STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
Santa Fe

John R. D'Antonio, Jr., P.E.
State Engineer

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October 30, 2006

Luis Marmolejo
Doña Ana County
Planning and Development Department
430 South Main Street, Room 120
Las Cruces, NM 88001-1205

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Byers Subdivision

Dear Mr. Marmolejo:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Doña Ana County Subdivision Regulations and the New Mexico Subdivision Act.

Based on the information provided, this office cannot determine if the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and that the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality. Accordingly, a **negative** opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Jerry Keller at 505-827-3845.

Sincerely,

John W. Longworth, P.E.
Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Las Cruces Office

JK:jk

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

DATE: October 30, 2006
TO: John Longworth, P.E. Water Use & Conservation Bureau Chief
FROM: Jerry Keller, Senior Water Resource Specialist
SUBJECT: Byers Subdivision in Doña Ana County

SUMMARY

On October 3, 2006 the Office of the State Engineer (OSE) received additional/revised information for the Preliminary Plat for Byers Subdivision, a Type Three A Summary Subdivision. The developer proposes to subdivide 7-acres into five residential lots ranging in size from 1.02-acres to 1.67-acres. The applicant proposes that Leasburg Mutual Domestic Water Consumers Association will provide water service for the five residential parcels. However, a statement addressing domestic wells is included in the Disclosure Statement. The property is located in Radium Springs, New Mexico at 604 Fossil View Road, in Section 24, Township 21 South, Range 1 West, N.M.P.M.

This office issued a negative opinion by letter dated December 2, 2005 for the reason that the proposal did not satisfy the requirements of Sections 6.2.6.A, 14.3.1, 14.3.5(A) or 14.3.5 (B) of the Doña Ana County Subdivision Regulations, on June 6, 2006 for the reason that the proposal did not address the issues identified in the previous letter with regard to the water availability letter from the serving utility and issues regarding the minimum supporting documentation for domestic wells, and on and September 12, 2006 for the reason the proposal was not in compliance with the requirements of Sections 14.3.5(A.2) and 14.3.5(B) of the Regulations. See the previous letters for specific details.

The current water supply documents submitted to this office consist of a revised letter from Leasburg Mutual Domestic Water Consumers Association.

The revised proposal was reviewed pursuant to the Doña Ana County Subdivision Regulations (Regulations) and the New Mexico Subdivision Act. The revised water supply proposal is not in compliance with the requirements of Section 14.3.5(B) of the Regulations. Accordingly a **negative** opinion should be issued.

WATER AVAILABILITY ASSESSMENT

The water supply for the proposed subdivision appears to be a combination of water supplied by Leasburg Mutual Domestic Water Consumers Association for 300 gallons per day and individual wells for “other than domestic purposes.” Water use for other than domestic purposes is not defined.

As noted in the previous reviews, the information required by Section 14.3.5(B) of the regulations is not included in the proposal. At least one well log from an on-site well or from an existing nearby well completed in geologic conditions representative of the conditions within the proposed subdivision must be submitted. The subdivider states that the information presented in Item No. 10 of the Disclosure Statement is based on 12 well logs in Township 28 South Range 3 East, Sections 5 and 8, however no well logs are included in the proposal. According to the Plat Map, the proposed subdivision is within Township 21 South, Range 1 West, Section 24, which is several miles from these wells.

A revised letter from Leasburg Mutual Domestic Water Consumers Association was submitted by email on October 3, 2006. The revised letter is in compliance with the requirements of Section 14.3.5.A.