

February 14, 2006

Mr. Randy Williams
Subdivision Coordinator
Curry County
700 N. Main Street Suite #6
Clovis, New Mexico 88101

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Foster Ranch Subdivision

Dear Mr. Williams:

On January 30, 2006, the Office of the State Engineer (OSE) received a request to review the proposal for Foster Ranch, a Type-Three subdivision. The subdivider proposes to subdivide 40 acres into 17 lots, with sizes ranging between 5 & 13 acres. The proposed subdivision is located approximately two miles north of Clovis, along the west side of County Road L, between County Road's 14 & 15 within Section 23, Township 3 North, Range 35 East, NMPM. Water will be supplied by individual domestic wells.

The documents reviewed by this office consist of a Disclosure Statement, Plat Map, Protective Covenants, Water Budget and a Geohydrologic Report.

This proposal was reviewed pursuant to the Curry County Subdivision Regulations and the New Mexico Subdivision Act. It is the opinion of this office that the developer's water supply proposal does not satisfy the requirements of Attachment 2, Sections B.B, C.4.B.4 and C.4.F of the County Regulations. Therefore, this office hereby issues a **negative** opinion.

WATER DEMAND ANALYSIS & WATER CONSERVATION

The developer states that the maximum water requirement for each lot was quantified following the procedures set forth in OSE Technical Report 48 (Wilson, 1996), pursuant to Attachment 2, Section B.B of the County Regulations. The maximum water demand was quantified as 0.51 acre-feet per year per lot or 8 acre-feet per year for the entire subdivision.

Several discrepancies were found in the submittal regarding the water budget. The indoor use was estimated at 0.29 acre-feet per year per lot, assuming 3 persons per dwelling (at 85 gpcd); the outdoor use was estimated at 0.22 acre-feet per year per lot, assuming 640 square feet of grass (type unknown), 160 square feet of trees or horticulture and 0.1 acre-feet per year per lot for recreational use (page 1 of the Protective Covenants). This office concurs with the estimated amount of 0.29 acre-feet per year per lot for indoor use. However, the subdivider

does not provide sufficient information to substantiate the estimated 0.22 acre-feet per lot per parcel for outdoor use and recreational use.

Further, the total annual water requirement for the subdivision should be computed by multiplying the number of parcels (17) by the maximum water demand. Please, note that if the 17 lots are supplied the maximum water requirement of 0.51 acre-feet per year per lot the total annual water requirement for the subdivision would be 8.67 acre-feet per annum, and not 8 acre-feet per annum as stated under item 17 of the Disclosure Statement.

The subdivider should prepare a detailed water budget that includes the calculations used to determine the maximum water demand and total annual water requirements. These calculations should be reflected in the Disclosure Statement and Protective Covenants.

WATER AVAILABILITY ASSESSMENT

Water will be supplied by individual domestic wells. The owners of each lot will be responsible for drilling their own well.

Attachment 2, Section C.4.F of the County Regulations requires at least one well log from an on-site well or from an existing nearby well, a description of the water bearing formations including a statement of the maximum and minimum depths of water, and a statement of the estimated yield of wells in gallons per minute bases on well logs from existing or nearby wells. The subdivider failed to provide well logs but has included statements of depth to water (400 ft) and expected yields (20-30gpm) under item # 19 of the Disclosure Statement. It is the opinion of this office that the subdivider has not provided any evidence to substantiate this claim.

Item # 20 if the Disclosure Statement requires the subdivider to state the life expectancy of the water supply for the subdivision under full development; the subdivider's response is that the life expectancy of the water supply is for the next 25 year. It is the opinion of this office that the subdivider has not provided any evidence to substantiate this claim.

If you have any questions, please call me at 505-827-6790.

Sincerely,

Julie Valdez
Senior Water Resource Specialist

cc: John W. Longworth, P.E, Water Use & Conservation Bureau Chief
OSE Water Rights Division, Roswell Office