

MEMORANDUM

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

April 26, 2002

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

From: Patrick J. Romero, Water Master I

Subject: Gardner Master Plan Review, Santa Fe County

The Gardner proposal is a request to develop a 60-lot residential subdivision on a vacant lot. The 69.3 acre lot parcel is located on the between Arroyo Hondo and Arroyo de Los Chamisos, South of I-25, in Section 17 of T16N, R9E, N.M.P.M.. It was reviewed pursuant to the Santa Fe County Land Development Code via the Extraterritorial Zoning Ordinance, and the New Mexico Subdivision Act. The developer proposes that water will be supplied to this development by a new community water system

The developer claims to be the “beneficiary of a letter of intent for the acquisition of ground water to be transferred to the subject site”(p.4, Gardner water plan). This does not conform to Article VII, Section 6.2.2 of the Santa Fe Land Development Regulations (SFLDR), which require that the developer have valid water rights in sufficient quantities to meet the developments maximum annual water requirements. This requirement entails the transfer of water rights to the subject well.

The subdivider has failed to properly calculate the maximum annual water requirements for this development, pursuant to Article VII, Section 6.6.2 of the Santa Fe County Land Development Code. On page 4 of the water plan report submitted, the developer claims that his subdivision will require only 6.433 acre-feet of water per year. This is based, in part, on his assumption that a “return flow” credit of 36% will be approved for his wetlands. The Office of the State Engineer (OSE) believes that little, if any, of the potential return flow will reach the aquifer, and therefore the proposed return flow credit should not be considered as a source of water to meet the projected demand. In addition, the developer has failed to recognize start-up, maintenance, evapo-transpiration and evaporation losses in the constructed wetlands.

The developer has failed to provide a submittal for a community water system, pursuant to Article VII, Section 6.3.2 of the SVLDR. The developer should also note requirements of Section 6.3.3.

Upon quantifying his subdivision's annual water requirements, the subdivider should specify water restrictions to ensure that his subdivision would not exceed the amount of

water legally available from his commercial well. His 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, "Water Conservation and Quantification of Water Demands in Subdivisions" (Wilson, 1996), to calculate indoor and outdoor water requirements.

The developer has submitted a geohydrologic report, as required by Section 6.4.1.D of the Santa Fe Land Development Code. The report, by Veneklasen & Associates, Inc., dated April, 1993, was prepared for an 18-lot subdivision on the subject property. While this was sufficient for the individual domestic wells proposed, it is not sufficient for a proposed community water system, which requires a 96-hour pump test (Article VII, Table 7.5).

It is my opinion that the developer has not provided sufficient evidence that his water requirements will be met, pursuant to the Santa Fe County Land Development Code. Therefore, a favorable opinion should be **withheld**.