August 31, 2004

Mr. James White
Doña Ana County Planning Division
430 South Main Street
Room 120
Las Cruces, NM 88001

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Rayos del Sol

Dear Mr. White:

On August 9, 2004, the Office of the State Engineer (OSE) received a request to review the water supply proposal for "Rayos del Sol", a commercial/industrial park development. The proposal is a request to subdivide 43.71 acres of land into five (5) parcels ranging in size between 5.0 and 12.31 acres. This property is located in Section 24, Township 26 South, Range 3 East, NMPM, approximately two (2) miles north of Anthony and immediately west of Interstate 10. It was reviewed pursuant to the Doña Ana County Subdivision Regulations and the New Mexico Subdivision Act.

The developer has not provided sufficient information upon which this office can base an opinion.

WATER DEMAND ANALYSIS & CONSERVATION

The developer has indicated, under Item # 17 of the disclosure statement, that a total of 40.9 acre-feet of water per annum will be required for the development. He has also included in the proposal a water supply plan, which merely states that, due to the fact that the developer does not know yet what type of commercial/industrial business will occupy each parcel, record usage from a similar development (Santa Teresa Industrial Park) has been used. No information has been provided on the make-up of this existing development.

Although Section 14.3.2 (C) of the County regulations requires a detailed water demand analysis for all non-residential subdivision. We understand that it is difficult, at this early stage, to prepare a detailed one; however, this office is unable to verify the accuracy of the estimate due to the lack of any supporting data. Specific information on an existing similar development in the area (Santa Teresa Industrial Park, for instance) could provide the basis for the preparation of the water budget.

WATER AVAILABILITY

The developer proposes to obtain water from Anthony Water & Sanitation District (AWSD). Section 14.3.5 (A) of the County Regulations requires documentation from the utility stating that they are ready, willing, and able to provide the maximum annual water requirement. The proposal includes a letter by AWSD, which states that the utility agrees to provide water to the proposed subdivision. Although it does not specifically state that they agree to supply the maximum amount, this office's opinion is that the letter is adequate.

The OSE files indicate that AWSD is permitted to divert 2,225.90 acre-feet of water per year for domestic, commercial and related purposes, that the diversion has been around 1,000 acre-feet per year for the last eight years, and that this proposed development is located within AWSD's permitted place of use.

If you have any questions, please call me at 505-827-4273.

Sincerely,

Mara Smith
Water Resource Specialist, Sr.

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