

MEMORANDUM

New Mexico Office of the State Engineer

Water Use & Conservation Bureau

Date: September 12, 2002

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

From: John T. Romero, P.E.

Subject: Northgate Plaza Subdivision, Preliminary Plat Review, Otero County

This proposal is a request to develop a Type III subdivision containing 10 parcels, encompassing approximately 12-acres of land. The proposed size of the smallest parcel within the subdivision is approximately 1.0 acre and the largest is 1.54 acres. The subdivision is located in Section 5, Township 16 South, Range 10 East, New Mexico Principal Meridian and further described as being located 4 miles North of Alamogordo, New Mexico. This proposal was reviewed pursuant to the Otero County Subdivision Regulations and provisions of the New Mexico Subdivision Act.

The subdivider proposes that water for the subdivision will be provided by individual 72-12-1 domestic wells. Appendix C, Section C.2C of the Otero County Subdivision Regulations states that the maximum annual water use from a 72-12-1 domestic well shall not exceed 3.0 acre-feet per year. The subdivider has stated that 3.0 acre-feet per year of water will be allowed for each parcel and the maximum amount of land that may be irrigated is 1-acre. This corresponds to the OSE Ground Water Rules and Regulations governing individual 72-12-1 domestic wells.

The subdivider has not addressed water conservation as required by Appendix C, Section C.2 of the Otero County Subdivision Regulations. The subdivider has stated, in the disclosure statement, that there are no covenants or other restrictions on water use. The subdivider is encouraging the use of water saving fixtures, xeriscape landscaping and other water conservation measures such as small lawn areas in the disclosure statement. The New Mexico Subdivision Act (Chapter 47, Article 6 NMSA 1978), Section 47-6-9 (A) 4, requires the subdivider to address conservation measures in their proposal. It is suggested that the subdivider refer to Office of the State Engineer (OSE) Technical Report 48 entitled "Water Conservation and Quantification of Water Demands in Subdivisions" (Wilson, 1996) to use as an aid in formulating substantive conservation measures. The subdivider has also stated that the only restrictions on water use and any measures to monitor water use in the subdivision are none other than which may be employed by the OSE. It is suggested that the county require the subdivider to further address these issues in their disclosure statement. For instance, the subdivider could limit the amount of irrigated turf, including trees and shrubs, to 1,600 square feet or less as a recommended restriction on water use. This may also be a considered a conservation measure.

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Additionally, the subdivider has attempted to address water availability and the life expectancy of the water source by referencing the Otero County Forty Year Water Plan performed by John Shomaker (1993) and by submitting average well depth information for the area. The subdivider also mentions that they do not guarantee that water will be found under any lot. The subdivider is required to address the life expectancy of the proposed water supply showing sustained production of water over a 40-year period. The Shomaker report only addresses water availability until the year 2030. The subdivider should submit additional information addressing water availability and life expectancy pursuant to Appendix C, Section C4.A of the Otero County Subdivision Regulations. The subdivider should submit actual well logs (records) of a few wells located within and around the subdivision site. The subdivider has failed to submit actual well logs of wells located within the area for review. Also, a statement of the estimated yield in gallons per minute, based upon well logs mentioned above is required by county regulation.

It is my opinion that the subdivider's water supply proposal does not conform to the Otero County Subdivision Regulations or the New Mexico Subdivision Act. A favorable opinion regarding the availability of water for the subdivision will be **withheld** at this time.