

# MEMORANDUM

## New Mexico Office of the State Engineer

### *Water Use & Conservation Bureau*

**Date:** April 2, 2002

**To:** Brian C. Wilson, P.E., Chief, Water Use & Conservation Bureau

**From:** John T. Romero, Water Master I

**Subject:** My Land Subdivision Review, Eddy County

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This proposal is a request to subdivide a 41.86-acre parcel of land into a 31-parcel subdivision known as My Land Subdivision. The largest parcel in this subdivision will be 1.93 acres and the smallest parcel will be 1.0 acre. The subdivision is located approximately 4.5 miles northwest of Artesia, NM and further described as being located within Section 30, Township 16 South, Range 25 East, New Mexico Principal Meridian. This proposal was reviewed pursuant to the Eddy County Subdivision Regulations and provisions of the New Mexico Subdivision Act.

The developer has stated that Cotton Wood Water Cooperative (CWWC) will provide water to this subdivision along with individual 72-12-1 domestic wells. The developer has stated that two (2) parcels, Lots 1 & 2 in Block 1 will be serviced by CWWC and five (5) parcels, Lot 6, Block 1, Lot 6, Block 2, Lot 1, Block 3, and Lots 2 & 4, Block 4 already have individual 72-12-1 domestic wells permitted and drilled on them. It is assumed that the remaining parcels will be utilizing individual 72-12-1 domestic wells since the developer has stated that CWWC cannot add any new meters.

It is not known if this dual source water supply is appropriate or allowed by the Eddy County Subdivision Regulations; however, having two entirely different sources of water will only double the amount of information required from the developer to meet the requirements of the county subdivision regulations. For example, the required water availability assessment for individual 72-12-1 domestic wells will have to adhere to Section 5, Subsection 5.3 of the Eddy County Subdivision Regulations whereas the assessment for existing community water systems is subject to Section 5, Subsection 5.1 of the same regulations. More information is required for existing community water systems than for individual 72-12-1 domestic wells, nevertheless both requirements must be met. Also, a letter of intent from CWWC stating that they are ready, willing, and able to provide the maximum annual water requirement for the parcels served within the subdivision is required before an opinion from the Office of the State Engineer (OSE) is issued. Neither the letter of intent nor the required water availability assessments were

submitted for review.

The developer has also failed to submit documentation addressing water conservation measures and has failed to adequately quantify the annual water requirement for indoor and outdoor uses by the subdivision. The developer did state, in the disclosure statement, that each parcel is allowed 3.0 acre-feet per year. Eddy County subdivision regulations allow up to 0.75 acre-feet of water per parcel per year. If a different amount is proposed a detailed water demand analysis approved by the OSE justifying the different figure must be submitted. It is recommended that the county require the developer to refer to OSE Technical Report 48 entitled "Water Conservation and Quantification of Water Demands in Subdivisions (Wilson, 1996) to use as a reference to complete a water budget and to help formulate water conservation measures for this proposal. The developer should refer to Section 7 of OSE Technical Report 48 for guidance in calculating landscape irrigation water requirements for this proposal.

Finally, a review of CWWC's water right files indicates that they may have approximately 793.2 acre-feet of permitted water rights. It was not disclosed why only two parcels will be provided service from CWWC and the remaining 29 parcels will utilize individual 72-12-1 domestic wells except for a statement indicating that CWWC could not add any new meters for one year. It is recommended that the developer indicate why only two out of thirty-one parcels will get service from CWWC while the other 29 parcels will have to drill individual wells.

Additionally, the OSE also needs supplementary information from CWWC to help clarify this issue. A tabulation should be prepared and submitted showing the water rights currently owned by CWWC including any leased water rights and any expiration dates if they exist. CWWC should also provide information on the amount of annual water usage for existing customers during the 2000 and 2001 calendar years. Also, any additional commitments to supply water for new developments should be submitted. This information will help facilitate a comparison of the total water demand with the supply that is available to CWWC.

It is my opinion that the developer's water proposal does not conform to the Eddy County Subdivision Regulations and the New Mexico Subdivision Act. Therefore, a favorable opinion will be withheld at this time.