

December 22, 2005

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

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Re: Desert Edge Subdivision

Dear Mr. Palkki:

On October 24, 2005, the Office of the State Engineer (OSE) received a request to review the Preliminary Plat for Desert Edge, a Type Two subdivision. The City of Alamogordo "Subdivision-Full-Application" indicates the gross acres are 85.82 and 35 proposed lots. The Otero County Subdivision Regulations Application indicates 76.25 as the total acreage and 61 proposed lots. The accompanying plat shows 61 lots. It is assumed the developer proposes to subdivide 76.25-acres into 61 lots with sizes ranging between 1.79 acres and 0.86 acres. This property is located approximately 5 miles north of the City of Alamogordo on the west side of Chihuahua Road north of Alamogordo Relief Route, within the Southwest ¼ of Section 1, Township 16 South, Range 9 East, NMPM. The proposed water supply is individual and shared 72-12-1 wells. This proposal was reviewed pursuant to the Otero County Subdivision Regulations and the New Mexico Subdivision Act.

It is the opinion of this office that the proposal does not meet the requirements of Appendix C, Sections C.2.D and C.4.A of the Otero County Regulations. Accordingly, a negative opinion is issued at this time.

WATER DEMAND ANALYSIS AND CONSERVATION

The method used by the developer to quantify the maximum annual water requirement for the subdivision is not in accordance with Section C.1.A, Appendix C, of the Otero County Subdivision Regulations, which states that subdivisions relying on individual or shared wells shall be limited to a maximum of 3.0 acre-feet per year per domestic well or Section C.1.B. which permits the developer to prepare a detailed water demand analysis using a step-by-step computational procedure. The developer has calculated the maximum water demand based on an assumed per capita demand and average household occupancy. This is

not an approved method in the Otero County Regulations. The maximum annual water demand for 61 lots is not calculated. Shared wells are not proposed.

Under Item No. 16 of the Disclosure Statement the developer does not propose any limitations or restrictions on water use. The developer is required to summarize the provisions of any covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures. While Item No. 16 of the Disclosure Statement recommends xeriscaping, water saving fixtures, and natural desert landscaping these conservation measures are not mandatory. The developer is not in compliance with Appendix C, Section C.2.D, of the County regulations, which states "*All subdivisions are required to be planned, developed, and constructed so as to provide for the conservation of water and minimization of water use.*"

Indoor conservation measures should be included in the Disclosure Statement and the Restrictive Covenants. This Office recommends the requirement of installing water saving fixtures. With regard to outdoor use, this office recommends that the subdivider limit irrigation to 800 square feet per parcel. This restriction may be stated as follows: "*The total irrigated area shall not exceed 800 square feet per lot. The 800 square feet may be planted in any combination of trees, shrubs, annuals and perennials, grasses, and garden. Grasses should be selected that are well adapted to local climatic conditions, and non-native grasses are discouraged. Low-water use landscaping techniques applying the principles of xeriscape shall be utilized. Drip irrigation is encouraged whenever possible*". Finally, this office suggests that other outdoor uses such as swimming pools, hot tubs, water fountains, and decorative ponds be restricted.

WATER AVAILABILTY ASSESSMENT

The subdivider proposes that water for the subdivision will be provided by individual 72-12-1 domestic wells that will be drilled by the purchaser/lessee. Under Item No. 18 of the Disclosure Statement, based upon a well on adjacent property, the depth to water is given as 170 feet, well depth is 250 feet, and estimated yield is 10 to 20 gpm. The well logs submitted do not support these assertions. The summary of the well logs indicates that all the wells referenced are located within Section 1, T16S, R9E, however none of the well logs are for a well within Section 1 and none of the well logs match the data presented in Item No. 18.

Under Item No. 19 of the Disclosure Statement, the life expectancy of the water supply, the developer states the "life expectancy of water should exceed forty (40) years." No supporting information is included to ascertain how the developer made this determination.

In conclusion, it is the opinion of this office that the developer has failed to adequately address water availability and the life expectancy of the proposed water supply sustained production over a 40-year period, pursuant to Section C.4.A, Appendix C of the County Regulations. Based on the information provided, the OSE **cannot** determine:

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- (a) whether 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*
- (b) whether the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality;*

If you have any questions, please call me at 505-827-3845.

Sincerely,

Jerry Keller
Senior Water Resource Specialist

cc: John W. Longworth, P.E., Water Use and Conservation Bureau Chief
OSE Water Right Division, Las Cruces Office