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DEVELOPMENT FEES
WATER RIGHT FEE SCHEDULE

The following policy applies to all applications for water service submitted to the Association by subdivides, developers or commercial users beginning July 1, 2019 unless the Applicant has submitted a Dona Ana County or City of Las Cruces approved subdivision plat by September 30, 2019.

1. Any development proposing to connect to the Association that is not a family exempt subdivision shall be required to transfer ownership of sufficient water rights to meet the needs of the subdivision.
2. The developer must provide the Association with the water rights information at the time service is requested so that the proposed water rights can be evaluated for suitability. The developer may submit water rights information at any time during the development and plan approval process for evaluation. The Association shall notify the Developer within thirty (30) days of the date of submission of the water rights information if the proposed rights are suitable and acceptable to the Association.
3. The water rights transferred to the Association must be groundwater rights with a priority date not later than 1960 in the amount of ½ of an acre foot per year (consumptive use) for each house, single family residential lot, or residential unit (i.e. within multiple unit apartments, etc. sought to be served by Dona Ana Mutual Domestic Water Consumers Association The Association shall determine on a case by case basis, the water rights conveyance requirement for commercial, industrial or similar type of use other than residential, that is proposed to be served by the Association, if it has the ability to serve such commercial or industrial uses.
4. The Office of the State Engineer may also determine the amount of water rights required to serve the effected land to be a different quantity. The Board of Directors shall accept the larger of the amount of needed water rights as between the Office of the State Engineer's determination and the Board's as set forth in this policy.
5. Prior to connecting any new connections in a subdivision, the developer must change the point of diversion and place of use of the water rights to the Association's closest point of diversion.
6. Upon approval by the Office of the State Engineer of the change of place of use and point of diversion, the developer shall transfer ownership of the water rights to the Association.
7. Where it can be shown to the satisfaction of the Association that a parcel of land identified in an application does not have appurtenant pre-1960 groundwater rights and after due diligence and reasonable efforts the Developer is unable to obtain sufficient water rights at the then current fair market value as determined by a current appraisal of the water rights by a licensed appraiser, the Association in its discretion may allow the Developer to pay to the Association a sum equivalent to the value of the amount of water necessary to offset the consumptive use that would result from the existing and future development of the lands effected in the application. Until changed by Resolution of the Board of Directors, the sum is fixed at $3,500 per acre-foot of groundwater rights. The cash payment shall be made at a time designated by the Board of Directors, after considering the application, but shall be before delivering water service. The manner of payment shall be determined by the Board of Directors of the Association.
8. The Association shall determine the acceptability of all groundwater or surface water rights proposed for conveyance and may reject those deemed inadequate due to later priority dates or other matters of concern to the Association based upon Office of the State Engineer records, EBID records or other public records.

9. All conveyances of water rights provided for in this policy shall comply with applicable laws of the State of New Mexico, rules and regulations and applicable permit or license conditions of the New Mexico Office of the State Engineer.
10. If any portion of this policy shall be declared unconstitutional or invalid by a judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining portions of this policy.
11. This policy shall be interpreted pursuant to the laws of the State of New Mexico.