

July 28, 2004

Wayne Dalton, Development Review Specialist II
Santa Fe County
P.O. Box 276
Santa Fe, N.M. 87504-5102

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Reference: Thornburg Property

Dear Mr. Dalton:

The Office of the State Engineer has re-reviewed the amended master plan of the Thornburg Subdivision proposal, pursuant to the Santa Fe County Land Development Regulations (Regulations). This office issued a negative opinion for this development on December 13, 2003. It is the opinion of this office that the developer has still not proven that he can meet his water supply requirements, pursuant to the County regulations. In accordance, **the negative opinion issued by this office will not be changed.**

Project

The Thornburg application is a request to create 512 residential and 7 commercial lots on a 224-acre lot. 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 (SF).

Water Demand Analysis

The developer has properly quantified his subdivision's annual water requirements, as per Article VII, Section 6.6 of the Regulations. Sangre de Cristo Water Company methodology was used to calculate that this subdivision would require 156 acre-feet per year of water. The developer failed to specify water restrictions to ensure that his subdivision would not exceed this amount water. 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. Article VII, Section 6.6.2e. of the Regulations states that lawns of non-native grasses shall not exceed 800 square feet and shall only be watered with rainwater collected by means confined to the property or with recycled household gray water.

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Water Supply Assessment

The developer has failed to supply a letter from SF that states that they are ready, willing, and able to supply this development. Article VII, Section 6.4.4.a of the SFCLDC further requires that this letter state if the developer is required to supply any water rights for the development in question. If SF cannot provide perpetual water rights for this development, it is incumbent on the developer to provide them. Section 6.4.4.a of the SFCLDC require that the developer have a letter guaranteeing the maximum annual water requirement.

A review of the SF water system indicates that they are presently operating at above their firm yield. Recent analysis done by SF found that their firm yield was approximately 10,600 acre-feet per year; SF system demand is estimated to be, at a minimum, 13,500 acre-feet per year. Limiting factors include the San Juan/Chama diversion rights relied upon by SF. These rights should not be considered a reliable source of water; in 2002, New Mexico received only 7% of their San Juan/Chama diversion right. To design a system to operate at above firm yield is against sound engineering practice.

Article VII, Section 47-6-11.F.1 of the New Mexico State Subdivision Act requires the State Engineer to determine if the developer can furnish water in sufficient quantities to fulfill his needs. State Engineer staff have been directed by the State Engineer to deny approval of all development dependent on leased San Juan/Chama water. The Office of the State Engineer realizes that the short-term droughts that occurred in 1996 and in 2000 demonstrated the City's vulnerability to water shortages that compromise it's ability to satisfy the full water demand for it's existing customers. In short, SF does not have sufficient water to supply their present commitments, much less any new development.

If you have any questions regarding this review, 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 Chief
OSE Water Rights Division, Santa Fe