



Agenda Item Number: 3-21-13.7

**SANDOVAL COUNTY
BOARD OF COUNTY COMMISSIONERS**

Date of Commission Meeting:

March 21, 2013

Division / Elected Office:

Planning and Zoning Division

Staff Contact:

Michael Springfield, Division Director

Title of Item:

Resolution Affirming County Policies Related to Water Resource Management and Regulation

Action Requested:

Motion to Adopt Resolution No. 3-21-13.7 Affirming County Policies Related to Water Resource Management and Regulation within Sandoval County

Summary:

Bernalillo County has a matter before the Office of the State Engineer regarding a water matter. The matter to be heard at the March 25, 2013 hearing has to do with the matter of the application by Aquifer Science, LLC for a permit to appropriate groundwater within the Sandia Underground Water Basin. Several residents within Sandoval County in the Overlook Subdivision have raised concerns regarding the application. However, the location of the wells to appropriate groundwater are located in Bernalillo County. Staff has discussed the matter with Bernalillo County staff. The issue has to do with the strict implementation of State Statute 72-1-9. Said Statute states:

A. It is recognized by the state that it promotes the public welfare and the conservation of water within the state for municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to municipalities or counties to plan for the reasonable development and use of water resources. The state further recognizes the state engineer's administrative policy of not allowing municipalities, member-owned community water systems, counties and state universities to acquire and hold unused water rights in an amount greater than their reasonable needs within forty years.



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B. Municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to municipalities or counties shall be allowed a water use planning period not to exceed forty years, and water rights for municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to such municipalities or counties shall be based upon a water development plan the implementation of which shall not exceed a forty-year period from the date of the application for an appropriation or a change of place or purpose of use pursuant to a water development plan or for preservation of a municipal, county, school district, member-owned community water system or state university water supply for reasonably projected additional needs within forty years.

Attachments: Resolution No. 3-21-13.7

FISCAL IMPACT

None

STAFF ANALYSIS SUMMARY

County Manager: Recommend Board of County Commission approval. PPR 03/14/2013

Initiating Elected Official / Division Director: Reviewed and Approved MRS 3/13/13

Legal: Approved as to form. PFT 3/14/13

Finance: (Not sent for review – no fiscal impact)



SANDOVAL COUNTY

Resolution No. 3-21-13.7

A RESOLUTION AFFIRMING COUNTY POLICIES RELATED TO WATER RESOURCE MANAGEMENT AND REGULATION WITHIN SANDOVAL COUNTY

WHEREAS, Sandoval County strongly supports and encourages the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land ; and

WHEREAS, Water resources and water rights are extensively dealt with in state statute; and

WHEREAS, Section 72-1-9(B) NMSA 1978, is entitled, "Municipal, county, member-owned community water systems, school district and state university water development plans; preservation of municipal, county and state university water supplies", and provides that, "Municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to municipalities or counties shall be allowed a water use planning period not to exceed forty years, . . . "; and

WHEREAS, the Board believes the entities referred to in §72-1-9 NMSA 1978, are best suited to represent the interests of the citizens they serve.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Sandoval supports a strict interpretation of §72-1-9(B) NMSA 1978, whereby only those entities specifically referred to in the statute should be allowed to develop and implement a 40 year water plan.

APPROVED AND ADOPTED by the governing body at its meeting on _____ day
of _____ 2013.

**BOARD OF COUNTY COMMISSIONERS
OF SANDOVAL COUNTY**

Darryl F. Madalena, Chair

ATTEST:

Nora Scherzinger, Vice Chair

Eileen Garbagni, County Clerk

Orlando J. Lucero, Member

APPROVED AS TO FORM:

Don Chapman, Member

Patrick F. Trujillo, County Attorney

Glenn Walters, Member