March 3, 2005

Jim Best
Bernalillo County
111 Union Square, Suite 100
Albuquerque, N.M. 87102

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Reference: Nielson Industrial Park

Dear Mr. Best:
The Office of the State Engineer (OSE) received your letter on February 22, 2004. In it, you request OSE to re-review the Nielson Industrial Park proposal for compliance to the water supply requirements found in your regulations concerning land development, as mandated by the State Subdivision Act.

Summary/ Conclusion
The Office of the State Engineer (OSE) has re-reviewed the Nielson Industrial Park proposal, pursuant to the Bernalillo County Subdivision and Land Development Standards Ordinance (Ordinance), and the State Subdivision Act. It is the opinion of this office that the developer has now met the water supply requirements of the Ordinance. In accordance, a **positive opinion** is hereby issued for this development. In order to comply with the Ordinance, the developer submitted a revised letter of intent from the City of Albuquerque. The letter included a demand analysis.

Project
The Nielson Industrial Park Proposal is a request to build a 24-lot industrial subdivision on a 52-acre lot. The lot is located south of Albuquerque, on the southwest corner of the intersection of I-25 and Rio Bravo Boulevard, in Section 8 of T9N Range 03E N.M.P.M. The applicant proposes that the City of Albuquerque provide water to this subdivision.

Water Demand Analysis / Water Conservation
Section 74-92 of the Ordinance requires the developer to submit a detailed water demand analysis. The developer has now done this. Roger Green, P.E., of the City of Albuquerque, based the maximum annual water demand calculation on a study of water use in a similar development. The development, Richland Business Park, is located in the Albuquerque area. Mr. Green estimated that the annual water requirement of the subdivision would be 0.73 acre-feet per year, per lot, or 17.52 acre-feet per year for the entire subdivision.

City of Albuquerque water restrictions should reasonably assure that the maximum annual water requirement calculated will not be exceeded.

Water Supply Assessment

Section 74-95.f of the Ordinance requires the developer to submit a letter of intent from the proposed utility. In it, the utility shall state that they are ready, willing, and able to supply the said subdivision with it's maximum annual water requirement, for a period of at least 70 years. The letter shall also state any requirements for the developer to supply water rights.

The developer has now submitted a letter from the City of Albuquerque which states both the maximum annual water demand of the subdivision, and the amount of time the supplier commits to supplying the said subdivision (70 years). The developer is not required to supply water rights for this development. It is the opinion of OSE that the letter complies with the requirements of the Ordinance. In addition, a review of the water rights owned by the City of Albuquerque indicates that they are in possession of enough water rights to supply this development.

If you have any questions regarding this opinion, please feel free to call me at (505) 827-6790.

Sincerely,

Patrick J. Romero, P.E.
Water Resource Engineer

Cc: John Longworth, Water Use and Conservation Bureau
Albuquerque District Office, Water Rights Division