

MEMORANDUM

New Mexico Office of the State Engineer
Water Use and Conservation Bureau

December 13, 2001

To: Brian Wilson, P.E., Water Use and Conservation Bureau Chief

From: Patrick J. Romero, Water Master I

Subject: Thornburg Property Master Plan, Santa Fe County

The Thornburg Property proposal is a request to develop 100 acres of a 224-acre vacant lot into a Employment Center, a Community Center, a Neighborhood Center, and a 42-lot residential subdivision. The lot is located adjacent to State Road 14, near the I-25, Route 599 interchange, in Section 24 of T16N, R8E, N.M.P.M.. This proposal was reviewed pursuant to the Santa Fe County Land Development Code. The developer proposes that water will be supplied to this development via the City of Santa Fe Water Utility, formerly known as the Sangre de Cristo Water Utility.

A review of the water rights owned by the city of Santa Fe indicates that they do not own sufficient water rights to meet their present commitments, much less any new development. Article VII, Section 6.6.2 of the Santa Fe County Regulations state that the provider must have a valid water right. Section 6.4.4 further states that these water rights must be in quantities sufficient to meet the subdivisions requirements for no less than 100 years. Many of the water rights the SDCWC has at this time are San Juan /Chama diversion rights, expiring on 12/31/2016.

The subdivider has failed to supply a letter from the water utility, in which the utility states that they are ready, willing, and able to supply this development with their maximum water requirements, pursuant to Section 6.4.4.a. The developer did supply a memorandum of understanding, in which the City of Santa Fe agrees to supply this development, pursuant to The New Mexico Public Utility Commission case # 2428. The memorandum goes further than the final order in the case, by stating that there would be no water right requirements. The final order makes no such guarantee.

The subdivider has failed to properly quantify his subdivision's annual water requirements, as per Article VII, Section 6.6. Water requirements should be separated into indoor and outdoor uses, and restrictions on irrigated area should be specified in the disclosure statement as well as the covenants to ensure that residents will not exceed the allowed amount. It is suggested that the developer refer to State Engineer Technical Report No. 48 to calculate indoor and outdoor water requirements.

It is my conclusion that the subdivider has not demonstrated that sufficient water is available to meet the requirements of the proposed development. A **negative** opinion to this effect should be issued.