

June 30, 2004

James White
Doña Ana County
430 South Main St.
Las Cruces, N.M. 88001

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Reference: DeLara Estates Unit 5

Dear Mr. White:

The Office of the State Engineer (OSE) has reviewed the proposal for Unit 5 of the DeLara Estates Subdivision pursuant to the Doña Ana County Subdivision Regulations (Regulations) and the State Subdivision Act. This office has concluded that, **with minor changes the developer's water supply plan will conform to the Regulations.**

Project

The DeLara Subdivision proposal is a request to develop a 7 lots vacant lots, 17.5 acres in size, into a 36-lot mixed-use subdivision. The project is located in Chaparral, New Mexico, at the intersection of Lisa Drive and Edna Drive, in Section 16 of T26S, R5E, N.M.P.M. The developer proposes that CBG Water Company provide this development with domestic water.

Water Demand Analysis and Conservation

The developer has failed to properly calculate the maximum annual water requirements of his subdivision. In Disclosure Statement 17, the developer states that the maximum annual water requirement of his development is 30.0 acre-feet. No documentation was provided to explain how this amount of water use was calculated. The developer may calculate the maximum annual water requirement by either a) simply multiplying the number of lots in his subdivision by 0.75 acre-feet per year, or b) he may use the methodology found OSE Technical Report 48. The requirement of the developer to calculate the maximum annual water requirements of his subdivision is found in Section 14.3.2 of the Regulations.

The developer will also need to specify water restrictions to assure to a reasonable degree that the maximum annual water requirement will not be exceeded. These restrictions should include one of the following options:

- ▶ Limiting the amount of water which may be used by each lot to the 0.75 acre feet allotted per the County Regulations.

- ▶ Limit the amount of irrigable area to the amount allowed as per a calculated budget. If the developer chooses this method, it is recommended that he refer to OSE Technical Report 48. In the interests of water conservation, the OSE recommends that irrigated area be limited to 800 square feet per lot.

Water Availability

The developer has submitted a letter from CBG Water Company. In the Letter, CBG Water Company states that they are ready, willing and able to supply this development with it's maximum annual water requirement, pursuant to Section 14.3.5 of the Regulations. A review of their water right file indicates that they are in possession of sufficient water rights to supply this development.

Conclusion

In order to be in compliance with the Regulations, the developer should calculate his annual water requirement as 21.6 acre feet per year. The addition of covenants and restrictions, as stated above would assure to a reasonable degree that the maximum annual water requirement will not be exceeded.

If you have any questions regarding this opinion, please feel free to call me at (505) 827-6790.

Sincerely,

Patrick J. Romero, P.E.
Water Resource Engineer

Cc: John Longworth, Bureau Chief, Water Use and Conservation Bureau
OSE Water Rights Division, Las Cruces Office