September 16, 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: Duran Summary Tracts

Dear Mr. White:

On August 24, 2004, the Office of the State Engineer (OSE) received a copy of the Disclosure Statement for "Duran Summary Tracts", a Type-Three (A) Subdivision located in Section 10, Township 26 South, Range 3 East, NMPM, near the city of Berino.

It appears that this 4-acre property consists already of two (2) lots, and that Berino MDWCA provides water to each lot. In fact, Item # 6 of the Disclosure Statement states that water service currently exists for the residence on Lot 2, and for the commercial building on Lot 1. Further, a letter by Berino MDWCA, dated July 19, 2004, states that the property owner has two different accounts, and two water meters.

Mr. John Longworth, Chief of the OSE Water Use & Conservation Bureau, called you this morning, for the reason that it was unclear why the County requested comments from this office on an existing water supply for an existing lot split. An opinion on the water supply from the OSE is required for a proposed subdivision, as part of the County's decision process, not for an existing one. However, as per your request to Mr. Longworth to review the Disclosure Statement for "apparent errors and readily discernible issues with the water supply", we offer the following comments:

1. Item # 8 of the Disclosure Statement states that the maximum amount of water for each lot is 0.75 acre-feet per annum. This satisfies Section 14.3.2 (A) of the County Regulations as far as the residential lot is concerned. However, it does not satisfy the requirements of Section 14.3.2 (C) of the County Regulations, which requires a detailed water demand analysis for non residential uses (Lot 1 houses a commercial facility).

2. The letter by Berino MDWCA does not state that they are willing, ready and able to supply the maximum amount of water necessary for this mixed used subdivision, as required by Section 14.3.5 (A) of the County Regulations.

3. Item # 8 of the Disclosure Statement states that an irrigation well (whose water usage and limitations are governed by the OSE) is located on the commercial lot, and that low water

use landscaping techniques are encouraged for areas watered by domestic water service. The Disclosure Statement should specify the area that can be irrigated with water from the well, and the area that can be irrigated with water provided by Berino MDWCA (this office recommends to limit this to a maximum of 800 square feet). This would prevent the lot owners from irrigating the acreage included in the OSE irrigation permit with the water obtained from Berino MDWCA. Information on the OSE permit for the irrigation well (permit number) should also be provided.

Please, do not hesitate to call us if you have any questions.

Sincerely,

Mara Smith
Senior Water Resource Specialist

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