

June 26, 2003

Ms. Patsy Sanchez
Lincoln County Planning Director
P.O. Box 711
Carrizozo, NM 88301-0711

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Reference: Rainmakers Subdivision, Units 1-5

Dear Ms. Sanchez,

In a memorandum dated October 21, 2002, the Office of the State Engineer rendered a negative opinion for an earlier submission for Rainmakers Subdivision. On May 22, 2002, additional information describing the results of two aquifer pump tests was submitted to the Office of the State Engineer (OSE) for review and comment.

OSE analysis of the new information provided indicates that sufficient groundwater is available to meet the maximum annual water requirements of the proposed subdivision for a period of 40 years. A staff memorandum discussing the OSE analysis is attached. Two of the wells that the developer proposes to use were drilled under exploratory permits. The OSE has granted the developer temporary emergency authorization to pump both of these wells, however, applications filed with the OSE for permanent water rights for these wells have been protested. **Whether or not the developer will be granted a permanent water right to pump these wells is contingent upon the outcome of water right hearings that will be scheduled by the OSE Administrative Litigation Unit. It is incumbent upon the developer to demonstrate in the hearings that existing surface and groundwater rights being exercised in the study area will not be impaired.**

Thus, the OSE must defer offering a final opinion on the proposed subdivision until the outcome of the water right hearings is announced.

Sincerely,

Brian C. Wilson, P.E.
Bureau Chief, Water Use and Conservation

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