

July 22, 2004

Victoria Reyes, Development Review Specialist I  
Santa Fe County  
P.O. Box 276  
Santa Fe, N.M. 87504-5102

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

Reference: Santa Niño Commercial

Dear Ms. Reyes:

The Office of the State Engineer has reviewed The Santa Niño proposal, pursuant to the Santa Fe County Land Development Code (Code). It is the opinion of this office that the developer has not proven that he can meet his water supply requirements. In accordance, **a negative opinion is hereby issued.**

**Project**

The Santa Niño proposal is a request to construct commercial buildings on 3.03 acres of a 10.39 acre site. The proposed development is located just outside the Santa Fe City limits, at 425 Airport Road, in Sections 6 and 7 of T16N, R9E, N.M.P.M.. The developer proposes that water will be supplied to this development by the City of Santa Fe (SF).

**Water Demand Analysis**

The developer has quantified the annual water requirement of his development as 1.59 acre-feet per year. The developer states that the methodology used to calculate this amount was done in conformance to city of Santa Fe's requirements. The developer failed to submit this calculation; subsequently, it is impossible for OSE to review it. The quantification is required in Article VII, Section 6.6.2 of the Code. 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.

**Water Availability**

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

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Juan/Chama diversion right. To design a system to operate at above firm yield is against sound engineering practice.

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.

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