

MEMORANDUM
New Mexico Office of the State Engineer
Water Use & Conservation Bureau

Date: September 7, 2001
To: Brian C. Wilson, P.E., Chief, Water Use & Conservation Bureau
From: John T. Romero, Water Master I
Subject: Franklin Vista Subdivision Review, Dona Ana County

The proposed development is a request to develop a 6.53-acre parcel of land into 3-lots ranging in size from 1.0 to 3.32 acres for apartment homes. The subdivision is located within Section 35, Township 26 South, Range 3 East, New Mexico Principal Meridian. The developer has stated that the Anthony Water and Sanitation District (AWSD) will provide water to this development. This proposal was reviewed pursuant to the Dona Ana County Subdivision Regulations and provisions of the New Mexico Subdivision Act.

The developer has failed to submit a water budget quantifying the maximum annual water requirement for both indoor and outdoor purposes pursuant to the Dona Ana County Subdivision Regulations, Sub-section 14.3.2. The developer has submitted a letter from Nims, Calvani & Associates, P.A., estimating the water use at this development based on historical data from a similar development; however, the figures given in the letter contradict each other. For example, the letter states that 14,000 to 16,000 gallons of water per month will be used by each unit (576,000 gallons total). Then in the second to last sentence the letter states that the total water usage will be 531,000 gallons per year.

The developer has also failed to address water conservation measures in the disclosure statement pursuant to Sub-section 14.3.1 of the same regulations. The developer is encouraged to refer to Office of the State Engineer (OSE) Technical Report entitled, "Water Conservation and Quantification of Water Demands in Subdivisions" (Wilson, 1996) as an aid in calculating a water budget and addressing water conservation measures.

The developer has submitted a letter from AWSD stating that they have received a request for verification of service for the proposed development; however, the letter is not a letter of intent stating that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for a 40-year period pursuant to Sub-section 14.3.5 (A) of the Dona Ana Subdivision Regulations nor does it address fire protection pursuant to Sub-section 14.3.6 (C) of the same regulations. A review of AWSD's water right files was performed and it appears that sufficient water should be available to meet the requirements of this proposal while they continue to meet current

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obligations. It is suggested that the county require the developer to submit information addressing AWS D's current number of hook-ups (customers) and their 2000 water use amounts so we can properly evaluate water availability.

It is my opinion that the developer's water proposal is not in conformance with the Dona Ana County Subdivision Regulations and the New Mexico Subdivision Act. Therefore, a favorable opinion will be withheld for this development at this time.