

May 3, 2004

Mr. Dale Palkki
Otero County Planning Coordinator
Otero County
1000 New York Avenue, Room 101
Alamogordo, NM 88310-6935

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Canyon Ranch Estates Subdivision

Dear Mr. Palkki:

On April 16, 2004, the Office of the State Engineer received additional/amended documents regarding the referenced subdivision. This office had issued a negative opinion on December 16, 2003, because the developer had not estimated correctly the water budget for the subdivision, and had failed to address water conservation measures and water availability.

The proposal is a request to subdivide 73.9 acres of land into 23 lots, with sizes ranging between 2.62 and 4 acres. The proposed subdivision is located approximately 4 miles west of Mayhill, immediately north and south of Highway 82, within the N ½ NE ¼ of Section 20, Township 16 South, Range 14 East, NMPM. The proposed water supply is individual and shared 72-12-1 domestic wells. This submittal was reviewed pursuant to the Otero County Subdivision Regulations and the New Mexico Subdivision Act.

It is the opinion of this office that the developer's water supply proposal will satisfy the requirements of Appendix C, Section C.2 of the County regulations contingent upon the addition of water conservation measures in the Disclosure Statement. Accordingly, a positive opinion is withheld at this time.

WATER DEMAND ANALYSIS & CONSERVATION

The developer had stated, in the original proposal (under Item # 16 of the Disclosure Statement), that the estimated water demand for the whole subdivision (23 lots) was 2.4 acre-feet per year. The developer has now quantified the water budget pursuant to Appendix C, Section C.1.B of the County Subdivision Regulations for both indoor and outdoor purposes following the procedure set forth in OSE Technical Report 48 (Wilson, 1996). The total water demand has thus been estimated as 7.6 acre-feet per year, assuming 3.5 persons per dwelling, 1,500 of Bermuda grass, 200 square feet of trees, and 5% system losses.

The developer has again failed to address water conservation measures. In fact, Item # 16 of the Disclosure Statement still states that there are no measures to restrict water use in the subdivision

other than the 3 acre-feet per year per well (mandated by the OSE), and the limit to four (4) hook-ups per well (mandated by the County). The consultant writes, in the last paragraph of his letter to the County, dated April 9, 2004, "*Section C.2.D, Appendix C is for a public water system and does not apply*". Appendix C, Section C.2 of the County regulations is entitled "Public Water System Requirements"; however, the last paragraph of the section states, "*All subdivisions are required to be planned, developed, and constructed so as to provide for the conservation of water and minimization of water uses. Developers are encouraged to provide in their disclosure statement detailed water conservation requirements that will provide for the long term conservation of water in Otero County*". Further, § 47-6-9 (A) 4 of the New Mexico Subdivision Act (Chapter 47, Article 6, NMSA 1978) requires the subdivider to address conservation measures.

Indoor conservation measures should include the requirement of installing low water flow fixtures. Outdoor use can be addressed by restricting swimming pools, decorative ponds, limiting the irrigated square footage (this office recommends ≤ 800 square feet), encouraging the selection of grasses that are well adapted to local climatic conditions, and low-water use landscaping techniques applying the principles of xeriscaping.

The proposal states that water will be provided by individual and shared 72-12-1 domestic wells. This office strongly recommends that the County require the developer to include, in the disclosure statement, the need to prepare well sharing agreements for the lot owners who will share a well. A good well sharing agreement should clearly state what the financial, legal and other responsibilities are for each household sharing a well.

WATER AVAILABILITY ASSESSMENT

The developer has amended Item # 18 of the Disclosure Statement with regard to average depth to groundwater, based on logs of nearby wells. It is the opinion of this office that the developer has now addressed water availability as required by Appendix C, Section C.4.A of the County Subdivision Regulations.

Finally, the letter dated December 16, 2003, by this office, contained an error. It referred to Appendix C, Section C.4.C of the County Regulations with regard to water availability assessment for private or shared wells, instead of Appendix C, Section C.4.A. This office apologizes for the confusion that this typing error might have created.

If you have any questions, please call me at 505 827-4273.

Sincerely,

Mara Smith
Water Resource Specialist Senior

cc: John T. Romero, P.E, Water Resource Allocation Program Director
OSE, Water Rights Division, Roswell Office