

What IS SKNA Doing to Protect Our Water? The Campbell Ranch-Edgewood Story

February 2008

Join us for coffee **Saturday, March 15th, 2:00-4:00, Woobie's, Cedar Crest**

Or call any of the people on the water preservation group

Pat Fleming, President	286-8705
John Helmich, Past President	228-6802
Kathy McCoy, Vice-President	281-9540
Denise Turner, Secretary	281-6635
Janet Winchester-Silbaugh	281-5657
Water Preservation Committee	
Barbara Herrington	281-6076
Water Preservation Committee	

Or go to the SKNA website, sandiaknolls.com

Mark Emery, webmaster, has put many of the source documents on the website.

What has happened with Campbell Ranch? The Short Story.

- In 2006 SKNA won rulings by the Public Regulation Commission (PRC) and Office of the State Engineer (OSE) stating there were no surplus water rights in the system that serves Sandia Knolls. Sandia Knolls won these rulings by fund-raising to pay for a lawyer and hydrologist to represent us.
- Campbell Ranch told the Edgewood Planning and Zoning Commission at a public hearing in December 2007 that they would use water from the system that serves Sandia Knolls for 750 homes in Campbell Ranch. SKNA presented a statement saying there were no surplus water rights for Campbell to use.
- Edgewood Planning and Zoning approved Campbell Ranch's preliminary plats (subdivision designs) with conditions, which allows them to proceed. This decision was based in part of their ability to use Sandia Knolls' water. Edgewood Planning and Zoning's actions ignored both the 2006 Public Regulation Commission's ruling, as well as the 2006 decision by the State Engineer.
- The SKNA Board voted to again hire a lawyer to appeal Edgewood's approval in December 2007, feeling that we had to defend the rulings we had just won from the PRC and OSE.
- SKNA appealed Edgewood's approval of Campbell's subdivisions in February 2008. This appeal will be heard by the Edgewood Town Council. If Campbell's approval is upheld, it gives us the option of going to court to protect our water.
- The Edgewood's Town Council will hear SKNA's appeal on March 19, 2008, 6:30 pm, Edgewood Community Center.
- SKNA is hosting an organizational meeting March 8 for North 14 neighborhood associations and interested people to form a greater North 14 Coalition to have influence over North 14 development issues.

How can I have a say in what SKNA is doing?

Call one of the people above to get information and tell us what you think.

Read the website. We've tried to put key documents there so you can see them for yourself.

Join the group ----- there's lots to do.

E-mail your thoughts and comments to SKNA officers. See website for e-mail addresses

We already won a ruling that there are no excess water rights. Do we have to go through this again?

Yes. The good news is that we won the rulings from the Public Regulation Commission (PRC) and the Office of the State Engineer (OSE). The bad news is that the rulings are only useful if they are enforced. Our goal in appealing the Edgewood decision is to get them to honor those decisions. We took the first step by presenting a formal statement at Edgewood Planning and Zoning that the PRC had ruled there were no excess water rights. (See the Statement and rulings posted on the SKNA website.) Our appeal to Edgewood is the next step in reminding them that we believe our water company doesn't have any excess water rights to sell to Campbell Ranch. It puts everyone on notice that we will defend our water (Edgewood, Campbell, the State Engineer's Office and the Public Regulation Commission).

Do we have to hire a lawyer? We think so. An appeal is a legal process and we need a good lawyer to support us, explain the legal issue and develop a legal strategy in the appeal. It's easy to lose a case on a technicality, and a lawyer can help us avoid that. Hess Yntema is a lawyer who often works with neighborhood associations, and is representing us in the appeal.

In 2005 SKNA also hired a water lawyer, Susan Kerry, when our former water company, Independent Utility, was for sale. That case resulted in the PRC and OSE rulings that there were no excess water rights in the system. This cost us \$22,000, and was paid for through the generous donations of many people genuinely concerned about our water rights and land values. That ruling turns out to be very important for us now that Campbell is trying again to use water from the Sandia Knolls system. The work on the water has been done by volunteers, like the people listed above, which has saved us a lot of money in legal fees. If you want to help out, we'd appreciate it. Call one of us. And yes, we'll have to raise money to pay for this legal work, too. Anyone want to help with fund-raising?

Campbell Ranch and Edgewood, The longer story.

The map (see last page) is the best summary description of what Campbell Ranch is planning for North 14 that we've found. Campbell is taking the first steps to start building out that map by getting approval for for the first 92 homes in Village 2.

On December 17, 2007, Edgewood Planning and Zoning approved two preliminary plats for 1) a bulk plat for 1,288 acres and 2) a specific plat for the first 92 homes just north of San Antonito Elementary. The 1288 acre plat covers a shoe-box shaped area starting at North 14, going east all the way to Sandia Knolls, along the north edge of Sandia Knolls, ending a bit further east.

To prove they have enough water to start, Campbell Ranch presented a letter from New Mexico Water Services Company (the water company that serves Sandia Knolls) saying it would provide water for 750 homes. New Mexico Water Services Company owns 325 acre feet of water rights in the Sandia Basin, all currently used for the greater Sandia Knolls. These are the water rights that we defended in the PRC and OSE rulings. Janet Winchester-Silbaugh presented a statement for SKNA at the Edgewood Planning and Zoning meeting saying New Mexico Water Services couldn't sell that water because the Public Regulation Commission had ruled in 2006 that there were no excess water rights. However, Edgewood Planning and Zoning chose to rely on Campbell's statement as proof that they had a sufficient supply of water, as required. SKNA respectfully disagrees.

Didn't we already defend our water in court?

Yes, we did. Now we have to make sure that ruling is enforced. We won rounds 1 and 2 in a fight. Now we have to fight round 3. Campbell Ranch has tried to get water in two different ways: 1) By using water from the system that serves the greater Sandia Knolls and 2) by drilling a well based on the water rights it claims for the ranch. Both methods, described below, could impair our water supply.

How is Campbell trying to get water for its development?

Method #1: Water from the system that serves Sandia Knolls. When our water company was sold, SKNA hired lawyer Susan Kerry and hydrologist Joanne Hilton to show that our system does not have any excess water that could be sold. We won. The Public Regulation Commission (PRC, May 23, 2006) and the State Engineer (OSE, April 21, 2006) both agreed with our determination that there are no excess water rights. These are very important findings in the defense of our water. But not the end of the story.

Campbell Ranch went to Edgewood Planning and Zoning in December 2007 for approval of their preliminary plats. They "proved" that they had sufficient water by presenting a one-sentence letter from the NM Water Services

Company (our water company) saying they would provide water for 750 homes. In other words, Campbell Ranch and NM Water Services Company said they could and would use Sandia Knolls' water for Campbell Ranch. SKNA attended the meeting, and we presented a statement saying that the NM Water Services Company doesn't have any excess water to sell. The PRC and OSE already decided that in 2006, and we passed out copies of the rulings. (See the SKNA website.) However, Edgewood thought Campbell had met its obligation to show that they had enough water, and they approved Campbell's preliminary plats with conditions.

Approval of the preliminary plat is a defining step in development. It lays out the basic structure of the development, with the final plat containing the "details". Edgewood's approval did contain conditions which Campbell must meet. Our position is that the conditions were so major and that Campbell has met so few conditions in the 6 years since it signed the annexation agreement (including "Exhibit A.1.a") that approval should be denied or deferred until Campbell has met the conditions set out in its 2001 development agreement with Edgewood.

So here we are. Round 3. We have to make sure no one ignores the water decision we fought so hard to win in 2006. In December, the SKNA Board voted to hire Hess Yntema, a lawyer who has worked with many neighborhood associations, to appeal the decision of Edgewood Planning and Zoning. The appeal was filed February 19, 2008, and is also on the SKNA website. We appealed because:

- Campbell had not met the standard of proof that it had sufficient water.
- Adjacent landowners had not been sent proper notification (including residents of Sandia Knolls).
- Edgewood had not met its responsibilities for planning and regulatory oversight, because it has not made Campbell fulfill its Annexation and Development Agreement with Edgewood (including Exhibit A.1.a, specifying water and other items).
- Campbell had not established a Public Improvement District (PID) or other way of making sure infrastructure was available.

On March 19, John Helmich will present SKNA's appeal to the Edgewood Town Council. The Council will decide whether to uphold Planning and Zoning's approvals of Campbell, or not. If they approve them, then we have the option of filing a lawsuit to defend our water. If the Town Council does not approve them, we will watch to see what Campbell does next.

Method #2: Drilling a big, deep well. We are worried that if Campbell is able to drill wells to serve 4,023 homes (almost doubling the population along North 14), then some of our wells will go dry. In 2006, Campbell Ranch drilled a large well (much larger and deeper than Sandia Knolls wells) north of Frost Road and west of Sandia Knolls. SKNA (thanks to protestants like John Helmich and Barbara Herrington) formally protested that well, along with many other interested people along Frost Road, in Pa'ako and in San Pedro Creek Estates. While the well was completed, we never heard the test results on water quality or the impact on nearby wells.

In December 2006, some of the protestants, including John Helmich and Barbara Herrington, filed a motion with the OSE to dismiss Campbell's well application. Campbell claims that they have rights to 1,408 acre feet of water rights per year for its well, because it had used that much water in the past for cattle and irrigation. The protestants obtained statements from long-time residents saying that Campbell had never irrigated its small amounts of winter wheat, or used that much water for cattle. We believe Campbell's historical water use, and therefore its actual water rights, was much lower than it claimed. In other words, the protestants were challenging Campbell to prove it had the water rights it claimed. Campbell withdrew its application for the well, rather than go to court so its claimed water rights could be adjudicated.

Since Campbell has already drilled a very deep, expensive well, we expect them to re-apply in the future. SKNA volunteers are watching the legal ads closely to see what Campbell's next move will be. Let us know if you see or hear anything, such as an application for a well with the State Engineer.

Just what is Campbell Ranch trying to build?

Campbell Ranch has plans to develop its 8,046-acre parcel of land in Bernalillo County. This is just part of the 18,000 acre ranch, which goes all the way into Tarrant and Santa Fe counties. In 2001, Campbell annexed itself to Edgewood because they liked Edgewood development rules better than those of Bernalillo County. This means that the Town of Edgewood, 18 road miles from the nearest Campbell entrance, has the power to regulate Campbell

Ranch, NOT Bernalillo County. We don't have any say in the process, other than watching Edgewood closely and trying to make sure they do a good job regulating this huge development. The issues for North 14 are huge, ranging from water, to traffic, to schools, to waste water disposal, to commercial zoning, to sheriff and fire protection. But they all boil down to what kind of a community we want to create for the future of North 14.

Campbell proposes 4 villages, all built along North 14, just north of San Antonito Elementary. It sets aside nearly 3,000 acres of open space towards Edgewood. A summary map from the Campbell Master Plan is attached and provides the best picture we've found of the entire impact.

	Where	# Acres	# Houses	Population @2.5 people per house
Village 1	Along La Madera Road, between San Antonito & East Mountain High	1,220 acres	807 homes	2,017 people
Village 2	East of N 14, La Madera Road to first Paako entrance	1,289 acres	1547 homes golf course	3,867 people
Village 3	East of N14, Second Paako entrance	1519 acres	1234 homes resort hotel	3,085 people
Village 4	Across from Sand Pedro Creek estates	1,086 acres	435 homes	1,087 people
Total	Almost all homes off North 14, concentrated in the 2 miles north of San Antonito Elementary	5,114 acres	4023 homes	10,056 people

To get a feel for the impact of 10,000 people, it is about the same population as Socorro, Espanola, Raton or Artesia. The population of all of North 14 in the 2000 census was just about 10,000 people, so it doubles everything people need: water use, traffic, schools, commercial space, animal control, fire protection and police protection. Many of these issues can be fixed with tax money (police, fire, schools), but water can't be created. And water is SKNA's primary concern. Campbell Ranch plans 4,023 homes, compared to the next two largest subdivisions in the East Mountains: Pa'ako, which has about 800 lots (many not yet built), and Sandia Knolls with about 350 homes, and about 500 total lots.

Campbell has Edgewood's approval to put 6 houses per acre, about the same housing density as Rio Rancho. Homes closer to the village center have smaller lots, those further from the village centers will be on larger lots. Almost all of the homes will be concentrated along two miles of North 14, from La Madera Road to the second Pa'ako entrance. North 14 runs through the development, with Village 1 on the west side and Villages 2,3, and 4 on the east side. Because the homes will be so concentrated, there will also be nearly 3,000 acres of open space, primarily the South Mountain area towards Edgewood.

Edgewood and Campbell signed an "Annexation and Development Agreement" in 2001 which lays out the ground rules for their development. This is the famous "Exhibit A.1.a" that has been the subject of so much discussion. (You can find a copy on the SKNA website.) The agreement spelled out Campbell's obligations, including proving it had sufficient water, to set aside South Mountain as open space, to create a Public Improvement District to provide infrastructure and to help Edgewood with obtaining a sewage treatment plant. We believe that Edgewood should enforce this 2001 agreement before giving Campbell more approvals. Water is the biggest unresolved issue, but there are also questions about traffic, sewage, police and EMT protection and other infrastructure.

Campbell now has preliminary approval to proceed with development. Before it can move dirt, it will have to meet the conditions in its approval and to file a final plat with the Town of Edgewood. Approval of the preliminary plat also makes it much easier for Campbell to raise money or sell the development to another development company.