DECLARATION OF WATER RESTRICTIONS AND CONSERVATION COVENANTS FOR COLINAS DEL SOL SUBDIVISION TRACT

(Sections 25 and 26 T15N, R 9E)

THIS DECLARATION is made in Santa Fe, New Mexico, this 16 day of February, 2018 by **High Desert Partnership LLC (Russel J. McMillan, Managing Partner), John Sanchez, Jon Eric Olsen and Simon and Christine Woodruff** hereinafter for convenience referred to as the "Owner(s)".

WITNESSED THAT:

WHEREAS, **High Desert Partnership LLC (Russel J. McMillan, Managing Partner), John Sanchez, Jon Eric Olsen and Simon and Christine Woodruff** are the owner(s) of real property in Santa Fe County, New Mexico, which property includes **16** lots containing a combined total of **202.03** acres, more or less, according to the plat entitled **"Subdivision Plat of Lot 2A-4 for Colinas del Sol Subdivision".**

WHEREAS, the Owners are required to provide for certain water conserving covenants and measures as required per the Santa Fe County Land Development Code; and

WHEREAS, the Owners desire and intend that the owners, tenants, mortgagees, occupants and other persons hereinafter acquiring any interest in said property shall at all times enjoy the benefits of, and shall hold their interest subject to, the rights and restrictions hereinafter set forth, all of which are declared to be in furtherance of a plan for the proper and beneficial use of the property.

NOW THEREFORE, the Owners declare, covenant, and agree as follows:

ARTICLE I

Property Subject to this Declaration

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is legally described as **Lot 1 through Lot 16 (16 lots)** and containing a combined total of **202.03** acres, more or less, in Section **25 and 26,** Township **15** North, Range **9** East, N.M.P.M., Santa Fe County, New Mexico, according to the Plat of Survey for **Colinas del Sol** by **Richard A. Chatroop,** N.M.L.S. **#11011,** dated **May 16, 2006** recorded 2/16/18, under reception No. 1850220, Plat Book ____, Pages _____, in the records of Santa Fe County, New Mexico (the "Plat").

ARTICLE II

Water Restrictions and Conservation Covenants

The following water restriction and conservation covenants shall apply to the use and occupancy of all lots on the plat noted above.

General Requirements under the Sustainable Land Development Code, Santa Fe County Ordinance 2015-11 (SLDC) Chapter 7, Section 7.13.11

1. Annual water use for domestic purposes for a single family residential dwelling shall not exceed 0.25 acre foot per year. This limitation shall not apply to use of water derived from a well permitted pursuant to NMSA 1978, Section 72-12-1 that is used for agriculture, so long as the use is consistent with the terms of the permit. Similarly, this limitation shall not apply to persons owning water rights permitted by the Office of the State Engineer and to the use of water derived from such water rights for agricultural or other purposes. SLDC, Chapter 7, Section7.13.11.1

2. Meters shall be installed on each dwelling unit for any development subject to the Sustainable Land Development Code, Santa Fe County Ordinance No. 2015-11(SLDC). All meters shall be Santa Fe County Approved. The meter shall be read by the property owner annually within the first two weeks of each calendar year. Meter readings shall be provided to the Administrator no later than April 30 of the same calendar year. SLDC, Chapter 7, Section 7.13.11.5.2

Outdoor/Indoor Conservation
SLDC Chapter, 7, Section 7.13.11.2 and 7.13.11.3

1. Low water use landscaping techniques or xeriscaping shall be utilized for all development. Drip irrigation and landscape mulching shall be provided.

2. Only low water use grasses, shrubs and trees that are appropriate to the New Mexico climate shall be used. Sod or grass seed that contains Kentucky bluegrass is not permitted.

3. Lawns of non-native grasses shall not exceed 800 square feet and shall only be watered with harvested water or grey water.

4. Landscaping may be watered as needed during the first and second years of growth to become established; thereafter landscaping may be watered as is needed to maintain viability.

5. Watering or irrigation shall be provided through a timed drip irrigation system that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May and November. Irrigation systems shall be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained. Such approved systems include but are not limited to evapotranspiration-based controllers. This paragraph does not apply to gardens or agricultural uses.

6. Outdoor watering or irrigation is prohibited between 11 a.m. and 7 p.m. from May to September of each year, except for the following:

   a. Plants being prepared for sale;
   b. Manual watering by landscape maintenance and contracting personnel;
   c. Water derived from rainwater catchment systems or a grey water re-use system; and
   d. Water derived from an acequia or other agricultural irrigation.

7. Vehicle washing is only allowed with the use of a shut-off hose nozzle.

8. An outdoor irrigation system may not be operated if leaking.

9. Water leaks shall be repaired promptly and in no event more than ten (10) days from the beginning of the leak. Proof of repair shall be provided upon request.

10. Water saving fixtures shall be installed in all new construction, remodels and in all remodels and renovations when a fixture is being replaced.

   a. All toilets and flush urinals shall be EPA WaterSense certified or equivalent standard.
   b. All lavatory faucets shall be EPA WaterSense certified or equivalent standard.
   c. All showerheads shall be EPA WaterSense certified or equivalent standard.

11. Water conserving appliances shall be installed in all new construction and in all remodels or renovations when an appliance is being replaced.

   a. Residential dishwashers shall be EPA Energy Star certified or equivalent.
   b. Residential clothes washers shall be EPA Energy Star certified or equivalent.

12. Water conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.

13. Hot water systems shall ensure that hot water is delivered within five seconds of a tap being opened. This requirement can be achieved through the use , either alone or in combination, of the following devices or designs: (i) an on demand circulation system; (ii) a centrally located water heater; (iii) a point-of-use water heater; (iv) short hot water pipe runs; (v) small diameter piping; (vi) "instant hot" hot water fixtures; or (vii) super insulation methods.

14. A certificate of compliance by a licensed mechanical contractor or plumber that new construction meets the requirements of the SLDC shall be provided.

15. Evaporative coolers shall circulate bleed-off water.

16. Greywater recycling, if provided, shall reduce the annual amount of water needed for the use, by the amount of the anticipated greywater recycling.

17. All permanent swimming pools, and any temporary pools with a fill capacity over 3,000 gallons, shall be prohibited in accordance with Section 7.24 of the SLDC.

18. All swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once per year.

IN WITNESS WHEREOF, the Owners have caused this Declaration to be signed as of the date first above written.

Jon C. Olsen 1/24/18

Jon Eric Olsen Date
Colinas Del Sol Lot 15

JON ERIC OLSEN
Print Name

OFFICIAL SEAL
Victoria M. Dalton
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 5/23/19

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

On this 24th day of January, 2018, the foregoing instrument was acknowledged before me by the person(s) whose name(s) appear above.

Victoria M. Dalton
Notary Public

My commission expires: 5/23/19

STATE OF NEW MEXICO COUNTY OF SANTA FE FILED

IN WITNESS WHEREOF, the Owners have caused this Declaration to be signed as of the date first above written.

John Sanchez — Date
Colinas del Sol Lots 12 & 13

John Sanchez
Print Name

OFFICIAL SEAL
Victoria M. Dalton
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 5/23/19

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

On this 24 day of January, 2018, the foregoing instrument was acknowledged before me by the person(s) whose name(s) appear above.

Victoria M. Dalton
Notary Public

My commission expires: 5/23/19

5182737 02/14/2018 08:57:49 AM 1 of 5 DECLARATION Rec: 25.00

ARTICLE III

General Provisions

3.1 Duration; Covenants Running with the Land. The covenants of this Declaration shall run with and bind the land, shall inure to the benefit of and be enforceable by the owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns and the County Land Use Administrator.

3.2 Enforcement, SLDC Chapter 7, Section 7.13.11.5. Enforcement of these covenants and restrictions shall be by the County Land Use Administrator. Failure to submit meter readings will result in the same penalties as outlined in the SLDC Chapter 14. When water is used in excess of the amount allocated to the property, the first year a letter with educational/information materials on how to reduce water use will be sent to the water user and they will be required to submit water meter readings every six months to track their progress. All subsequent water usage violations will result in the same penalties as outlined in the SLDC Chapter 14.

3.3 Severability. The invalidity or unenforceability of any covenant, restriction, term or other provision hereof as determined by a court of competent jurisdiction shall not impair or adversely affect the validity or enforceability of any other covenant, restriction, term or provision hereof, which shall be and remain valid and enforceable to the fullest extent permitted by law.

3.4 Miscellaneous. This Declaration shall be governed by and interpreted under the laws of the State of New Mexico. This Declaration shall be binding upon each tract owner, his successors and assigns.

IN WITNESS WHEREOF, the Owners have caused this Declaration to be signed as of the date first above written.

1-24-18

Russel J. McMillan, Managing Member Date
High Desert Partnership LLC

RUSSELL J McMILLAN
Print Name

OFFICIAL SEAL
Victoria M. Dalton
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

On this 24 day of January, 2018, the foregoing instrument was acknowledged before me by the person(s) whose name(s) appear above.

Victoria M. Dalton
Notary Public

My commission expires: 5/23/19

IN WITNESS WHEREOF, the Owners have caused this Declaration to be signed as of the date first above written.

Simon Woodruff Date
Colinas del Sol Lot 14

Simon Woodruff
Print Name

Christine Woodruff

Christine Woodruff
Print Name

OFFICIAL SEAL
Victoria M. Dalton
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

On this 24 day of January, 2018, the foregoing instrument was acknowledged before me by the person(s) whose name(s) appear above.

Victoria M. Dalton
Notary Public

My commission expires: 5/23/19

APPROVED BY THE SANTA FE COUNTY LAND USE DEPARTMENT

2/13/18
Penny Ellis-Green Date
Santa Fe County Land Use Administrator

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

DECLARATION COVENANTS
PAGES: 6

I Hereby Certify That This Instrument Was Filed for Record On The 16TH Day Of February, 2018 at 02:54:30 PM And Was Duly Recorded as Instrument # 1850220 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy _____ County Clerk, Santa Fe, NM

COUNTY CLERK SANTA FE COUNTY NEW MEXICO GERALDINE SALAZAR

DECLARATION 2018 02/16/2018 02:54:30 PM