



# *Estancia Basin Water Planning Committee Regular Meeting*

## *DRAFT AGENDA*

### **Date and Time**

Thursday  
April 14  
9:30 AM

### **Location**

Torrance County Courthouse  
Estancia, NM and by  
Teleconference

### **Approval of Agenda**

### **Membership Issues / Appointments:**

Current Filled Positions: 10/13 Quorum: 5

Vacant Positions:

Santa Fe Governmental Rep

Excessive Absence Issues

James Pacha (May 2023 – Torrance County Agriculture)

Expired Terms

Bernalillo County ( D. McGregor – Government - Reappointed)

Rik Thompson (Mar 2022 – Santa Fe Agriculture)

Johnny Perea (Mar 2022 – ETSWCD)

Upcoming Term Expirations

Rhonda King – Torrance County Municipal July 2022

Steven Geutschow -Torrance County Government July 2022

Bill Larson – Torrance County Agriculture July 2022

Diedre Tarr – Claunch-Pinto SWCD July 2022

Motion to allow continued participation for Dan McGregor and Rik Thompson until reappointed or position is refilled

Motion to declare the positions for ETWSCD held by Johnny Perea and the Torrance County Agricultural position held by James Pacha to be vacant

### **Approval of Minutes of Previous Meetings:**

Approval of Minutes of Regular Meeting of 2/10/2022

### **Financial Matters:**

Financial Report of April 7, 2022

Bernalillo County MOU funding extension (five year) – waiting Santa Fe County Signature – PJ Griego 4/5/2022

Santa Fe County funding MOU for FY23. – waiting Santa Fe County Action – PJ Griego 4/5/2022

### **Approval of Financial Report/ Invoices:**

Motion for Approval of Financial Report and for Payment of Pending Invoices.

**Correspondence:**

40-year Planning Update – Response to Moriarty, NM  
Santa Fe County responses to D. McGregor on funding  
Town of Edgewood Response to Inquiry

**Guests/Public Comments:**

**Contractor/Subcommittee Reports:**

Groundwater monitoring program update – JSAI status  
(McGregor/Mellis)

**Meetings Attended:**

**Unfinished Business:**

Exploratory Well – Reports and Resources previously distributed.

40-year water planning – Letter for Update – Summary sent to Moriarty.

**New Business:**

Annual Report and Funding Requests to Estancia, Moriarty, Edgewood  
for FY23 funding cycle – budget meeting attendance

Cannabis Water Rights requirements – advisory letter to respective  
agencies.

Response to Town of Edgewood on Campbell Ranch Amendment  
Requirements – Concerns, Approach, and Draft Letter  
*(Rik Thompson Recused)*

**Discussion Only Items :**

30-day Legislative Report

Cannabis Amendments regarding proof of water rights prior to licensing  
– Committee Substitution removed proof of water right requirement SB  
100 Died In Special Session. Requirement remain in place.

OSE qualifications - Mike Hammon is current State Engineer – HB 83  
recommended opening up qualification to include attorneys and  
hydrogeologist – Died in committee

Water Data Act appropriations (\$410,000 approved)

Town of Edgewood Government Reorganization - (Council w/ Mayor/  
Manager)

Mayor – Audrey Jaramillo,  
Mayor Pro Tem – Jerry Powers  
Commissioners: Ken Brennan,  
Filandro Anaya,  
Sterling Donner

**Announcements:**

**Next Meeting**

**Date:**

**Thursday, June 09, 2022 9:30 AM**

**Location:**

Torrance County Administrative Offices, 205 Ninth Street, Estancia NM  
Plus Zoom hybrid

**Adjourn**

# Financial Report as of 4/8/2022

| FY22      |                                                                       |              |                      |
|-----------|-----------------------------------------------------------------------|--------------|----------------------|
|           | Starting Balance                                                      |              | \$ 10,202.44         |
| 7/20/2021 | County of Santa Fe (FY21 Reimbursement)                               | \$ 10,000.00 | \$ 20,202.44         |
| 7/21/2021 | Bernalillo County (FY22)                                              | \$ 2,750.00  | \$ 22,952.44         |
| 9/1/2021  | Town of Edgewood (FY22)                                               | \$ 2,000.00  | \$ 24,952.44         |
| 9/1/2021  | Town of Estancia (FY22)                                               | \$500.00     | \$ 25,452.44         |
|           | Town of Moriarity (FY22)                                              | \$3,000.00   | \$ 28,452.44         |
| 1/19/2022 | Immense Impact (Website)                                              | 0            | 417.45 \$ 28,034.99  |
| 1/19/2022 | JSA_ - Water Level Round Payment Pending                              | 0            | 5305.06 \$ 22,729.93 |
| 4/8/2022  | JSA - 2nd Water Level Round Work Incurred , Not Invoiced - Estimated) | 5,000.00     | \$ 17,729.93         |

FIN01A      4/04/22      07:25:04

Type:  Sub-Type:

Description:  From: 7 - 1 - 2021 Thru: 6 - 30 - 2022

1=Fund(1 to 3) 2=Dep(4 to 5) 3=Line(6 to 9)

Category:  3 (If blank, Names will be shown in listbox header) Search Row:  or Line #:

GL#:  1\_2\_3\_ Hide Balance Global Budget GL Category Maintenance

650 by (and) with words 1, 2, 3...  Search by State (New) GL#

| Who         | Add         | Modify              | Delete         | Budget Display | Changes to GL# | Encumbrances | History   | Summary | View | Select |
|-------------|-------------|---------------------|----------------|----------------|----------------|--------------|-----------|---------|------|--------|
| Ty SubT Cur | GL #        | Description-Line#   | BegBal/Rd Bdgt | YTD-Activity   | CurrentBalance | Encumbrance  | Balance   | Avail   |      | Line   |
| N           | 650-00-0999 | FUND BALANCE        | -10202.44      | .00            | -10202.44      |              | .00       | --      |      | 1      |
| I           | 650-00-1157 | SANTA FE COUNTY FIS | -10000.00      | -10000.00      | .00            | .00          | .00       | .00     |      | 2      |
| I           | 650-00-1158 | BERNALILLO COUNTY F | -2750.00       | -2750.00       | .00            | .00          | .00       | .00     |      | 3      |
| I           | 650-00-1160 | ESTANCIA FISCAL SUP | -500.00        | -500.00        | .00            | .00          | .00       | .00     |      | 4      |
| I           | 650-00-1165 | MORIARTY FISCAL SUP | .00            | -3000.00       | 3000.00        | .00          | 3000.00   | --      |      | 5      |
| I           | 650-00-1170 | EDGEWOOD FISCAL SUP | -2000.00       | -2000.00       | .00            | .00          | .00       | .00     |      | 6      |
| I           | 650-00-1950 | TRANSFERS INTO FUND | .00            | .00            | .00            | .00          | .00       | --      |      | 7      |
| I           | 650-00-1951 | TRANSFERS OUT OF FU | .00            | .00            | .00            | .00          | .00       | --      |      | 8      |
| E           | 650-00-3000 | DISBURSMENT         | .00            | .00            | .00            | .00          | .00       | --      |      | 9      |
| E           | 650-71-2271 | CONTRACT - OTHER SE | .00            | .00            | .00            | .00          | .00       | --      |      | 10     |
| E           | 650-71-2272 | CONTRACT - PROFESSI | 15406.00       | 417.45         | 14988.55       | 26827.90     | -11839.35 | -76.85  |      | 11     |
| N           | 675-00-0999 | FUND BALANCE        | -87895.38      | .00            | -87895.38      |              | -26827.90 | --      |      | 12     |

# Minutes of 2/10/2022 For Approval



## ESTANCIA BASIN WATER PLANNING COMMITTEE

Regular Committee Meeting Minutes  
February 10, 2022

### Members and Staff

| <i>Member</i>                         | <i>Position</i>             | <i>Term Expiration</i> | <i>Present</i> | <i>Absent</i> |
|---------------------------------------|-----------------------------|------------------------|----------------|---------------|
| Rik Thompson – Chair                  | Santa Fe Co.- Agriculture   | March 2022             | X              |               |
| Manny Encinas - Vice Chair            | At Large                    | December 2022          |                | X             |
| Daniel McGregor – Secretary/Treasurer | Bernalillo Co. – Government | March 2022             | X              |               |
| Krista Bonfantine                     | Bernalillo Co – Municipal   | December 2022          | X              |               |
| Dierdre Tarr                          | Claunch-Pinto SWCD          | July 2022              | X              |               |
| Brenda Smythe                         | Edgewood SWCD               | December 2023          | X              |               |
| Johnny Perea                          | East Torrance SWCD          | March 2022             |                | X             |
| Sherry Abraham                        | Santa Fe Co. – Municipal    | December 2023          | X              |               |
| Vacant                                | Santa Fe Co. – Government   | Unfilled               |                |               |
| Rhonda King                           | Torrance Co. – Municipal    | July 2022              |                | X             |
| Steven Guetschow                      | Torrance Co. – Government   | July 2022              | X              |               |
| James Patcha                          | Torrance Co. – Agriculture  | May 2023               |                | X             |
| William (Bill) Larson                 | Torrance Co. – Agriculture  | July 2022              | X              |               |

### Others/ Guests:

*Mark Mohl, San Pedro Creek Homeowners Assoc.*      *Erwin Mellis, John Shomaker and Associates*

### Call to Order:

**Held at:** Zoom Meeting per Meeting Notice hosted by Torrance County    **Choose an item.**

**Called to Order at:** 12/9/2021 9:35 AM    **By:** Rik Thompson, Chair

**As:** Quorum currently stands at 7. Met as Subcommittee - Lack of Quorum

**Notations:** Convened initially as a subcommittee, with Bill Larson joining the meeting at 10:06AM for quorum. Brenda Smythe was also present throughout the meeting but could not verbally participate due to technical issues. Motions were initially as recommendation for approval by committee as whole and roll call vote. Once Bill Larson joined, prior actions were recapped for Mr. Larson and his vote recorded and none of the prior members chose to alter their votes. Motions and approvals below are for the action of the committee as a whole rather than as the initial subcommittee recommendation.

### Approval of Agenda:

**Review of Agenda for**      Thursday, February 10, 2022

**Motion:** Approve the Agenda as presented.

**Motion Made:** Bill Larson      **Motion Seconded:** Steven Guetschow

**Notations/Amendments:**      None

**Motion Vote:** Roll Call Vote: Unanimous

**Membership Issues:**

**No Actions Taken.** Santa Fe Government Position Remains Vacant. Quorum stands at 7. Inquiry/notation was made by the Secretary/Treasurer of excessive absences of Johnny Perea and James Facha.

**Approval of Minutes:**

**Review of Minutes of** Regular meeting of December meeting  
**Motion:** Approval of the Minutes of December meeting  
**Motion Made:** Krista Bonfantine **Motion Seconded:** Sherry Abraham  
**Notations /Amendments:** None  
  
**Motion Vote:** Roll Call Vote: Unanimous

**Financial Matters:**

D. McGregor reports that the existing balance stands at \$21,000 approximately, but current report was not available at time of meeting notice and that a full report will be provided with the minutes once in-float invoicing was corrected.

**Financial Report:**

**Review of Report of:** Tuesday, February 08, 2022  
**Motion:** Approval of the Financial Report with report to be provided in draft minutes  
**Motion Made:** Steven Guetschow **Motion Seconded:** Diedre Tarr  
**Notations /Amendments:** After verifying the current JSAI invoice in process, current balance was at \$22,729.33 and current balance sheet is attached to minutes per the approved motion.  
**Motion Vote:** Roll Call Vote: Unanimous

**Correspondence:**

Response from Town of Edgewood. Ric Thompson recused himself due to position as Town of Edgewood Magistrate and position on Entramosa operating board. Dan McGregor read/ recapped the correspondence with limited discussion /clarification. Mark Mohl (guest) was permitted (as allowed by rules of conduct and consensus of the committee) to provide input/clarification regarding San Pedro Overlook and East Mountain Protection Coalition involvement and planned actions as it pertained to the response provided by the Town of Edgewood. Discussion and actions on the letter are to be placed on next meeting agenda.

**Public Comments:**

None – Mark Mohl provided comments under Correspondence as noted above.

**Contractor/Subcommittee Reports:**

Groundwater monitoring. Dan McGregor updated the committee on status of monitoring transition. JSAI completed first round of water levels. Erwin Mellis indicated that some work on measuring point locations and ground level elevations was needed and that they would proceed with purchase of new well caps for installation during next round. He also indicated that Hydroresolutions had not yet transferred databased files with past measurements. Mr. Mellis also indicated that he would like to contact the water purveyor for the Indian Hills area to include measurements in that area (NMWSC or EPCOR) as they are not routinely measured – he was so directed by the committee. It was decided that the permanent repository for the water level data should be with NM Tech Aquifer Mapping Program if they were willing to accept the data – Dan McGregor to coordinate that data transfer. Bill Larson offered an additional well located in SE quadrant of Section 9 Township 8N and Range 8E,

**Meetings Attended:** None

**Unfinished Business:**

Deep Exploratory Well / Scoping Effort and Constraints – No further action taken

40-year Water Planning for Water Entities in the Estancia Basin. Mr. McGregor to send status report.

**New Business:** None

**Discussion Only Items:** None

**Announcements:** None

**Summary of Action Items: (Summarized post meeting)**

Dan McGregor to address additional groundwater monitoring issues with JSAI/Hydroresolutions and with NM Tech  
Next meeting Agenda to include action/response to Town of Edgewood on suggested analysis and decision criteria.

**Next Regular Scheduled Meeting** **Date:** Thursday, April 14, 2022 9:30 AM  
**Location:** Torrance County Administrative Offices, 205 Ninth Street, Estancia NM  
In Person Plus Zoom (hybrid)

**Adjourn:** With no further business,  
**Meeting Adjourned:** 2/10/2022 10:41 AM

*Respectfully submitted,*  
Dan McGregor EBWPC Secretary Treasurer

Reviewed and approved by: \_\_\_\_\_

**Torrance County**                      **Santa Fe County**                      **Bernalillo County**  
"Coordinated water resource planning for the Estancia Underground Water Basin"

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# CORRESPONDENCE

## Response to Moriarty on 40-Year Planning Efforts



### *Estancia Basin Water Planning Committee*

*P.O. Box 58  
Estancia, NM 87016*

February 23, 2022

Mayor Ted Hart  
City of Moriarty, NM  
P.O. Box 130  
Moriarty, NM 87035

Mayor Hart

At the May 2021 council meeting, the Estancia Basin Water Planning Committee requested funding for the committee's activities. We have received the funding for FY22 and wanted to express our appreciation to the City of Moriarty for its continued support.

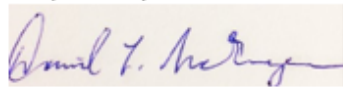
During the presentation, you requested that the EBWPC look into cataloging what 40-year water plans were on file with the state engineer's office and to urge and offer assistance with long range planning efforts to the various water providers within the basin

Below is a snip of the planning documents from the Estancia Basin (or nearby) currently of file with the state engineer's office that was provided in response to our request of that office. Please note that not all water purveyors qualify as a 40-year water planning entities (defined in NMSA 72-1-9, and NM Code 19.26.2.19), so a conservation plan (CP or WCO) may be available but there may not be an accompanying 40-year water plan.

We have confirmed with the Town of Estancia that no such plans currently exist. We have not received any reply back from the Willard community.

We will continue to look further into the matter and will continue our outreach to other water purveyors throughout the basin but wanted to at least provide you with initial information pertinent to your request.

Respectfully



Daniel McGregor  
Secretary/Treasurer, EBWPC



**List of Current Estancia Basin Planning Documents on File with OSE**

| 1   | Location of Plan     | APPLICANT                                  | File No.  | TYPE    | DATE REC'D by WPCB | PRIMARY AUTHOR              | DATE OF REPORT | E |
|-----|----------------------|--------------------------------------------|-----------|---------|--------------------|-----------------------------|----------------|---|
| 22  | Digital              | Bernalillo County                          | thru S-13 | 40YP CP | 09/16/04           | DBS&A; Jontz, Dawe, Giley & | 11/07/03       | x |
| 23  | File Cabinet/Digital | Bernalillo, County of                      |           | CP      |                    | Weston                      | April 21,      | x |
| 50  | File Cabinet         | Edgewood Water Company, Inc.               | S         | WCP     | 08/20/10           | Tierra est, LLC             |                | x |
| 54  | File Cabinet         | Entranosa Water and Wastewater             | E-4854-C- | WDP     | 05/11/12           | Entranosa Water and         | 05/19/11       | x |
| 85  | File Cabinet         | Moriarty, City of                          | E-890     | 40YP    | 01/29/09           | LRPA and Bohannon Huston    | 02/01/07       | x |
| 88  | File Cabinet         | NM American Water                          |           | CP      | 11/06/09           | NMAW                        | Oct 2009       | x |
| 102 | File Cabinet         | Santa Fe, County of                        | Several   | 40YP CP |                    | DBSA                        | Aug 15,        | x |
| 110 | Digital              | Santa Fe, County of                        |           | CP      | 04/12/11           | Santa Fe County             | 08/11/10       | x |
| 114 | File Cabinet         | Sierra Vista MDWCA (Sierra Vista South Co- |           | 40YP    | 11/18/04           | SVSC/Chesnut Law Offices    | 10/22/04       | x |
| 123 | File Cabinet         | Tijeras, Village of                        |           | WCP     |                    | Lee Wilson & Associates     | April 2011     | x |

**E-mail Chain from PJ Griego, Santa Fe County Regarding Funding Amendments**

**CAUTION:** This email originated from outside of Bernalillo County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

I agree, it would be difficult at this point in the year to get an amendment and an encumbrance in place for FY22. With that said, I will submit the Amendment No. 13 for approval asap and then work on Amendment No. 14 to prepare for FY23.

Thank you,  
P.J.

**From:** Dan McGregor [<mailto:dmcgregor@bernco.gov>]

**Sent:** Monday, April 4, 2022 3:34 PM

**To:** PJ Griego <[pjgriego@santafecountynm.gov](mailto:pjgriego@santafecountynm.gov)>

**Cc:** Sara Smith <[ssmith@santafecountynm.gov](mailto:ssmith@santafecountynm.gov)>; rik <[rik@blueynxresources.com](mailto:rik@blueynxresources.com)>;  
[manny@cattlemanagementservices.com](mailto:manny@cattlemanagementservices.com)

**Subject:** RE: Estancia Basin Water Planning Committee MOU amendments and funding - Second Request

**Warning:**

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mr. Griego

Thank you for your reply and your attention on the Amendment 13 which allows Bernalillo County to proceed with its multiyear funding to the EBWPC. For clarity, Amendment 13 in no way binds or obligates Santa Fe County.

I do not know whether a recurring budget item for EBWPC was provided in the Santa Fe County FY22 budget. There was no commitment made by Santa Fe County for FY22 (i.e. no amendment, as you note below) If it was a budgeted item, EBWPC would welcome have Amendment 14 provided for FY22, and then an Amendment 15 for similar amount and reimbursement for FY23 as well.

That said, given that we are already past the 3<sup>rd</sup> quarter FY22, it would be a bit unrealistic to try to execute such an agreement at this time if a budget adjustment for Santa Fe County is required. We are currently in an adequate financial situation to finish through FY22 without the FY22 funding, though that will not be the case in FY23.

Dan McGregor  
505-848-1578

**From:** PJ Griego <[pjgriego@santafecountynm.gov](mailto:pjgriego@santafecountynm.gov)>

**Sent:** Monday, April 4, 2022 2:59 PM

**To:** Dan McGregor <[dmcgregor@bernco.gov](mailto:dmcgregor@bernco.gov)>

**Cc:** Sara Smith <[ssmith@santafecountynm.gov](mailto:ssmith@santafecountynm.gov)>

**Subject:** FW: Estancia Basin Water Planning Committee MOU amendments and funding - Second Request

**CAUTION:** This email originated from outside of Bernalillo County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Mr. McGregor,

The Santa Fe County Public Works Department will assist in executing Amendment No. 13. However, I want to make sure I am understanding the terms correctly. Does Santa Fe County owe anything for FY22? The most recent Amendment No. 12 (attached) was executed by Santa Fe County on 5/11/21 and references a \$10,000 reimbursement in FY21. Should the proposed Amendment. No. 14 in your initial email below actually be for FY22?

Thank you,

P.J. Griego  
ASD Director  
Public Works Department  
505.992.3024

**From:** Yvonne S. Herrera

**Sent:** Sunday, April 3, 2022 5:14 PM

**To:** PJ Griego <[pjgriego@santafecountynm.gov](mailto:pjgriego@santafecountynm.gov)>; Gary L.J. Giron <[ggiron@santafecountynm.gov](mailto:ggiron@santafecountynm.gov)>

**Subject:** FW: Estancia Basin Water Planning Committee MOU amendments and funding - Second Request

Hello,

We received this email below last week and at the beginning of March. I wanted to make sure someone at PW saw it to process the amendment.

**YVONNE HERRERA**

Finance Division Director

Manager's Office

(505) 995-2781



**SANTA FE COUNTY**

**From:** Dan McGregor [<mailto:dmcgregor@bernco.gov>]

**Sent:** Thursday, March 31, 2022 4:56 PM

**To:** Tessa Jo Mascarenas <[tjmascarenas@santafecountynm.gov](mailto:tjmascarenas@santafecountynm.gov)>; Yvonne S. Herrera <[ysherrera@santafecountynm.gov](mailto:ysherrera@santafecountynm.gov)>; sfcutil <[sfcutil@santafecountynm.gov](mailto:sfcutil@santafecountynm.gov)>

**Cc:** Rudy Garcia <[RGarcia@santafecountynm.gov](mailto:RGarcia@santafecountynm.gov)>; Brittney Montoya <[blovato@santafecountynm.gov](mailto:blovato@santafecountynm.gov)>

**Subject:** FW: Estancia Basin Water Planning Committee MOU amendments and funding - Second Request

**Warning:**

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Santa Fe County folks

This is the second request for action on these items.

Amendment 13 is a no cost item for Santa Fe County – it just needs the County Manager's signature as a formality and then to have it sent on to Torrance County.

Thanks

Dan McGregor  
505-848-1578

**From:** Dan McGregor

**Sent:** Monday, March 7, 2022 2:53 PM

**To:** [tjmascarenas@santafecountynm.gov](mailto:tjmascarenas@santafecountynm.gov); [rgarcia@santafecountynm.gov](mailto:rgarcia@santafecountynm.gov)

**Cc:** [ysherrera@santafecountynm.gov](mailto:ysherrera@santafecountynm.gov); [sfcutil@santafecountynm.gov](mailto:sfcutil@santafecountynm.gov); rik <[rik@blueynxresources.com](mailto:rik@blueynxresources.com)>; [joliver@tnm.us](mailto:joliver@tnm.us)

**Subject:** Estancia Basin Water Planning Committee MOU amendments and funding.

Commissioner Garcia / Tessa Jo Mascarenas

Santa Fe County has, in the past, provided annual reimbursement funding to support the activities of the Estancia Basin Water Planning Committee. They have done so through a series of amendments to the founding MOU, with the amendments passed through the various counties for signature. The most recent amendment from Santa Fe County was Amendment 11. As part of your FY23 planning process, the Estancia Basin Water Planning Committee is requesting that you include that funding in the proposed FY23 budget and prepare an amendment 14 to provide for FY23 funding in a manner similar to the prescribed by your previous Amendment 11. I have attached the last Santa Fe County amendment (No. 11) for your use and recollection. I have included Santa Fe County public utilities and finance departments, as they should be familiar with the past funding and routing mechanisms.

Additionally, Bernalillo County provided a five year funding agreement through Amendment 12, which expires this fiscal year, and is unilaterally proposing to provide an initial five years of funding. We are proposing to do this through Amendment 13 (attached) which does not bind Santa Fe County in any manner. While it is a unilateral action, it does require approval of the three counties that are party to the MOU. I am requesting that you forward this for County legal and County Manager signatures, and then forward the executed copy on to Torrance County for further signatures ([joliver@tnm.us](mailto:joliver@tnm.us)). Once fully executed, we will return a copy to you for your records.

Respectfully

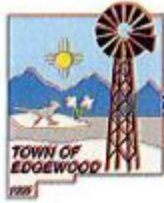
Dan McGregor  
Bernalillo County Public Works, and  
Estancia Basin Water Planning Committee Secretary / Treasurer



Daniel McGregor  
Natural Resource Services Section Manager  
Bernalillo County Public Works  
505-848-1578

*The mission of Natural Resource Services is to steward Bernalillo County's natural resources. We do this by educating the public about protection and conservation of these resources, assisting with prudent development, monitoring, and providing technical input to the county's policies and projects*

## Correspondence Regarding Campbell Ranch Master Plan



### **TOWN OF EDGEWOOD**

*Where the Mountains Meet the Plains*

**PLANNING & ZONING DEPARTMENT**

171 A, NM 344  
P.O. Box 3610  
Edgewood, NM 87015  
Phone: (505) 286-4518 Fax (505) 926-9061  
[www.edgewood-nm.gov](http://www.edgewood-nm.gov)

December 17, 2021

Manny Encinias, PhD  
Vice Chairman, Estancia Basin Water Planning Committee  
P.O. Box 58  
Estancia, NM 87016

Good morning, Mr. Encinias. Below is the Town of Edgewood's compiled responses to the Estancia Basin Water Planning Committee's questions. We have broken them up to directly correspond to the numbered questions in your letter.

1. No, the Town cannot provide a specific answer as to prospective water providers; as long as water availability is proven, be it by a water utility such as Entramosa, private wells, or a combination thereof, this will satisfy the water requirement. If any wells are utilized, they will have to be duly permitted by the Office of the State Engineer, which proof of authorization must be provided to the Town.
2. The approved items for the Campbell Ranch Master Plan Amendment include Attachments 1 and 2, along with the tables from Attachment 3 as presented in the September 28, 2021 packet. The final version of Attachment 3 with the approved track changes made during the recess of the September 28, 2021 meeting can be found under the Campbell Ranch section of "Other Publications."
3. Yes, the 1999 Zoning Ordinance governs the Campbell Ranch Master Plan until the amendment approved on September 28, 2021 is finalized. There have been two appeals made to this application, so the approved changes have not yet taken effect.

While the development agreement primarily references the 1999 ordinances as being the governing documents for the Campbell Ranch Master Plan, it recognizes that regulations will change and only references regulations which would "conflict with," "be more restrictive," or would "delay the implementation of the Campbell Ranch Master Plan" as regulations that should not be applied.

**John Abrams**  
*Mayor Pro Tem*

**Sherry Abraham**  
**Linda Holle**  
**Audrey Jaramillo**  
*Town Councilors*

**Wm. H. White**  
*Municipal Judge*

**Monet Chavez**  
*Interim Deputy Clerk*

**Tim Dvorak**  
*Interim Planning & Zoning Administrator*



With this in mind, both Town Staff and the previous Planning Commission agree that it would be beneficial and much more legally sound to have the development agreement updated; however, this would be discretionary to both Campbell Farming Corp. and the Governing Body of Edgewood if they wish to undertake this.

4. If the Master Plan Amendment request is ultimately approved after the appeal hearing takes place, all applicable current ordinances, the 2019-03 Zoning Ordinance included, would govern the master plan. At the time of subdivision application, a written water supply plan and liquid waste disposal plan will need to be submitted, along with either a letter of commitment from the applicable water provider or well permit authorization from the Office of the State Engineer.

The adequacy of the water provision requirements is demonstrated by the water will-serve letter by a water provider and/or permits through the Office of the State Engineer. The water and liquid waste disposal plans would have to be updated to current standards and be resubmitted at the time of preliminary plat application; they would be reviewed by a contracted engineering firm for the Town of Edgewood. If there are problems or deficiencies with either or both of the plans, Campbell Ranch will have to fix those elements and additionally construct all infrastructure before a final plat would be able to be approved by the Planning Commission.

5. Campbell Ranch can recognize the recent Sandia Basin closure in their documents; however, what is required by the Town is proof of a water will-serve letter and/or permits through the Office of the State Engineer. Their water source(s) do not need to come from the Sandia Basin in order for the Town's water requirements to be satisfied. The burden is on Campbell Ranch and their subsequent development partners to come up with water sources that will adequately serve and sustain their development.

The Town has always recognized that Village 1 is not part of the Town of Edgewood Municipal Boundaries; however, it is still part of the Campbell Ranch Master Plan. Village 1 would still be a part of the Campbell Ranch Master Plan if the recent Amendment is fully approved, so provisions for infrastructure in this area must still be provided. The Town of Edgewood recognizes that it has no authority in any shape or form to grant development rights to any portion of Village 1.

Because the infrastructure and resource impact of Village 1 must still be accounted for and demonstrated in subsequent infrastructure documents, this will keep the entire scope of impact in mind should the Villages under the Town of Edgewood's jurisdiction be able to proceed.

6. No, a water conservation plan was not originally submitted with the Campbell Ranch Master Plan. This documentation, along with the water supply plan and liquid waste disposal plan would be addressed during preliminary subdivision. I will additionally note that the water conservation plan is deemed as "if applicable" by S.24E.2 of the 2019-03 Zoning Ordinance.

The Town of Edgewood understands that this is a very important issue of great impact. We appreciate the input and guidance of the Estancia Basin Water Planning Committee as we proceed further with land use matters regarding Campbell Ranch. We understand that this is a complex and ongoing situation, and we aim to be as transparent and egalitarian as possible in all Campbell Ranch proceedings. If there is anything else that we can provide, please do not hesitate to reach out to us. I thank you very much for your patience in allowing us additional time to compile this response, and I hope you all have a wonderful holiday season.

Respectfully,



Tim Dvorak  
Interim Planning & Zoning Administrator  
Town of Edgewood  
171A NM 344, Edgewood, NM 87015  
(505) 286-4518

*cc. Jessica Nixon, Robles, Rael, & Anaya  
John Abrams, Mayor Pro Tem  
Monet Chavez, Interim Deputy Clerk*

RE: Estancia Basin Water Planning Committee - Request for Information/Clarification on Recent Planning and Zoning Commission Amendments to the ...



Dan McGregor

To ● Tim Dvorak; ● John Abrams  
Cc ● Monet Chavez; ● Manny Encinias; ● Charlene Pyskoty; ● Joe Noriega; ● Brian J. Lopez; ● Jessica Nixon; ● Jeff Albright; ● Ken Martinez

Reply Reply All Forward

Wed 11/17/2021 12:41 PM

Mr. Dvorak

Thank you for the prompt reply. The EBWPC appreciates your timeliness and appreciates the opportunity to avoid any confusion or misunderstanding regarding the inquiry, timeliness, and on-going expectations.

The EBWPC understands that the 3-day/15-day timeline is the statute-requirement for a formal "records request" pursuant to the cited statute. Because of its statutory standing, that response schedule has also become the default/ customary expectation for local governments to provide a timely response on many non-records matters as well. I appreciate your responding accordingly and acknowledge receipt of your response within the default/customary schedule context.

For clarity, the EBWPC request was not a "records request" made pursuant to NMSA 1978, Section 14-2-10 and that statute was not cited as the basis of the request. It was a request for clarification on recent Town of Edgewood actions from an advisory board with concurrent interests pursuant to the MOU cited in the initial request letter. Accordingly, the EBWPC anticipates that explanatory responses will be provided in the scheduled December 17, 2021 response from the Town of Edgewood for the non-records inquiries. More specifically, responses of "no records available" to the non-records inquiries would not be helpful to the EBWPC.

As stated in the EBWPC's initiating letter, the review of currently available records (minutes, ordinance, amendments already available to us), raised questions regarding the policy/process/interpretation/planning that the Town of Edgewood will be using to implement the approved amendments. The letter also inquires about which ordinances are applicable at which times in the process and the implications for water planning that various ordinances impose. The EBWPC realizes that this means that additional time for internal verification/discussion/and consultation may be needed to provide a responsive answer to the non-records questions posed.

Accordingly, we anticipate that the Town of Edgewood will be fully responding to our request on or before December 17, 2021

Respectfully

Dan McGregor  
505-848-1578

RE: Estancia Basin Water Planning Committee - Request for Information/Clarification on Recent Planning and Zoning Commission Amendments to the ...



Dan McGregor

To ● Tim Dvorak; ● John Abrams  
Cc ● Monet Chavez; ● Manny Encinias; ● Charlene Pyskoty; ● Joe Noriega; ● Brian J. Lopez; ● Jessica Nixon; ● Jeff Albright; ● Ken Martinez

Reply Reply All Forward

Wed 11/17/2021 12:41 PM

From: Tim Dvorak <[tdvorak@pd.edgewood-nm.gov](mailto:tdvorak@pd.edgewood-nm.gov)>

Sent: Tuesday, November 16, 2021 3:00 PM

To: Dan McGregor <[dmcgregor@berncgo.gov](mailto:dmcgregor@berncgo.gov)>; John Abrams <[jeabrams@edgewood-nm.gov](mailto:jeabrams@edgewood-nm.gov)>

Cc: Monet Chavez <[mchavez@edgewood-nm.gov](mailto:mchavez@edgewood-nm.gov)>; Manny Encinias <[manny@cattlemanagementservices.com](mailto:manny@cattlemanagementservices.com)>; Charlene Pyskoty <[cpyskoty@berncgo.gov](mailto:cpyskoty@berncgo.gov)>; Joe Noriega <[jnoriega@berncgo.gov](mailto:jnoriega@berncgo.gov)>; Brian J. Lopez <[bjlopez@berncgo.gov](mailto:bjlopez@berncgo.gov)>; Jessica Nixon <[jnixon@roblerael.com](mailto:jnixon@roblerael.com)>

Subject: RE: Estancia Basin Water Planning Committee - Request for Information/Clarification on Recent Planning and Zoning Commission Amendments to the Campbell Ranch Master Plan

**CAUTION: This email originated from outside of Bernalillo County. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good afternoon, Mr. McGregor.

I have attached the Town's preliminary response to the Estancia Water Basin Committee's request. I appreciate everyone's patience in allowing my department time to compile the applicable information. If anyone has questions in the meantime, please feel free to contact me at any time.

Thank you again, and have a wonderful evening.

Respectfully,

Tim Dvorak  
Interim Planning & Zoning Administrator

From: Dan McGregor <[dmcgregor@berncgo.gov](mailto:dmcgregor@berncgo.gov)>

Sent: Monday, November 15, 2021 11:44:44 AM

To: John Abrams <[jeabrams@edgewood-nm.gov](mailto:jeabrams@edgewood-nm.gov)>

Cc: Monet Chavez <[mchavez@edgewood-nm.gov](mailto:mchavez@edgewood-nm.gov)>; Tim Dvorak <[tdvorak@pd.edgewood-nm.gov](mailto:tdvorak@pd.edgewood-nm.gov)>; Manny Encinias <[manny@cattlemanagementservices.com](mailto:manny@cattlemanagementservices.com)>; Charlene Pyskoty <[cpyskoty@berncgo.gov](mailto:cpyskoty@berncgo.gov)>; Joe Noriega <[jnoriega@berncgo.gov](mailto:jnoriega@berncgo.gov)>; Brian J. Lopez <[bjlopez@berncgo.gov](mailto:bjlopez@berncgo.gov)>

Subject: Estancia Basin Water Planning Committee - Request for Information/Clarification on Recent Planning and Zoning Commission Amendments to the Campbell Ranch Master Plan

Mayor Pro Tem Abrams

Please see the attached letter from the Estancia Basin Water Planning Committee (EBWPC). At the request of Bernalillo County Commissioner Charlene Pyskoty to the EBWPC, we are requesting information/clarification regarding the recent decisions of the planning and zoning commission regarding the Campbell Ranch Master Plan (Sept 28-29,2021).

I've taken the liberty of including Town of Edgewood staff on the matter as I suspect it will be forwarded on to them to address the questions and information requested.

A hard copy will be sent US Mail in the next few days.

Thank you and the Town of Edgewood staff for assistance in this matter.

Respectfully

Daniel McGregor  
Estancia Basin Water Planning Committee  
Secretary/Treasurer





*Estancia Basin Water Planning Committee*

*P.O. Box 58  
Estancia, NM 87016*

November 8, 2021

Mr. John Abrams (Mayor Pro Tem)  
Town of Edgewood Council  
PO Box 3610  
Edgewood, NM 87105

Re: Request of Bernalillo County Commissioner Charlene Pyskoty to the Estancia Basin Water Planning Committee (EBWPC) to review and comment on recent Town of Edgewood amendments to the Campbell Ranch Master Plan with regards to potential impact on the water resources of the Estancia Basin.

Mayor Pro Tem Abrams and Council;

The Estancia Basin Water Planning Committee (EBWPC) was formed by a tri-county Memorandum of Understanding between Bernalillo County, Torrance County, and Santa Fe County. The EBWPC was established as a special-purpose, advisory planning committee to provide for the coordination of water planning activities affecting the Estancia Basin.

The EBWPC's assigned responsibilities include to "review and comment on major development proposals impacting water resources as appropriate and by request from any government agency with jurisdiction in the Estancia Basin." Commissioner Charlene Pyskoty (Bernalillo County District 5, Commission Chair, letter attached) has requested that the EBWPC review and comment on recent amendments to the Campbell Ranch Master Plan approved by the Town of Edgewood Planning and Zoning Commission on Sept 28-29, 2021.

The EBWPC is in possession or has access to a number of supporting documents including the Town of Edgewood Planning and Zoning minutes for the Sept 28-29, 2021 and the October 26, 2021 meeting packets (which include the adopted amendments), copies of the 1999 and 2019 Subdivision and Zoning Ordinances, and a copy of the initial Development Agreement from 2001 between the Town of Edgewood and Campbell Ranch. The EBWPC also has a copy of Entramosa's current expansion policies, though Campbell Ranch has not cited an intended provider and deferred that identification due to a reported non-disclosure agreement.

Germane to the EBWPC, the amendments included the removal of a requirement stated as:

*Note that prior to subdivision platting, the State Engineer must issue a favorable opinion showing a 70-year supply of water for each subdivision*

The statement was revised, at hearing and read into the record, to read as:

---

*Note that prior to subdivision platting, the applicant must provide evidence of water availability consistent with the Town of Edgewood Planning and Zoning Ordinances in effect at the time of the time of subdivision approval.*

To properly review and advise on the potential impact of that amendment on the water resources of the Estancia Basin, the EBWPC would appreciate clarification on several items and processes related to the recent amendments.

1. Given the recent closure of the Sandia Basin to new appropriations based on significant water level declines, recent court decision (under appeal) denying a new appropriation to supply Campbell Ranch, that the Sandia Basin may provide limited recharge to the Estancia Basin and the long standing closure of the Estancia Basin, can you please provide information on the intended water source(s) for the Campbell Ranch Master Plan at this time – will it be by a local utility provider, by private wells, or a combination of those two sources (and in what proportions)?
2. Can you please clarify whether all the proposed amendments in the Sept 28-29, 2021 meeting packet were approved, with additional revisions as read into the record, or were only those items read into the record adopted?
3. Does the 1999 Zoning Ordinance or the 2019 Zoning Ordinance (particularly regarding master plan requirements for water planning) govern the Campbell Ranch at this time?

The 2001 development agreement indicates that the ordinances in place at time of adoption (1999 Ordinance) would govern and there is no mention in the approved amendments indicating that the 2019 ordinances are to govern prior to subdivision application. Yet, statements in the meeting minutes indicated that the intent was to hold Campbell Ranch to the 2019 Ordinances, but final actions changed the language to read "*Town of Edgewood Planning and Zoning Ordinances in effect at the time of the time of subdivision approval.*"

4. It is unclear to the EBWPC which ordinances are now applicable and at what point various ordinances apply in the approval process. Can you please clarify:
  - a. At time of subdivision application, which of the water planning standards will be the required standard:
    - a written water supply plan and liquid waste disposal plan (per the 2019 Zoning ordinance) and/or;
    - a letter of commitment from the water provider (from the 2019 Subdivision ordinance)

- b. What criteria will the Town of Edgewood use to determine the adequacy of the proposed water and/or liquid waste disposal plan, or availability letter if an existing utility supplier is intended?
- c. What criteria will the Town of Edgewood use to determine the adequacy of the proposed water and/or liquid waste disposal plan if private wells and or septic systems is intended?
- d. At what point in the amended process will an updated written plan for water supply and liquid waste disposal be required and at what scale (master plan or subdivision)?

The 1999 Zoning Ordinance for Master Plan areas requires only a *“written statement regarding the impact of the Master Plan Zone on the surrounding community with respect to transportation, sources for water supply, disposal of solid and liquid waste ...”*.

By contrast the 2019 Zoning Ordinance for Master Plan zoning requires *“A written water supply plan and liquid waste disposal plan. This analysis will identify one or more sources of water to supply the proposed development, i.e., County or other utility, wells, water right transfers, point of diversion, etc. The analysis will also include estimated water budget (demand) by phase, total demand at full build out, including commercial uses, if applicable, and a water conservation plan.”*

The current requirement for a final plat for a subdivision is only *“a letter of commitment from: The water company that will provide service to the subdivision”* and *“The Town of Edgewood regarding possible offsite sewer availability”*. There is no description of the requirements if private wells or on-site wastewater systems (septic tanks) are to be utilized.

The recently amended plan now reads as *“Town of Edgewood Planning and Zoning Ordinances in effect at the time of the time of subdivision approval.”*


The specified ordinances (zoning, subdivision, or combination thereof) is unclear.

- 5. If the answers to the questions above are dependent on the Water and Wastewater Plans provided as appendices to the Master Plan in 2000 and accepted by the Town of Edgewood at that time:
  - a. What is the Town of Edgewood’s intent or mechanism regarding having those plans updated to recognize the recent basin closure and court decisions?
  - b. What is the Town of Edgewood’s intent to have the plans updated given the recent recognition by the Town of Edgewood Planning and Zoning Commission that the Town of Edgewood does not have jurisdiction of Village 1?

- 
- c. In the opinion of the Town of Edgewood, how does the lack of an approved master plan by the authority having jurisdiction for Village 1 (Bernalillo County) affect the phasing, total project water use, and total project reuse water available and water budgets used to support master plan and subdivision requests for Villages 2, 3, and 4 as required by the 2019 Zoning Ordinance?
6. The EBWPC was unable to locate a written and documented water conservation plan for the Campbell Ranch master plan for review, and the current subdivision ordinance does not have a requirement to provide such a plan at the time of subdivision application.
- a. Can the Town of Edgewood locate and provide a copy of such plan to the EBWPC?
- b. If no such plan exists, does the Town of Edgewood intend to require a written conservation plan, (as would seem to be required by the 2019 Zoning Ordinance for Master Plan zoned areas), and what process would the Town of Edgewood use to approve such a plan?

The EBWPC would appreciate, and respectfully requests, a response to the above questions and request for information so that we can properly review and advise the Town of Edgewood regarding potential impacts on the water resources of the Estancia Basin.

Sincerely



Manny Encinias, PhD

Vice Chairman, Estancia Basin Water Planning Committee

Attachment: Letter from Commissioner Charlene Pyskoty, Bernalillo County

Cc: Bernalillo County Board of County Commissioners, Charlene Pyskoty, Chair  
Torrance County Board of County Commissioners, Ryan Schwebach, Chair  
Santa Fe County Board of County Commissioner, Henry Roybal, Chair  
Tim Dvorak, Town of Edgewood, Code Enforcement Officer/Planning Assistant