November 15, 2006

Mr. Luis Marmolejo
Doña Ana County
Planning and Development Department
845 N. Motel Blvd.
Las Cruces, NM 88007

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Valle Hermoso Phase II 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 that 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: November 15, 2006
TO: John Longworth, P.E. Water Use & Conservation Bureau Chief
FROM: Jerry Keller, Senior Water Resource Specialist
SUBJECT: Valle Hermoso, Phase II Subdivision in Doña Ana County

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SUMMARY

On October 27, 2006 the Office of the State Engineer (OSE) received additional/revised information for the Preliminary Plat for Valle Hermoso, Phase II, a Type Three Subdivision. The proposal is a request to subdivide a 28.12-acre parcel into 24 residential lots ranging in size from 1.0-acres to 1.16-acres each. The proposed water supply is the La Union Mutual Domestic Water Users Association. The property is located near the northeast corner of the intersection of State Road 182 and State Road 28, within Section 16, Township 27 South, Range 3 East, NMPM.

The water supply documents submitted to this office consist of a revised Disclosure Statement and a Plat Map.

This office issued a negative opinion by letter dated May 24, 2006, for the reason that the water supply proposal did not satisfy the requirements of Section 14.3.5(A.2) of the Doña Ana County Subdivision Regulations. Please see the previous letter for specific details.

The revised proposal was reviewed pursuant to the Doña Ana County Subdivision Regulations (Regulations) and the New Mexico Subdivision Act (Act). The water supply proposal is not in compliance with the requirements of Sections 14.3.2.A and 14.3.5(A.2) of the Regulations and Section 47-6-11-F (1) of the Act. Accordingly a **negative** opinion should be issued.

WATER DEMAND ANALYSIS AND WATER CONSERVATION

Under Item No. 17A of the previous Disclosure Statement the subdivider had quantified the maximum annual water requirement for both indoor and outdoor purposes as 0.75 acre-feet per parcel pursuant to Section 14.3.2.A of the Regulations. The current Disclosure Statement has been revised and the annual water requirement for each lot is no longer specified. The subdivider must specify the maximum annual water requirement for both indoor and outdoor purposes for each parcel in a residential subdivision. If the subdivider is not proposing a water requirement of 0.75 acre-feet per year per parcel pursuant to Section 14.3.2.A of the Regulations, a detailed water demand analysis justifying the use of a different figure must be submitted.

WATER AVAILABILITY ASSESSMENT

The current proposal does not address the issue identified in the previous letter with regard to a water availability letter from the serving utility. Documentation from La Union Mutual Domestic Water Users Association, as required by Section 14.3.5(A.2) of the Regulations, stating that they

are ready, willing, and able to provide the maximum annual water requirements for the subdivision is not provided.