October 20, 2005

Ms. Katherine Harrison
Department of Planning and Development
Doña Ana County
430 S. Main Street
Las Cruces, NM 88001-1205

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Pleasant Valley Estates Sudivision

Dear Ms. Harrison

On September 23, 2005 the Office of the State Engineer (OSE) received a request to review the Preliminary Plat for Pleasant Valley Estates, a Type Three B Subdivision. The developer proposes to subdivide 18.324 acres into 16 residential lots ranging in size from 1.0210 acres to 1.1957 acres. The property is located on the southwest corner of Whispering Dove Avenue and Mil Acres Street in Anthony, New Mexico within Section 26, Township 26 South, Range 3 East. This proposal was reviewed pursuant to the Doña Ana County Subdivision Regulations and the New Mexico Subdivision Act.

It is the opinion of this office that the proposal satisfies the minimum requirements of Sections 14.3.1, 14.3.2 A and 14.3.5 A of the County Regulations. Accordingly, a **positive** opinion is issued at this time.

WATER AVAILABILITY

The proposal states that Anthony Water and Sanitation District (AWSD) will provide water service to the subdivision. The developer has provided a letter form AWSD that states that the utility is ready, willing, and able to provide water to the proposed subdivision, pursuant to Section 14.3.5 (A) of the County Regulations. Although the letter does not specifically state that AWSD agrees to supply the maximum amount of 12 acre-feet per year, this office considers the letter to be adequate. However, the OSE does recommend that the letter be amended to quantify the annual commitment. The OSE files indicate that AWSD is permitted to divert 1,160.55 acre-feet of water per year for domestic, commercial and related purposes, that the diversion has been roughly 1,000 acre-feet per year for the last five years, and that this proposed development is located within AWSD's permitted place of use.

WATER DEMAND AND CONSERVATION

Under Item # 17 of the Disclosure Statement, the developer has declared that a volume 12 acre-feet of water will be required. The method used to establish this quantity is not discussed. However, according to Section 14.3.2 (A) of the County Regulations, the total annual water requirement, for indoor and outdoor use, shall be 0.75 acre-feet per parcel. The quantity of 12 acre-feet equates to 0.75 acre-feet per parcel (16 x 0.75 = 12 acre-feet).

Section 14.3.1 of the County Regulations states that all new constructions in Doña Ana County shall conform to the requirements of the applicable plumbing codes. The developer has stated that low flow plumbing fixtures should be utilized. With regard to outdoor use, the developer has stated that water conservation methods include limiting landscaping to xeriscape only. Restrictive Covenants were not included in the submittal but were to be added at a latter time. A section addressing water conservation measures should be developed and included in the Restrictive Covenants to ensure that each lot will not exceed the budgeted amount. Should additional landscaping restrictions be developed, this office recommends that the subdivider limit irrigation to 800 square feet per parcel. This restriction may be stated as follows: "*The total irrigated area shall not exceed 800 square feet per lot. The 800 square feet may be planted in any combination of trees, shrubs, annuals and perennials, grasses, and garden. Grasses should be selected that are well adapted to local climatic conditions, and non-native grasses are discouraged. Low-water use landscaping techniques applying the principles of xeriscape shall be utilized. Drip irrigation is encouraged whenever possible*". Finally, this office suggests that other outdoor uses such as swimming pools, hot tubs, water fountains, and decorative ponds be restricted.

If you have any questions, please call me at 505-827-3845.

Sincerely,

Jerry Keller
Senior Water Resource Specialist

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