

MEMORANDUM

*New Mexico Office of the State Engineer
Water Resource Allocation Program
District 6*

To: Mary Young, Northern Rio Grande Manager, WRD

From: Bruce W. Richardson, Water Resource Specialist, WRD

Date: March 2, 2010

Re: Upper Santa Fe River Habitat Restoration Work Plan: Comments to City of Santa Fe

No applications or agency action is pending as relates to this proposal. The request for comments was received via e-mail and posed in the following manner:

“The question we identified for the OSE is whether the moving or splitting of a river channel to its “original” location requires any OSE involvement. The Nature Conservancy doesn’t have any water rights and are taking the position that they don’t need any because the river is just being returned to where it historically has been.” *(E-mail from Claudia Borchert, City of Santa Fe, 1/22/10)*

Historically, the 1919 Santa Fe River Hydrographic Survey shows the Santa Fe Creek routed thru Two Mile Reservoir. Nichols and McClure did not exist at the time of this survey and therefore are not shown on the maps. Two Mile Reservoir was known as Santa Fe Water and Light Co. City Reservoir at the time.

The OSE does not have any statutory authority to dictate channel alignment. It appears the project does not contemplate the diversion and distribution of water via man-made works and/or the application of water to a beneficial use. The OSE does not foresee any water right issues with the proposed project so long as sufficient water remains available for diversion by acequias to satisfy valid existing surface water rights. The acequias to consider include Acequia Cerro Gordo and Acequia del Llano, diversions 2 and 3 as shown on Mapsheets 15 and 16, of the Santa Fe River Hydrographic Survey, Vol. II (1977). In addition, no water may be stored in Two Mile Reservoir unless a permit to do so is obtained, as the rights originally associated with the reservoir were transferred by permit to Nichols and McClure Reservoirs located upstream.