

**DECLARATION OF COVENANTS AND WATER RESTRICTIONS
FOR BILL ROBINS, III TRACT
Sections 31, T. 15 N., R. 11 E.**

THIS DECLARATION is made in Santa Fe County, New Mexico, this 14th day of July, 2005 by **Bill Robins, III**, hereinafter for convenience referred to as the "Owner".

WITNESSED THAT:

WHEREAS, **Bill Robins, III** is the Owner of real property in Santa Fe County, New Mexico, which property includes **two TRACTS**, each containing **608.59 and 40.00** acres, more or less, according to the plat entitled **"LAND DIVISION CREATED BY BILL ROBINS III TO DONATE PARCEL TO O CENTRO ESPIRITA BENEFICIENTE UNIAO DO VEGETAL"** referred to hereinafter at Article I; and

WHEREAS, the Owner is required to provide for certain water conserving covenants and measures as required per the Santa Fe County Land Development Code and Ordinance 2002-13; and

WHEREAS, the Owner desires and intends 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 Owner declares, covenants, and agrees 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 **TRACT A and TRACT B**, containing a combined total of **648.59** acres, more or less, in Sections 31, Township 15 North, Range 11 East, N.M.P.M., Santa Fe County, New Mexico, according to the Plat of Survey prepared for **Bill Robins, III**, by **Philip B. Wiegel**, N.M.L.S. No. 9758, dated April 7, 2005, recorded 7-22, 2005, under Reception No. 1389915, Plat Book 594, Page 25, in the records of Santa Fe County, New Mexico.

ARTICLE II

Water Restrictive Covenants

The following water restrictive covenants shall apply to the use and occupancy of said **TRACT A and TRACT B** on the plat noted above. (Any Existing dwelling units shown on the plat must meet provisions (B) through (J) at the time of fixture or appliance replacement or installation of additional landscaping; provisions A, K and L are applicable immediately.)

- (A) Domestic Water use is restricted to **0.25** acre-foot per year (**81,460** gallons per year) per tract for said **TRACT B** as required by the Santa Fe County Land Development Code.
- (B) Water conserving appliances and fixtures as outlined in Ordinance 2002-13 shall be installed and used at the time of construction or replacement.
- (C) Toilets shall use no more than 1.6 gallons per flush. Urinals shall use no more than 1.0 gallon per flush.
- (D) Lavatory and kitchen faucets shall be equipped with aerators and faucet flows shall not exceed 2.5 gallons per minute. Showerhead-flows shall not exceed 2.5 gallons per minute.
- (E) Hot water pipes shall be insulated.
- (F) Evaporative coolers must circulate bleed-off water.

- (G) No more than one automatic dishwasher per dwelling unit may be used, provided that it is a model designed to use no more than 13 gallons per cycle and shall have a cycle adjustment, which allows reduced amounts of water to be used for reduced loads.
- (H) No more than one automatic clothes washing machine per dwelling unit may be used, provided that it is a model that uses no more than 43 gallons per cycle and shall have a cycle or water level adjustment that permits reduced amounts of water to be used for reduced loads.
- (I) Water system leaks from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.
- (J) Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species.
- (K) Planting sod or grass seed that contains Kentucky bluegrass is not permitted. Lawns of other non-native grasses shall not exceed 800 square feet per parcel and shall only be watered with rainwater collected by means confined to the property or with recycled household gray water. Gray water systems shall meet the requirements of the New Mexico Environment Department and the Uniform Plumbing Code.
- (L) Swimming pools, of a permanent or temporary nature, are not permitted. Temporary wading pools of a diameter not to exceed eight feet and a depth not to exceed one foot and covered spas are acceptable at each dwelling unit. All existing swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once a year.
- (M) All wells on the property shall be metered with a Santa Fe County approved totalizing meter. Meter readings shall be documented by the property owner annually within two weeks of January 1st. Meter readings shall be submitted to Santa Fe County by April 30th of each year. Proof of meter installation as well as a meter reading must be submitted with a Santa Fe County Development Permit application. Failure to meter and measure water use may be grounds for fines and denial of future land use development permits.
- (N) Outdoor Irrigation is prohibited between 11am to 7pm from May through September of each year. The following sources and water and types of irrigation methods are exempt from the irrigation hour restrictions:
 - a.) Plants being irrigated for retail or wholesale transactions.
 - b.) All manual watering by landscape maintenance and contracting personnel, however landscaping personnel setting timed irrigation systems must ensure that the systems comply with the irrigation hour restrictions.
 - c.) Any water derived through rainwater catchment systems or any permitted water re-use system and
 - d.) Any water being used from an acequia or other agricultural irrigation system.

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. Enforcement of these covenants and restrictions shall be by the County Land Use Administrator or any owner of property as shown on the Plat in any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction or to restrain any such violation. Any failure by the County Land Use Administrator or any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. If the County Land Use Administrator or an owner prevails in any action against any person or persons to enforce any provision hereof, they shall be entitled to recover from such person or persons his costs and reasonable attorneys fees.

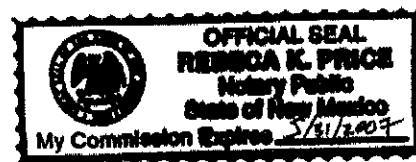
3.3 Severability. The invalidity or unenforceability of any covenant, restriction, term or other provision hereof as determined by a court of competent jurisdiction shall not impair or adversely affect the validity or enforceability of any other covenant, restriction, term or provision hereof, which 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 Owner has caused this Declaration to be signed as of the date first above written.


Bill Robins, III

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



On this 14th day of July, 2005, the foregoing instrument was acknowledged before me by the person(s) whose name(s) appear above.


Notary Public

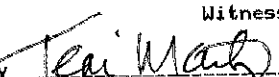
My commission expires: 5/31/2007

APPROVED BY COUNTY LAND USE ADMINISTRATOR


Dolores I. Vigil



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
DECLARATION COVENANTS
PAGES: 3
I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of July, A.D., 2005 at 10:58
and Was Duly Recorded as Instrument # 1389916
In The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy County Clerk, Santa Fe, NM


SFC CLERK RECORDED 07/22/2005