' tall shall substitute for two trees required elsewhere in §14-8.4(J).

(d) No existing deciduous tree 6" caliper or greater or evergreen tree over 8' shall be removed without the approval of the Director of the Land Use Department or the Director's designee. Trees classified as noxious weeds that are smaller than 12 inch caliper are exempt from this review. (Ord. No. 2007-45 § 30)

(e) During construction existing plant material to be preserved shall be enclosed by a temporary fence at least five feet outside the dripline. In no case shall vehicles be parked, materials or equipment be stored or stockpiled within the enclosed area. Vehicles are prohibited from parking on locations that are to be landscaped or revegetated.

(f) All areas with exposed soil surfaces disturbed by construction shall be revegetated to minimize erosion, stormwater runoff and improve the infiltration of precipitation.

(g) Destroyed vegetation shall be promptly removed in order to prevent insect infestation of healthy vegetation.

(h) The preservation of plant species classified as noxious weeds is discouraged, including Siberian Elm (Ulmus pumila), Russian Olive (Elaeagnus angustifolia) Tree of Heaven (Ailanthus altissima) and Salt Cedar (Tamarix spp.).

(i) Topsoil removed during construction shall be stockpiled on site and reused on site in landscaped areas or areas to be revegetated.

(G) Street Tree Standards

(1) Street trees shall be required in order to reduce heat, dust, and glare, and the need for cooling or heating; to help clean and oxygenate the air; reduce road noise; to develop continuity between developments; and to enhance the appearance of the city's streets. Consideration should be given to urban density, historic or vernacular character of the location, continuity with native vegetation and the natural landscape, and with the ability to provide water for irrigation.

(2) Required street trees shall not substitute for required landscape material in parking lots, except as provided in §14-8.4(I)(2). Street trees shall be located as follows:

(a) On major and secondary arterials one tree an average of every 30'- 40'.

(b) On all other streets one tree an average of every 25'- 35'.

(c) Alternate methods of compliance:

(i) The Governing Body may establish a tree planting fund, providing for a fee in lieu of street tree planting to be appropriated by district.

(ii) Where street trees or planting strips are required but not practical the equivalent area in square feet and amount of plant material may be provided elsewhere on the site with staff approval, and based on existing conditions or design intent.

(3) Location of Street Trees

(a) Street trees shall be located on the subject property, adjacent to the property line.

(b) On major and secondary arterials trees shall be planted in a minimum 10-foot wide planting strip that includes the width of the sidewalk or other pedestrian way. If existing development precludes provision of the 10 foot wide planting strip, trees shall be planted in a space no smaller than 5 feet by 13 feet and preferably multiple trees in longer planting strips.

(c) Street trees should be planted in swales or basins that collect run-off and precipitation to the greatest extent possible.

(d) With staff approval and acceptance of a License Agreement with the City, street trees may be located in the right-of-way.

(e) Trees shall be located at least 15 feet from light standards, or so as not to impede outdoor illumination.

(f) Trees shall be located at least 15 feet from fire hydrants, or so as not to cause interference with hydrant operation.

(g) Street trees located under utility lines shall be selected from species that maintain a minimum of 5 feet of clearance from overhead utility lines at maturity.

(h) Street trees shall not be required on single-family residential lots.

(H) Open Space

The intent of common open space is to provide useable neighborhood outdoor space, promote compact urban form, to screen and buffer conflicting zoning categories, and in general enhance the quality of the urban environment. When appropriate, open space should contribute to the preservation of the city's natural features, especially hillsides and arroyos. Consideration shall be given to providing wildlife habitat, especially by providing open space along arroyos, stream corridors, and linkages to other habitat areas. To the greatest extent possible, connections shall be provided to public open space and/or the urban trail system and bicycle paths, or in such a way that a future connection shall be facilitated.

(1) Open Space Requirements

(a) Specific amounts of common open space required for individual zoning districts shall be as set forth in Article 14-7.

(b) Residential common open space

(i) The most appropriate use or uses for outdoor space shall be proposed and assessed on a case by case basis, and may include passive and/or active use.

(ii) A minimum of 50% of common open space shall be useable space for passive and/or recreational active use, or pedestrian ways that include but are not limited to interior sidewalks and patios. Outdoor swimming pools, tennis courts, or other recreational facilities may also be included. Staff may require tot lots or other play areas and/or equipment, walking paths, benches, and lighting.

(iii) Common open space shall not include parking areas, private streets, utility pads, driveways, gross floor area, garages, carports, or accessory buildings.

(iv) Common open space shall be no less than 15 feet in any one dimension and no less than 500 square feet per segment.

(v) Common open space shall be dedicated to a homeowners' association, or held and maintained by the owner of rental housing developments. If dedicated to a homeowners' association there shall be covenants running with the land restricting the use of common open space to such, and prohibiting subdivision or separation of ownership of the common open space. Such restriction shall be noted on the development plan or final plat.

(vi) At a minimum, common open space shall be planted with one tree and 2 shrubs per every 500 square feet. At least 25% of required trees and shrubs must be evergreen. Existing conditions, including native vegetation, shall be taken into consideration.

(vii) Substitutions of equal value and appropriate to the landscape design intent may be allowed with staff approval.

(viii) Repealed by Ord. No. 2003-35, § 1.

(c) Residential Private Open Space

(i) The intent of private open space is to ensure easily available access to the outdoors in medium to high-density developments, and to provide for a sufficient sense of privacy.

(ii) Private open space shall have one or more points of direct access into the dwelling unit, and must be enclosed by walls, fences, shrubs, or other landscape elements.

(iii) There are no planting requirements for private open space.

(iv) Requirements for specific zoning districts are as set forth elsewhere in this chapter.

(d) Non-Residential Open Space

(i) Open space shall be provided in non-residential developments in order to promote environmental health, foster a sense of openness, provide light and air, preserve existing vegetation, or provide new vegetation to help oxygenate the air, provide shade, to help control stormwater runoff and erosion, as well as improve ground water quality.

(ii) Non-residential open space shall be planted, and linkage to public open space provided, following the same requirements as for residential common open space above.

(iii) Planting requirements are the same as for residential open space, and may be combined with other landscape requirements, including those for street tree planting and parking lots.

(iv) The minimum dimension for non-residential open space shall be 10 feet and cover a minimum of 300 square feet, unless the area is a component of interior parking landscape and meets the requirements for open space credits for water harvesting described in paragraph (vi) below.

(v) The percentage of required open space shall be calculated on the basis of total lot area, and shall be no less than 25% unless the

conditions described in paragraph (vi) below are met, and then the required open space may be reduced by a maximum of 10% of the total lot size. More restrictive requirements for individual zoning districts shall apply.

(vi) In order to encourage an increase in permeable surface area, to reduce stormwater runoff and erosion, to increase infiltration, and to encourage water conservation and water harvesting the required open space may be reduced as follows:

A. A passive water-harvesting concept that is a primary component of stormwater management shall earn an open space reduction equal to 5% of the total lot area. An active water harvesting and distribution system that is a primary component of stormwater management and that is a component of outdoor irrigation or suitably treated for indoor use shall earn an open space reduction equal to 5% of the total lot area. The total reduction in open space for water harvesting shall not exceed 10% of the total lot area. The credits shall be earned through the application of engineering calculations that shall be submitted as a part of the landscape plan and the Terrain Management Regulations, §14-8.2. The calculations shall show the percentage of water harvested and the estimated water conserved based on the required water budget in §14-8.4(E)(4).

B. The open space reduction shall not result in an increase in parking area.

(e) Applicants for building permit shall not be required to lose existing parking spaces or other previously developed area in order to fulfill the open space requirement, but may not increase the intensity of a use or create an addition that would result in a decrease in open space below the minimum required, unless existing impervious surfaces are retrofitted for stormwater management as described in paragraph (d)(vi) above. (Ord. No. 2002-37 § 81)

(I) Parking Lots

(1) Parking facilities are transitional spaces where users change modes of travel, from car, bus, or bicycle to pedestrian or assisted movement in wheel chairs or by other means. The design of parking facilities shall safely and attractively serve all transportation modes, especially pedestrian. Parking lots shall be designed to complement and define the buildings they serve by the utilization of roadways, pedestrian ways, and interior landscaping to emphasize open space, building entrances and other site or architectural elements. Parking lots shall utilize stormwater harvesting in parking lot islands and perimeter screening strips to reduce the use of potable water irrigation.

(2) Perimeter Screening

(a) When ten or more off-street parking spaces are required, perimeter screening shall be provided. The purpose of perimeter screening of parking lots is to define parking areas, mitigate the view of cars and pavement, help direct traffic flow, provide continuity to streetscapes, and to obtain the environmental benefits of increased planting:

(b) The parking lot shall be screened from all public streets and adjacent properties. Such screening shall be accomplished by: a continuous wall 3 feet or more in height, with trees an average of 25 feet on center; a hedge a minimum 4 feet high at maturity, other vegetative screening appropriate to the landscape design intent; or any combination of the above so long as the screening objective is achieved. Topography and adjacent uses shall be taken into account to determine the most effective means of screening.

(c) Planting strips must be at least 6 feet wide unless located on a primary or secondary arterial where they shall be a minimum of 10 feet wide and may be combined with street tree planting. The width of the required planting strip may be reduced from 10 feet to 5 feet if a continuous solid wall a minimum of 3 feet in height is provided, and if the following conditions are met:

(i) The front of the wall is no less than 5 feet from the back of the sidewalk; and

(ii) The area between the sidewalk and the wall is planted with trees, shrubs, or other appropriate plantings, and covered with mulch to a 2 inch depth.

(d) Trees shall be planted in an area with a minimum dimension of 5 feet and containing a minimum of 75 square feet of permeable surface exclusive of curbing.

(3) Interior Parking Lot Landscape Requirements

(a) The purpose of interior planting requirements in parking lots is to provide visual relief from large expanses of cars and pavement, to provide shade in order to reduce heat and glare, to help direct traffic flow, and to reduce and control stormwater runoff.

(b) When 40 or more off-street parking spaces are required, interior lot landscaping shall be provided.

(c) No single parking area shall exceed 120 spaces unless divided into two or more sub-areas by an internal landscaped street, or landscaped pedestrian way that is a minimum 10 feet wide.

(d) A minimum of 10 square feet of permeable landscaped area shall be provided per parking space. A minimum of one deciduous tree shall be planted per 90 square feet of landscaped area.

(e) Traffic islands shall have a minimum dimension of 6 feet and contain a minimum of 90 square feet of permeable surface exclusive of curbing; and shall be distributed throughout the lot. As a component of a storm water management plan they may be combined to facilitate water harvesting; and these combined islands shall be distributed within each sub-area.

(f) No more than 20 cars shall be parked in a row without a traffic island having a minimum area of 90 square feet including a minimum of one tree, adjacent to the length of the parking space.

(4) Stormwater Management

Stormwater runoff shall be utilized to provide irrigation for the perimeter and interior plantings to the greatest extent possible.

(a) Stormwater runoff water shall be harvested and infiltrated as close to where it falls as possible.

(b) The consolidation of planting islands is allowed to facilitate stormwater harvesting and promote plant growth. The consolidated planting islands shall be distributed in each sub-area.

(c) The use of bio-filtration techniques such as constructed rain gardens to filter pollutants carried by runoff is recommended.

(5) Pedestrian Circulation

When 40 or more off-street parking spaces are required, sidewalks for primary pedestrian routes shall be provided. At a minimum this shall include pedestrian ways from the primary off-site entrance or entrances to the primary building entrance or entrances.

(a) All pedestrian ways shall be landscaped with a minimum 6 feet wide planting strip on at least one side, exclusive of curbs, and trees an average of 25 feet on center, parallel to and adjacent to the walkway.

(b) If the planting strip abuts a row of parking the tree planting areas may be included in the interior lot landscape requirements.

(6) Vehicle Overhangs

Vehicles may not overhang the minimum required landscaped area unless the following conditions are met.

(a) The planting islands shall have a minimum depth of 5 feet plus the amount of the overhang for each side of parking, exclusive of curbing, as defined in §14-8.6.

(b) The adjacent parking spaces may be reduced by the amount of the overhang.

(c) Either curbing or wheel stops shall be provided.

(d) Plant material shall be located outside the overhang area or shall be no greater than 12 inches in height at maturity.

(7) Applicants for building permits shall not be required to lose existing parking spaces in order to comply with the requirements of this section, but may not add parking spaces which would add to a non-conforming situation in terms of compliance with these landscape regulations, when seeking to increase the intensity of a use or create an addition, requiring additional parking spaces.

(8) Display lots and flea markets are exempt from interior pedestrian circulation requirements but are required to include interior landscape islands or swales for stormwater management. Such islands shall be planted with one deciduous tree per 1000 square feet of paved or impermeable surface area.

(J) Screening and Buffering

(1) Wall and Fences

For any project to which this chapter applies, and where a proposed wall or fence would be visible from public view, walls and fences shall be wrought iron, or simulated wrought iron, wood, plastic simulated wood, cedar pole, adobe, split-faced concrete block, stone, stuccoed, or rectangular mesh wire on wooden posts in combination with vines or other climbing plant material, or as may otherwise be restricted elsewhere in this chapter.

(2) Residential Developments on Arterials

(a) Residential developments contiguous to major or secondary arterials shall be screened from the street in order to mitigate noise and to promote residential privacy.

(b) Screening shall be accomplished by walls, fences, and the planting of trees and shrubs, or a combination of the above.

(c) The provision of plant material shall, at a minimum, conform to the same requirements as for open space set forth in §14-8.4(H).

(d) An alternative to screening shall be a 25' setback of undisturbed trees, shrubs, and grasses, or landscape treatment consisting of appropriate vegetative cover.

(3) Residential Abutting Non-Residential Development

(a) Where a residential development or residential zoning district abuts a non-residential zoning district a landscaped buffer shall be provided by the non-residential development.

(b) The provision of plant material in the landscaped buffer shall, at a minimum, conform to the same requirements as for open space set forth in §14-8.4(H).

(c) The landscaped buffer may be considered part of any required open space so long as all other conditions of the open space requirement are satisfied.

(d) Specific buffer area requirements for individual zoning districts may be required as set forth elsewhere in this chapter.

(4) Storage, Trash, and Equipment

(a) All trash areas, dumpsters, outdoor storage, service areas, ground and wall mounted mechanical and electrical equipment (excluding transformers) and pedestals shall be screened from public view and adjacent residential properties. For the purposes of this section "public view" shall mean visible to the average person from any public street, way or place.

(b) Screening shall be accomplished by walls, fences, a planting of trees and/or shrubs sufficient to accomplish the screening objective within two years of installation, or any combination of the above so long as the screening objective is achieved. Topography and adjacent uses shall be taken into account to determine the most effective means of screening.

(Ord. No. 2001-38 § 2)

Appendix F

City Water Budget Ordinance (SFCC 1987 §25-9)

25-9 CITY WATER BUDGET.*

***Editor's Note:** This section is effective January 1, 2010.

25-9.1 Short Title.

Section 25-9 SFCC 1987 shall be referred to as the City Water Budget Ordinance. (Ord. #2009-38, §11)

25-9.2 Authority.

A. This Section 25-9 SFCC 1987 and related Sections 25-10, 25-11 and 25-12 SFCC 1987 are enacted pursuant to the express statutory authority conferred upon municipalities to enact ordinances pursuant to its police power (NMSA §3-17-1 B (1978)) and the power of municipalities to acquire and hold water rights in order to plan for reasonable development pursuant to NMSA §72-1-9 (2006).

B. Such articles are also adopted pursuant to the city of Santa Fe's powers under its municipal charter, adopted effective March 15, 1998, as amended effective May 5, 2008, pursuant to the Municipal Charter Act, sections 3-15-1 to 3-15-16 NMSA 1978, and Article 10, §6 of the Constitution of New Mexico.

C. A reasonable exercise of municipal authority includes planning for the operation and growth of the municipal water utility, and planning for orderly urban development in furtherance of the public health, safety and welfare. Such planning includes the regulation of the amount and types of uses of water from the city's system to ensure that a reliable source of water exists to meet water requirements of the existing customers and that any additional supplies of water in the system are allocated in a manner consistent with priorities established by the governing body. (Ord. #2009-38, §12)

25-9.3 Legislative Findings.

A. The city has the responsibility to consider the nature of its water supplies. Some of the city's water supplies are dependent on annual precipitation, and in times of shortage or drought, this dependence may create significant variability in the seasonal and annual water supply. The city's groundwater supplies are reliable if not over used.

B. The governing body recognizes that it is in the best interest of the health, safety and welfare of all citizens of Santa Fe that the city take the steps necessary to accurately determine the level of demand on the city's water system to ensure that the current and future water needs and priorities of the city and its citizens are met and that the legal obligations of the city in operating the city water system are being and will continue to be met. (Ord. #2009-38, §13)

25-9.4 Purpose.

The purpose of adopting Section 25-9 SFCC 1987 is to promote the following principles:

A. The city should not allow increased demand on the water system without adequate supply to meet this demand.

B. The city's water supplies should be used as efficiently as possible.

C. Anyone seeking new land use development should be responsible either for offsetting new demand through conservation measures or transferring to the city an equivalent amount of water rights that can be diverted through the city's infrastructure.

D. Water that is made available as a result of the city's water rights purchases, leases, offsetting conservation measures such as retrofitting high-use fixtures and appliances with low-use fixtures and appliances and increased water supply from city-related infrastructure projects allowing reuse of water or return flow credits should be allocated to uses and projects meeting the city's priorities including creation of a living Santa Fe River.

E. The city should use in its water planning accurate quantifications of the city's water supply and the demands upon the city's water supply.

F. The city should manage its water resources to maintain its ability to provide a stable, predictable, and adequate water supply.

G. The city shall make every reasonable effort to maintain a minimum flow in the Santa Fe River and to sustain a healthy riparian ecosystem. (Ord. #2009-38, §14)

25-9.5 Annual Water Budget.

On an annual basis, the water division shall conduct an evaluation of the city's total water system supply and total water system demand, effective for the twelve (12) month period from April 1 to March 31. The water division shall summarize this evaluation in the water budget report and present the report to the public utility committee at the regularly scheduled April meeting and to the governing body at the regularly scheduled May meeting. The report shall include:

A. The city's current total water supplies, under the present water resource management policies, including:

(1) Water rights available to the city;

(2) Long-term sustainable yield from those water rights;

(3) Effect that a range of drought conditions would have on that sustainable yield; and

(4) Wet water available that year;

B. The total water demand including:

(1) Actual demands upon the city's water service itemized into amounts to serve current customers, city uses, line loss and other actual current demands;

(2) Utility reserve;

(3) Anticipated demands upon the city's water service from future customers with valid written agreements that will require water service within the twelve (12) month period;

(4) Special contractual demands (e.g. Las Campanas, county of Santa Fe); and

(5) Non-revenue water demands including total system losses set out by categories of loss;

C. Water system annual operating plan estimating water production from the city's various supplies to meet projected annual demand;

D. Water resource annual management plan describing the impacts on the city's water resources resulting from the annual operating plan, as well as any planned actions to mitigate those impacts;

E. Twenty (20)-year supply-demand projection, including near- and long-term anticipated demands upon the city's water service based on current growth projections and anticipated demands of future customers with valid written agreements;

F. The quantity of water, if any, by which the sustainable water supply exceeds committed demand;

G. Status of the city's water conservation credit and water rights transfer programs; and

H. Quantification of all water credits held in the city water bank, pursuant to Section 25-10 SFCC 1987, including water rights belonging to the city resulting from water rights purchases and leases, water conservation credits pursuant to Section 25-11 SFCC 1987, water held for affordable housing, and water held to meet the anticipated long-range surface water supply gap resulting from water right permit offset requirements. (Ord. #2009-38, §15)

25-9.6 Allocation of City's Available Water.

A. Upon review of the annual water budget, the governing body shall determine if water is available for allocation. Water available for allocation shall be derived only from the following sources:

(1) The portion of surplus sustainable water supply in excess of committed demand that the governing body has transferred to the city water bank;

(2) City's water rights purchases and leases deposited in the city water bank;

(3) Retrofit rebate conservation credits deposited in the city water bank under the water conservation credit program set forth in Article 25-11 SFCC 1987;

(4) Conservation credits donated to the city rebates under the water conservation credit program set forth in Section 25-11 SFCC 1987; and

(5) Infrastructure projects allowing reuse of water or return flow credits.

B. The water available for allocation shall be held in the city water bank established pursuant to Section 25-10 SFCC 1987.

C. The governing body may allocate by resolution some or all of the water available for allocation to both city and other uses and projects that meet the city's priorities.

D. In making allocations, the governing body shall give priority to the following uses:

(1) Annual allocations of water to affordable housing shall be made for at least three (3) consecutive future years, and each year's allocation shall be set aside in a separate affordable housing account in the city water bank. When a specific development receives final approval, the water division shall debit the appropriate year's affordable housing account in the city water bank, as set forth in Section 25-10 SFCC 1987, for the water necessary to serve the affordable housing in the development and issue a water allocation approval form for that project. At the time of each annual allocation, the governing body shall adjust allocations made in previous years to account for changes that may have occurred in previously identified affordable housing projects in the intervening year and return to the city's pool of available water any water that is not being used as a result of proposed affordable housing project's being withdrawn or a reduction in its anticipated water demand.

(2) Water available from retrofit rebate conservation credits in the water bank shall be allocated for sale to developers of small development projects as set forth in Section 14-8.13(E)(2)(b) and (d). The city shall maintain in the water bank a reserve of 25 AFY from retrofit rebate conservation credits for sale to water customers to remedy violations of restrictions under alternative development water budgets or water conservation contracts pursuant to Section 14-8.13(D)(4).

(3) Water right permit offset requirements, accounted for in the long-range surface water supply gap account held in the city's water bank;

(4) City projects including, but not limited to, parks and open space, affordable housing, water for the Santa Fe River, city buildings and other city facilities;

(5) Other projects in which the city is a partner; and

(6) Private or non-city public uses and projects which recognize other city priorities such as economic development and stability, energy efficiency, job growth and community health.

E. After the governing body has approved an annual water allocation for a specific project, the water division shall debit the city's account in the city water bank and credit a special account for that specific project. When the specific project is ready to obtain building permits, the developer shall withdraw the water credits from the special account, dedicate them to meet all or part of the approved development water budget for the development, as documented by a dedication form from the Water Division, and provide that water dedication form to the land use department. That dedicated water shall become a permanent portion of total water system demand calculations unless it shall expire or be relinquished as provided in subsection 25-9.6(F)(3) SFCC 1987 below.

F. A water allocation by the Governing Body:

(1) Only satisfies a development water budget; it creates no other land use approvals or right to approval of the requested number of lots, units or commercial development, or commercial buildings, building permits or water meters for a proposed development project. The actual number of lots or units, or the amount and type of commercial development or the number of building permits or water meters that may be approved shall be determined by the appropriate development, permit or meter application review process.

(2) Is issued for specific developments, building permits or water hook-ups and specific geographic sites and they shall not be moved, sold, traded, transferred or exchanged in any way for different developments, building permits or water hookups.

(3) If not dedicated to an approved development plan or building permit within two (2) years of the allocation approval, or by some other date approved by the governing body, shall revert back the city's credit in the water bank. An applicant may reapply for the previously allocated water credits when the previously designated development project is ready to proceed to the appropriate stage in the development permitting process. An applicant may relinquish allocated water credits at any time and the water credits shall revert back the city's credit held in the city's water bank.
(Ord. #2009-38, §16)

25-10 CITY WATER BANK.*

***Editor's Note:** This section is effective January 1, 2010.

25-10.1 Short Title.

Section 25-10 SFCC 1987 shall be referred to as the City Water Bank Ordinance. (Ord. #2009-38, §18)

25-10.2 Purpose; Creation of City Water Bank.

A. The purpose of the City Water Bank Ordinance is to establish a city water bank consisting of various accounts holding water rights, water credits and water conservation credits.

B. In the city's account shall be placed consumptive use water rights purchased by the city or leased by the city, water conservation credits obtained by the city under the water conservation credit program pursuant to Section 25-11 SFCC 1987, and consumptive use water rights obtained through infrastructure projects allowing reuse of water or return flow credits.

C. In separate accounts in the name of the person or entity transferring water to the city shall be placed consumptive use water rights transferred to the city pursuant to Section 25-12 SFCC 1987 the water rights transfer program and office of the state engineer policies, guidelines and procedures, and water conservation credits transferred to the bank by customers pursuant to Section 25-11 SFCC 1987. (Ord. #2009-38, §19)

25-10.3 Water Bank Transactions.

A. Consumptive use water rights, water credits and water conservation credits may be transferred to the city water bank by any of the following entities:

(1) The city to hold consumptive use water rights derived from water rights purchases, leases and water conservation credits obtained from retrofit rebates and from donation from customers signing conservation contracts; and infrastructure projects allowing reuse of water and return flow credits;

(2) Water customers to hold water conservation credits transferable within the city of Santa Fe's water system obtained through water conservation contracts as set forth in the water conservation credit program pursuant to Section 25-11 SFCC 1987; and

(3) Water rights transfer program transferors to hold water credits consisting of consumptive use water rights transferred to the city as set forth in Section 25-12 SFCC 1987 and pursuant to the office of the state engineer policies, guidelines and procedures which credits may be applied to new development projects requesting service from the city's water system.

B. All water rights, water credits and water conservation credits held in the city water bank shall be accounted for in units of acre feet per year.

C. Upon request of an entity in whose name water rights, water credits or water conservation water credits are on deposit in the city water bank, the city water bank shall:

(1) Transfer the water rights, water credits or water conservation credits to another entity as directed;

(2) Issue a water dedication form that applies those water rights, water credits or water conservation credits to a specific development water budget, or

(3) Issue a water dedication form that applies the water rights, water credits or water conservation credits to the public purpose as directed.

D. Water rights or water conservation credits in the city's account may be designated for specific purposes pursuant to resolution of the governing body adopted under the city water budget process set forth in subsection 25-9.5(B)(1) SFCC 1987 and applied to that purpose by a water dedication form.

E. Banked water credits or water conservation credits may be sold or assigned at any time by the owner, providing the owner notifies the city in writing of such a change in ownership. If the owner's assign does not have a water bank account established, the city shall establish a water bank account in the assign's name for the purpose of water credit or water conservation credit assignment.

F. If, in the event the city no longer requires developers to offset the anticipated demand of their development project, water credits held by water rights transfer program transferor and water conservation credits held by water customers under the water conservation credit program in the city water bank can be sold to the city at current market value.
(Ord. #2009-38, §20)

25-10.4 Water Bank Public Posting.

The water division shall post on the city's website a public listing of the identity of each person or entity that holds water rights on deposit in the water bank that requests listing and the amount of water rights held by that person or entity. (Ord. #2009-38, §21)

25-11 WATER CONSERVATION CREDIT PROGRAM.*

***Editor's Note:** This section is effective January 1, 2010.

25-11.1 Short Title.

Section 25-11 SFCC 1987 shall be referred to as the Water Conservation Credit Program Ordinance. (Ord. #2009-38, §23)

25-11.2 Purpose.

The purpose of the city water conservation program is to increase system-wide water conservation, to facilitate offsetting impacts on the city's water supply system from new development and to supply water for other municipal uses. (Ord. #2009-38, §24)

25-11.3 Water Conservation Credits.

A. A water conservation credit represents a fixed quantity of water expressed in acre feet per year (AFY) that is transferable within the city of Santa Fe for annual usage.

B. Upon the request of a water customer, the city may schedule and conduct an on-site water conservation audit to determine ways that the customer may reduce water usage and provide an estimate of the quantity of water that can be conserved.

C. Water conservation credits may be created through either of the following two (2) methods:

(1) *Water Conservation Contract.* Water customers with a minimum current uninterrupted five (5) year history of water usage and water customers subject to an alternative development water budget may agree to a water conservation contract with the city water division to reduce the customer's annual water usage at a property the customer owns from the past five (5) year average or from the amount permitted under the alternative development water budget by a fixed quantity in AFY, with a minimum reduction of two one-hundredths (.02) of an AFY or six thousand five hundred seventeen (6,517) gallons per year. Conservation measures shall be shown to consist of: for commercial customers, a change in the nature of the business, a change in commercial process, retrofit of older commercial appliances or fixtures with newer, more water-efficient units, or installation of new water conservation technology; and for residential customers, retrofit of older appliances of fixtures with newer, more water-efficient units or installation of new water conservation technology. Changes from residential uses to commercial uses shall not be eligible for a water conservation contract.

(a) Upon execution of the contract, the city's water division shall:

(i) Track that customer's usage annually to ensure that the promised water conservation savings are achieved and maintained; and

(ii) Issue to the customer, water conservation credits reflecting the volume of city-transferable water that the customer has committed to conserve.

(b) These credits shall be deposited in the city water bank in the customer's name.

(2) *Water Conservation Retrofit Rebate.* The city may obtain water conservation credits through direct payment to residential and commercial customers of a rebate upon the customers' replacement (retrofit) of a high-water-usage appliance, fixture or landscaping with a qualifying water-saving appliance, fixture or landscaping, including a rebate for the installation of rain barrels, or through the city's direct installation of water saving devices provided that the following are met:

(a) The city shall require satisfactory proof to confirm the retrofit of the high water usage appliance, fixture or landscaping with the qualifying appliance, fixture or landscaping; and

(b) Participating customers shall allow the city to conduct an inspection prior to, during, and after the installation of any retrofits and to provide for collection and disposition of old appliances to ensure that the old appliances do not return to service.

(c) Upon payment by the city of the retrofit rebate to a customer, the city shall deposit in city water bank in the city's name the appropriate amount of water conservation credits.

D. Water conservation credits shall be placed in the city's water bank.

(1) Water conservation credits realized through a water conservation contract may be held in the customer's name for use by the customer to offset the impact on the city's water system of new development projects as set forth in Section 14-8.13(E)(2) SFCC 1987, donated to the city for a specified public purpose, transferred to the city or, if the city chooses not to purchase the conservation credit, be transferred to another individual.

(2) Water conservation credits realized through a retrofit rebate shall be held in the city's name for resale to water customers who exceed their allowed water usage under an alternative development water budget or a water conservation contract as set forth in Section 14-8.13(D)(4) SFCC 1987, for purchase from the bank to offset the

impact on the city's water system of certain small development projects as set forth in Section 14-8.13(E)(2)(b) and (d) SFCC 1987, or for any other public purpose.

(3) Certified retrofit credits generated from the previous retrofit program, and held in the name of various persons or entities, shall be deposited in the water bank in the holder's name and may be sold from there by the holder to fulfill an applicant's approved development water budget. (Ord. #2009-38, §25)

25-11.4 Administrative Procedures.

A. The city shall establish administratively minimum standards of water-use efficiency for qualifying retrofit rebate fixtures, appliances and landscaping, including but not limited to toilets, waterless urinals, faucets, showerheads, clothes washers, dishwashers, and weather-based irrigation controllers.

B. The city shall also establish administratively the quantity of water conserved by each retrofit and the price that it will pay for each water conservation retrofit rebate credit. (Ord. #2009-38, §26)

25-11.5 Monitoring, Violations, Penalties, and Remedies.

Conservation contract water budgets shall be monitored and violations dealt with pursuant to the provisions of Section 14-8.13(D) SFCC 1987. (Ord. #2009-38, §27)

25-12 WATER RIGHTS TRANSFER PROGRAM.*

***Editor's Note:** This section is effective January 1, 2009.

25-12.1 Short Title.

Section 25-12 SFCC 1987 shall be referred to as the Water Rights Transfer Ordinance. (Ord. #2009-38, §29)

25-12.2 Purpose.

The purpose of the city's water rights transfer program is to administer water right transfers designated for development projects as required by Section 14-8.13 SFCC 1987 and water rights transfers designated for the city water bank as provided for in Section 25-10 SFCC 1987. (Ord. #2009-38, §30)

25-12.3 Designating Water Right Transfers.

A. The applicant shall notify the city, in writing, at the time of the initial tender of water rights for city review and possible acceptance, whether the water rights are to be dedicated to a development water budget or whether the water right is designated for the city water bank.

At any time after their tender, water rights initially designated for the water bank can be dedicated to a development by written notification provided by the applicant to the city.

B. Section 25-12 SFCC 1987 shall not apply to development for which an annexation agreement has been approved by the governing body prior to July 27, 2005, which specifically addresses water demand offset and the transfer of water rights to meet such water demand. (Ord. #2009-38, §31)

25-12.4 Tender of Water Rights.

A. Water rights proposed to be transferred to the city's water system for dedication to a development shall be tendered to the city attorney at whichever review stage is applicable and occurs first in the review of a particular development, according to the following requirements:

(1) Not later than sixty (60) days after the final approval by the land use department, the planning commission or the governing body of the final subdivision plat, except for parcels within a commercial subdivision for which actual use with attendant water budget has yet to be determined;

(2) Not later than sixty (60) days after the final land use approval of the final development plan by the land use department, the planning commission or the governing body; or

(3) For developments located outside the city limits, prior to execution of an agreement with the city to construct and dedicate water lines.

B. In the case of phased development, water rights tendered for the first development phase shall adhere to subsection 25-12.4(A) SFCC 1987 above, and water rights for a subsequent phase of the development shall be tendered to the city attorney at the time that the infrastructure financial guarantee is posted for that phase of development.

C. Water rights designated for the city's water bank may be tendered at any time.

D. The information contained in the tender shall include:

(1) The name and address of the current owner(s) and/or seller(s) of the water rights;

(2) A description of the development project(s) for which the water rights are designated, or direction that the water rights are designated for the city's water bank;

(3) Proof of ownership of the water rights in the form of: a declaration of water rights; the most recent change of ownership form for the water rights; and any deeds regarding the water rights in the county where the water rights are located;

(4) A title search or title report for the property to which the water rights are appurtenant;

(5) Any permits, licenses, or court orders for the water rights, together with a description of the place and purpose of use and point of diversion for the water rights;

(6) A copy of the agreement between the seller(s) and applicant under which the applicant intends to acquire the water rights; a copy that redacts the price may be acceptable; however, if the applicant uses a letter of credit or escrow pending application approval, however, the city may require an unredacted copy;

(7) An affidavit from the seller(s) to the effect that the water rights are free and clear of all encumbrances and liens, or that encumbrances shall be released before or at closing and furthermore an affidavit to the effect that no part of the water rights has not been lost through abandonment or forfeiture; and

(8) Such other documentation as the city may reasonably require related to the water rights.

E. Upon tender of water rights for the city's review, the applicant, and not the applicant's representative, shall sign an agreement prepared by the city attorney acknowledging that the applicant shall abide with the conditions of this Section 25-12 SFCC 1987.

F. Upon tender of water rights to the city for review, the applicant shall pay a deposit of one thousand ($1,000.00) dollars to be applied against the hydrologic due diligence review of the tendered water rights. (Ord. #2009-38, §32)

25-12.5 Due Diligence Review Procedure and City Fee.

A. The city shall review the documentation provided within a sixty (60) day due diligence review period and determine in its sole discretion whether the water rights are acceptable to the city for its use in its system and whether the transfer of the rights to a point of diversion acceptable to the city is feasible.

B. During the review period, the city may request from the applicant additional documentation to aid in the city's determination. Upon such request, the review period shall be tolled until the additional documentation is provided to the city.

C. If the city determines that any or all of the water rights are acceptable to the city for purposes of the transfer, the city shall notify the applicant in writing of the total amount of consumptive use acre-feet per year acceptable to the city and the parties shall proceed to subsection 25-12.6 SFCC 1987.

D. If the city determines that the water rights are not acceptable, then it shall notify the applicant in writing, specifying the reason(s) for the city's determination and whether the city believes the applicant can cure the reason for unacceptability. Upon notice to the applicant that

any or all of the water rights may be cured, a new review period shall commence, and the applicant shall within the new review period provide a cure as specified by the city in its written notice. If the city rejects the water rights, the applicant may tender other water rights for transfer. Upon such tender, a new review period shall commence for the city. This process may be repeated until the city accepts tender of all water rights required by the city.

E. Applicant shall reimburse the city for its hydrologic due diligence review of the tendered water rights by paying the actual costs as evidenced by invoices from consultants prior to the city's final written acceptance of water rights into the water rights transfer program.
(Ord. #2009-38, §33)

25-12.6 Acceptance of Water Right into the City Water Right Transfer Program.

Upon payment of the fees due from the applicant for the city's due diligence review and determination that tendered water rights are acceptable to the city, the city shall issue to the applicant the final written acceptance of the water rights into the water rights transfer program, specifying the total amount of consumptive use in acre-feet per year that the city has approved. (Ord. #2009-38, §34)

25-12.7 Water Right Transfer Application Procedure and Payment of Fees and Costs.

A. After city acceptance of water rights into the water rights transfer program, the applicant shall prepare a draft application to the office of the state engineer to transfer the water rights to the city's designated point of diversion. The draft application shall show the city as a co-applicant. The draft application shall include no less than the total number of consumptive use acre-feet accepted by the city. The applicant shall publish all necessary legal notices in appropriate newspapers.

B. The content of the water rights transfer application shall be determined by the applicant and the city and completed in a manner acceptable to the office of the state engineer. The final water rights transfer application shall be executed by the seller, if applicable, the applicant, and the city. Following the execution and submittal of the transfer application to the office of the state engineer by the applicant, the applicant shall not file any subsequent office of the state engineer application with regard to those water rights without the written consent of the city.

C. The city and the applicant shall reach mutual agreement regarding the application. The city shall have the discretion to modify or withdraw the application and to discontinue the transfer process if proceeding threatens exercise of the city's water rights under Permit No. RG-20516 *et al.* The applicant may also withdraw the application, provided the applicant notifies the city in writing one week in advance of any such withdrawal.

D. The applicant shall pay applications fees required by the office of the state engineer and legal notice publication fees and costs incurred in any administrative hearing as well as subsequent appeals, if pursued. The city shall receive notice of any hearings and may participate in the hearings as it deems appropriate. The city has ultimate decision-making

authority regarding any conditions of approval that any protestant or the office of the state engineer may offer that affect the city's existing permit, RG-20516 *et al.* The applicant has ultimate decision-making authority regarding any conditions of approval that any protestant or the office of the state engineer might offer that affect the validity and extent of the water rights being transferred. (Ord. #2009-38, §35)

25-12.8 Financial Guarantee Procedure for Issuance of a Building Permit Prior to Completion of Water Rights Transfer and Conveyance.

A. These financial guarantee provisions shall apply to all water rights designated for development projects within the city limits. These financial guarantee provisions may also apply to water rights designated for development projects connecting to the city water system outside the city limits.

B. No building permit shall be issued before water rights transfer completion and the conveyance of water rights to the city, as set forth in subsections 25-12.10 and 25-12.11 SFCC 1987, except as provided in this section.

C. The applicant may apply for a building permit before water rights transfer completion and conveyance of water rights to the city if the city has accepted the water rights as set forth in subsection 25-12.6 SFCC 1987 and a water right transfer application has been filed with the office of the state engineer as set forth in subsection 25-12.7 SFCC 1987. The applicant may obtain such a building permit only if escrow funds or an irrevocable letter of credit is provided to the city in a manner acceptable to the city. The purpose of this provision is to secure the applicant's obligation to transfer water rights that can either be used for the city's water right permit compliance or diverted and delivered by the city water utility in such a manner that the development, based upon the approved development water budget, does not increase the demand on the city's water utility.

D. The escrow funds or irrevocable letter of credit shall be in the amount of one hundred percent (100%) of the current value of the water rights sought to be transferred by the applicant and shall be provided at the time of building permit application.

E. The current value of the water rights shall be presumed to be the current fair market value of pre-1907 consumptive use water rights from the Middle Rio Grande Basin. The city shall have the sole discretion to determine the current value of the water rights, which determination shall be reasonably made based upon the known market for such rights and upon the purchase price of the water rights, as evidenced by the purchase agreement required in Section 25-12.4(D) SFCC 1987.

F. Upon completion of the water right transfer and issuance of the city's water rights transfer certificate as set forth in subsection 25-12.10 SFCC 1987 for the full amount accepted by the city, the city shall release the irrevocable letter of credit. In the case of escrow, upon completion of the water right transfer of the full amount accepted by the city and issuance of the city's water rights transfer certificate as set forth in subsection 25-12.10 SFCC 1987 the city shall

return to the applicant the balance of escrow funds, as well as any accrued interest on this amount.

G. If the amount of water rights approved by the office of the state engineer for transfer is less than the amount of water rights the tender of which was accepted by the city, the applicant shall have ninety (90) days from a final, non-appealable order within which to make up the difference by conveying to the city the balance of required water rights or water credits. If the applicant does not convey the required water rights or water credits within this time, the city shall transfer to the water division's operating budget a portion of the applicant's escrow fund or irrevocable letter of credit equal to the proportion of the water rights for which the office of the state engineer denied transfer. The transfer of the funds shall be in lieu of the requirement on the applicant to transfer any additional water rights. Upon such transfer of funds to water division, the applicant shall be deemed to have fulfilled its requirement to transfer water rights and the city shall release the portion of the letter of credit or return to the applicant the portion of the escrow fund that represents the percentage of the accepted water rights required to be transferred for the development water budget as compared to the amount of water rights that were actually transferred to the city, less any unpaid transaction costs owed by the applicant, as well as any accrued interest on this amount. (Ord. #2009-38, §36)

25-12.9 Office of State Engineer's Approval of the Water Right Transfer, Appeals, and Conveyance of Water Rights Title to City.

A. A water right transfer shall be deemed complete once the office of the state engineer has approved a transfer of all or a portion of the water right to the new point of diversion(s) and the new place and purpose of use and has issued a final permit for the transfer that is not appealed, or the permit is appealed but the permit becomes a non-appealable, final order by the office of the state engineer.

B. The city, as the lead applicant, shall have final decision-making authority regarding appealing any conditions of approval that affect Permit No. RG-20516 *et al.* unless the applicant or the city chooses to withdraw the application and can do so in such a way that there will be no effect from the application process on Permit No. RG-20516 *et al.* The applicant shall have final decision-making authority regarding appealing any decisions affecting the validity and extent of the water rights being transferred. The party that decides to appeal shall pay the cost of the appeal.

C. If the application is denied and is not appealed, then a new tender period shall commence for the applicant.

D. When water rights are dedicated to a specific development water budget under subsection 25-12.3(A), upon completion of the water right transfer, the applicant shall within ninety (90) days, convey to the city all right, title and interest to the transferred water rights, at no additional cost, free and clear of all encumbrances and with special warranty covenants. Within this same ninety (90) day period, the applicant shall execute and file all appropriate documentation with the Santa Fe county clerk and with the office of the state engineer in order to effectuate timely issuance of the office of the state engineer final permit, pursuant to NMSA

1978, § 72-1-2.1. If the applicant fails to do so, the city shall disallow use of water from the city's system for the applicant's development unless the applicant has provided a letter of credit or escrow funds as set forth in subsection 25-12.8 SFCC 1987 in which case the letter of credit or the escrow funds shall be retained by the city. The applicant shall reimburse the city for all water rights transfer application transaction costs borne under subsection 25-12.6 SFCC 1987. Unpaid transaction costs shall be treated as utility charges as set forth in subsections 15-1.4 and 15-1.5 SFCC 1987.

E. When water rights have not been designated for a specific development water budget, upon completion of the water right transfer, the water rights shall be held as undesignated water rights in the water bank in the applicant's name. At such time as the water rights are designated for a specific development water budget, the applicant shall convey legal title to the city and file an appropriate change of ownership with the OSE and the Santa Fe County Clerk as required in Paragraph D above. (Ord. #2009-38, §37)

25-12.10 Issuance of City of Santa Fe Water Rights Transfer Certificate.

Upon completion of the transfer of the water rights to the city's permit as set forth in subsection 25-12.9 SPCC 1987 and issuance of the office of the state engineer's final permit, the water division shall deposit the water rights in the city water bank in the applicant's name and issue to the applicant a water rights transfer certificate evidencing the deposit. If the water rights were tendered for application to a specific development under subsection 25-12.3(A), that shall be indicated on the water rights transfer certificate and the water bank's records. Upon issuance of the water division's water rights transfer certificate, the water rights transfer applicant shall then be referred to as the water rights transferor. (Ord. #2009-38, §38)

25-12.11 Water Rights Dedication to Obtain a Building Permit.

A. The water rights transferor or assigns may withdraw banked water rights from the bank for dedication to a development water budget. To dedicate water rights from the city's water bank to a development water budget, the transferor shall obtain a water dedication form from the water bank for the amount of water rights necessary for the development water budget and present that dedication form to the land use department.

B. For the purpose of issuing a building permit, the land use department shall accept the dedication of transferred water rights to meet an approved development water budget as shown on the water dedication form. That dedicated water shall become a permanent portion of total water system demand calculations. (Ord. #2009-38, §39)

25-12.12 Sale of Water Rights.

At any time before or during the approval and transfer process, the applicant may sell and assign any or all of the applicant's interest in tendered water rights to the city or any other party, based upon a fair market price to be negotiated between applicant and the purchaser, providing the applicant notifies the city in writing of such a change in ownership. Sale and change of

ownership of a water right tendered to the city for a particular project shall not change the designation of the water right for dedication to that development water budget, as specified in subsection 25-12.3(A) SFCC 1987, without written city approval. A water rights transferor may sell or assign to another any or all of the transferor's water rights on deposit in the water bank that are not designated for a particular project. The water bank shall transfer the water rights to the account of the assignee. (Ord. #2009-38, §40)

25-12.13 Relation to Other Requirements and Approvals.

A. The transfer of water rights to the city, whenever applicable, in no way limits, abolishes, or in any way mitigates any other requirements imposed by the city such as, but not limited to, utility expansion charges, impact fees, connection fees, or any other requirements related to the city's water delivery system.

B. The successful transfer and conveyance of water rights to the city does not guarantee approval of other city development requirements. Water rights which have been successfully transferred for developments that fail to meet other required approvals shall not be rescinded, but shall remain in the city's water bank in the name of the transferor or the transferor's assigns as set forth in Section 25-10 SFCC 1987. (Ord. #2009-38, §41)

Appendix G

City of Santa Fe
Water Rate History
(1995 – 2010)

City of Santa Fe Water Rate History

Ordinance 1995-19 (SFCC 1987 § 25-4), adopted June 28, 1995, (effective July 1, 1995)

Residential Commodity Charge

First 5,000 gallons $2.97 per 1,000 gallons

Over 5,000 gallons $3.47 per 1,000 gallons

Small Commercial Commodity Charge

First 27,000 gallons $1.61 per 1,000 gallons

Over 27,000 gallons $2.67 per 1,000 gallons

Large Commercial Commodity Charge

First 259,000 gallons $1.61 per 1,000 gallons

Over 259,000 gallons $2.67 per 1,000 gallons

WATER USE BILL REBATES AND SEASONAL SURCHARGES

Ordinance 1997-17 (SFCC 1987 § 25-2.8), adopted June 25 1997, (effective July 1, 1997)

Note: Effective every year May through October

Residential

Rebate: $2.00 for every 1,000 gallons below 8,000 gallons

First level surcharge: For all usage above 12,000 gallons $2.50 per 1,000 gallons to 20,000 gallons

Second level surcharge: In addition to first level for all usage above 20,000 gallons $5.00 per 1,000 gallons

Commercial (Small and Large)

$1.00 per 1,000 gallons for all use

RATE INCREASES

Note: Rebates cancelled in September 2001 at same time the fixed rate for every water meter increased 79%.

Residential Commodity Charge

Effective Date	Rate
Feb 1, 2000	$3.50 per 1,000 gallons
May 1, 2000	$3.64 per 1,000 gallons
May 1, 2001	$3.79 per 1,000 gallons
May 1, 2002	$3.94 per 1,000 gallons
May 1, 2003	$4.09 per 1,000 gallons

Small & Large Commercial Commodity Charge

Effective Date	Rate
Feb 1, 2000	$2.70 per 1,000 gallons
May 1, 2000	$2.81 per 1,000 gallons
May 1, 2001	$3.79 per 1,000 gallons
May 1, 2002	$3.94 per 1,000 gallons
May 1, 2003	$4.09 per 1,000 gallons

EMERGENCY DROUGHT SURCHARGES (STAGE 2, 3 OR 4)

Ordinance 2000-30 adopted June 28, 2000, (effective June 28, 2000)

Residential Surcharge

$15.00 per 1,000 gallons for usage above 12,000 gallons per month

$25.00 per 1,000 gallons for usage above 20,000 gallons per month

Note: 12,000 changed to 10,000 effective June 1, 2002

Commercial Surcharge

$2.00 per 1,000 gallons on all usage

Water Shortage Emergency Declared

Stage 1 (no surcharges)	June 7, 2000
Stage 2	June 28, 2000
Stage 3	August 9, 2000

Note: Resolution 2000-49 August 9, 2000 suspended enforcement of Stage 2 & 3 surcharges on water usage pending resolution of billing and customer service issues until October 31, 2001.

Downgraded to Stage 2	February 14, 2001
Downgraded to Stage 1	April 11, 2001
Stage 2	March 13, 2002
Stage 3	April 10, 2002
Downgraded to Stage 2	May 5, 2003
Stage 2 ends	December 31, 2006

NEW RATE STRUCTURE

Ordinance 2006-53 (SFCC 1987 § 25-4), adopted August 28, 2006, (effective January 1, 2007)

Note: Replaces both seasonal surcharges and drought emergency surcharges

Commodity Charge for all Customers

Effective Date	First tier	Second tier
January 1, 2007	4.09 per 1,000 gallons	14.64 per 1,000 gallons

RESIDENTIAL TIERS by METER			
Meter Size	**Months**	**Tier 1**	**Tier 2**
All Meter Sizes	September - April	0 - 7,000 gallons	Over 7,000 gallons
	May - August	0 - 10,000 gallons	Over 10,000 gallons
MULTI-FAMILY TIERS per DWELLING UNIT			
Meter Size	**Months**	**Tier 1**	**Tier 2**
All Meter Sizes	September - April	0 - 7,000 gallons	Over 7,000 gallons
	May - August	0 - 10,000 gallons	Over 10,000 gallons
COMMERCIAL TIERS by METER			
Meter Size	**Months**	**Tier 1**	**Tier 2**
5/8" or 3/4"	September - April	0 - 7,000 gallons	Over 7,000 gallons
	May - August	0 - 10,000 gallons	Over 10,000 gallons
1"	September - April	0 - 14,000 gallons	Over 14,000 gallons
	May - August	0 - 20,000 gallons	Over 20,000 gallons
1 1/2"	September - April	0 - 28,000 gallons	Over 28,000 gallons
	May - August	0 - 40,000 gallons	Over 40,000 gallons
2"	September - April	0 - 56,000 gallons	Over 56,000 gallons
	May - August	0 - 80,000 gallons	Over 80,000 gallons
3"	September - April	0 - 112,000 gallons	Over 112,000 gallons
	May - August	0 - 160,000 gallons	Over 160,000 gallons
4"	September - April	0 - 203,000 gallons	Over 203,000 gallons
	May - August	0 - 290,000 gallons	Over 290,000 gallons
6"	September - April	0 - 448,000 gallons	Over 448,000 gallons
	May - August	0 - 640,000 gallons	Over 640,000 gallons
8"	September - April	0 - 798,000 gallons	Over 798,000 gallons
	May - August	0 - 1140,000 gallons	Over 1140,000 gallons

8.2% RATE INCREASE FOR FIVE YEARS

Ordinance 2009-2 (SFCC 1987 § 25-4.2), adopted January 28, 2009, (effective March 1, 2009)

All Customers Commodity Charge

Effective Date	First tier	Second tier
March 1, 2009	4.43 per 1,000 gallons	15.84 per 1,000 gallons
January 1, 2010	4.79 per 1,000 gallons	17.14 per 1,000 gallons
January 1, 2011	5.18 per 1,000 gallons	18.55 per 1,000 gallons
January 1, 2012	5.60 per 1,000 gallons	20.07 per 1,000 gallons
January 1, 2013	6.06 per 1,000 gallons	21.72 per 1,000 gallons

Note: Monthly fixed fees for all meter sizes increase by 8.2% each year

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