

June 17, 2004

Moises Gonzales
Assistant Planning Director
Rio Arriba County
P.O. Box 1256
Española, NM 87532

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Sagrado Jardin de Piedra Subdivision

Dear Mr. Gonzales:

On May 19, 2004, the Office of the State Engineer received some additional documentation regarding "Sagrado Jardin de Piedra". This Type V subdivision is located within projected Sections 31 & 32, Township 22 North, Range 8 East, and Sections 5 & 6, Township 21 North, Range 8 East, N.M.P.M., on the west and southwest flanks of Black Mesa, immediately east of the Rio Chama and south of the Rio Ojo Caliente.

The additional documentation submitted by the developer consists **only** of a plat of the proposed subdivision. The developer's consultant called this office on June 7, 2004, and explained that the plan to build six (6) homes on one (1) of the lots has been abandoned. Therefore, the developer is now proposing to subdivide 163.55 acres into 22 parcels ranging in size between 10.01 and 19.80 acres. Water will be supplied by individual 72-12-1 domestic wells (paid for by the lot buyers).

This office's opinion, issued with letter dated February 5, 2004, was that the developer's water supply did not satisfy the requirements of the Rio Arriba County Land Development Regulations. This office is **unable** to issue an opinion at this time, due to the fact that the issues raised in the aforementioned letter have not been addressed. More specifically:

- The developer had failed to calculate the maximum water requirements for the subdivision, pursuant to Appendix A, Section 1.E.2 of the County regulations. Item # 11 of the Disclosure Statement stated that the estimated the water requirement was 50 gallons per capita per day. This office noted that the amount was unrealistically low, and that the water demand analysis needed to be recalculated. It has not been done. Please, refer to the aforementioned letter for details on the comments, and on the procedure to follow for the calculations.
- The developer had requested to the County a variance from the requirement to provide a community water system, which is required by Article X, Section C of the County regulations

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Sagrado Jardin de Piedra

for subdivisions with minimum lot size of less than 10 acres and which contains 15 or more lots, or which will service 25 or more residents. This office had recommended that the County deny the request on the ground that the County regulations require that this variance be granted if the proposed water supply does not adversely impact other agricultural land. The developer had not attempted to demonstrate that the subdivisions' water withdrawals will not affect existing and valid water rights on the Rio Chama stream system and associated acequias. The revised proposal does not address this issue, does not contain any of the required calculations (which also require the correct estimate of the maximum water requirement for the subdivision), and the cover letter, by the County, does not specify whether the variance has been granted or not.

The OSE is prepared to re-evaluate the development proposal when these items, and those contained in the letter dated February 5, 2004, have been properly and explicitly addressed.

If you have any questions, please call me at 505-827-4273.

Sincerely,

Mara Smith
Water Use and Conservation Bureau

cc: John W. Longworth, OSE Water Use and Conservation Bureau Chief
OSE Santa Fe Office