

MEMORANDUM

New Mexico Office of the State Engineer

Water Use & Conservation Bureau

Date: April 9, 2002

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

From: John T. Romero, Water Master I

Subject: San Felipe Professional Square Master & Dev. Plan, Santa Fe County

The proposed San Felipe Professional Square proposal is a request to develop a 1.02-acre tract of land into a professional office and storage area for commercial uses. The developer plans on a total storage space of 5,718 square-feet and office space of 4,000 square-feet for a total new construction of 9,719 square-feet of commercial space. This tract is located North of the intersection of Airport Road and Agua Fria Road southwest of Santa Fe, New Mexico. It is further described as being located in Section 12, Township 16 North, Range 8 East, New Mexico Principal Meridian. This proposal was reviewed pursuant to the Santa Fe County Land Development Code (SFCLDC), the Santa Fe Extraterritorial Zoning Ordinance and provisions of the New Mexico Subdivision Act.

The developer has indicated that the Santa Fe County Water Utility (SFCWU) will supply water to this development. It is not exactly clear what the water right situation for the county water utility is; however it is general knowledge that a good portion of the water rights relied upon at this time are San Juan/Chama diversion rights, which expire on December 31, 2016. The developer must provide information showing proof of sufficient water rights pursuant to Section 6.4.4 of the SFCLDC. To clarify this issue, a tabulation should be prepared showing water rights currently owned by the developer; permanent water rights owned by the SFCWU; SFCWU leased water rights including expiration dates; SFCWU annual water demand for existing customers; and commitments to supply water for new developments. This information will facilitate a comparison of the total water demand with the supply that is available to SFCWU.

Further, the developer has not submitted a letter of intent from the water utility, in which the utility states that they are ready, willing, and able to supply this development with their maximum annual water requirements for indoor and outdoor purposes nor have they submitted information addressing water availability pursuant to Section 6.4.4 of the same code.

The developer has failed to submit a water budget stating the amount of water this development will require for indoor and outdoor purposes pursuant to Section 6,

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Subsection 6.6.2 of the SFCLDC. A detailed water demand analysis is required for all non-residential developments. The analysis should be separated into indoor and outdoor uses. The developer has also failed to submit a water conservation report addressing conservation measures adopted and any covenants or restrictions intended to conserve water and restrict use to specified amounts. It is suggested that the developer refer to Office of The State Engineer (OSE) Technical Report 48 entitled "Water Conservation and Quantification of Water Demands in Subdivisions" (Wilson, 1996) to use as an aide in calculating a water demand analysis and as an aid in addressing conservation measures. Also, it may be suitable to refer to "A Water Conservation Guide for Commercial, Institutional and Industrial Users" (OSE 1999) to use as an additional guide in formulating a water budget and addressing conservation measures.

It is my opinion that the developer has not met the requirements of the Santa Fe County Land Development Code and has specifically failed to demonstrate that sufficient water is available to meet the requirements of the proposed development; therefore, a favorable opinion will be withheld at this time.