

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2008-8

INTRODUCED BY:

Miguel Chavez

A RESOLUTION

TO OBLIGATE THE CITY OF SANTA FE TO LEASE 2,500 ACRE FEET OF THE CITY'S SAN JUAN-CHAMA PROJECT WATER TO THE BUREAU OF RECLAMATION IN EXCHANGE FOR THE BUREAU OF RECLAMATION GRANTING A WAIVER TO THE CITY TO THE CARRY-OVER STORAGE PROVISION TO ALLOW THE CITY'S 2007 SAN JUAN-CHAMA WATER TO REMAIN IN HERON RESERVOIR THROUGH SEPTEMBER 30, 2008.

WHEREAS, the City of Santa Fe (City) has a contract for 5,230 ac-ft of water annually under Contract 05-WC-540 with the Department of the Interior Bureau of Reclamation (Reclamation); and

WHEREAS, Reclamation has a federal interest in leasing 2,500 ac-ft of the City's San Juan Chama Project water for the silvery minnow 'Supplemental Water' program; and

WHEREAS, the Governing Body of the City recognizes the need for supporting efforts to restore the endangered silvery minnow; and

WHEREAS, the City has identified the need to store 4,679 ac-ft of the City's 2007 San

1 Juan-Chama Project water allocation; and

2 **WHEREAS**, the City has identified that it has 2,500 ac-ft of its San Juan-Chama Project
3 Water available to lease; and

4 **WHEREAS**, the Governing Body of the City is seeking Reclamation assistance and
5 cooperation in resolving short and long-term storage issues for San Juan-Chama Project water in
6 El Vado and Abiquiu Reservoirs; and

7 **WHEREAS**, Reclamation has granted a waiver to the Jicarilla Apache Nation to carry
8 over in Heron Reservoir the 3,000 ac-ft of the City's San Juan-Chama Project water leased from
9 the Jicarilla Apache Nation at the cost of \$1.5 million in 2007; and

10 **WHEREAS**, while leasing water to Reclamation is currently considered by Reclamation
11 as being in the 'federal interest' in order to grant a waiver of the carry-over provision in Heron
12 Reservoir, the City would like Reclamation to consider sound long-term water supply
13 management and planning for New Mexico's communities as also being in the 'federal interest';
14 and

15 **WHEREAS**, wise water supply management requires long-term storage to allow for
16 drought and climate change mitigation; and

17 **WHEREAS**, the City is seeking a waiver of the carryover provision in Heron Reservoir
18 because Albuquerque Bernalillo County Water Utility Authority has no available storage space in
19 Abiquiu Reservoir through the summer of 2008; and

20 **WHEREAS**, the City is seeking a waiver of the carryover provision in Heron Reservoir
21 because the Middle Rio Grande Conservancy District has not granted the City a storage allocation
22 in El Vado Reservoir.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
24 **CITY OF SANTA FE** that staff is directed to negotiate a lease agreement between the City and
25 Reclamation setting forth the following terms:

1 (1) The City agrees to lease to Reclamation 2,500 ac-ft of its San Juan-Chama
2 Project water to be delivered in part or in its entirety at the outlet works of Heron Reservoir
3 within the next 5 years.

4 (2) Reclamation agrees to pay the City for the water at the annual San Juan-Project
5 water price per acre multiplied by the amount of water delivered. The price for the delivered
6 water will be for the year in which delivery of water is taken.

7 (3) In exchange for the lease of the 2,500 ac-ft, Reclamation agrees to grant the City
8 a waiver to carry over the City's remaining 2007 San Juan-Chama Project water in Heron
9 Reservoir through September 30, 2008.

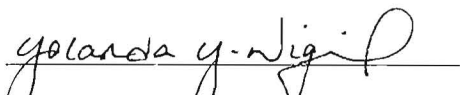
10 **NOW, BE IT FURTHER RESOLVED** that the exact terms of the agreement shall be
11 negotiated between the City and Reclamation and the lease agreement shall be brought for
12 approval to the Governing Body before April 30, 2008.

13 PASSED, APPROVED, and ADOPTED this 30th day of January, 2008.

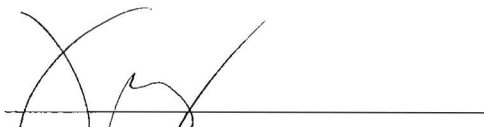
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15 DAVID COSS, MAYOR

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17 ATTEST:

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20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

22 
23
24 FRANK D. KATZ, CITY ATTORNEY

25 Jp/Ndrive/2008 resolutions/Reclamation lease