

November 6, 2003

Paula Chacon  
Quay County Manager  
300 South Third Street  
P.O. Box 1246  
Tucumcari, NM 88401

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

**Re: Ute Lake Ranch Development in Quay County**

Dear Ms. Chacon,

On August 14, 2003, the Office of the State Engineer received a request to review the Preliminary Re-Plat for the Ute Lake Ranch Development, a Type Two Subdivision. A positive opinion for this development was withheld by this office in a review dated September 28, 2003. The developer has subsequently amended the original proposal as described in a cover letter dated October 2, 2003. This submittal was reviewed pursuant to the 1998 Quay County Subdivision Regulations and the New Mexico Subdivision Act.

The proposal is a request to subdivide a tract of land on the South side of Ute Lake located within Township 12 North, Range 31 and 32 East into 135 parcels that will range from one to 23 acres in size. Each lot purchaser will be responsible for drilling their own 72-12-1 domestic well and installing their own septic tank and drain field for liquid waste disposal.

**WATER DEMAND ANALYSIS**

The developer has recomputed the maximum annual water requirements for the subdivision using the procedure described in Section 7.2 of the Office of the State Engineer's Technical Report 48 entitled *Water Conservation and Quantification of Water Demands in Subdivisions (Wilson, 1996)*. The water demand for both indoor and outdoor uses is now estimated at 0.41 acre-feet per lot based on the assumption that the irrigated landscape on each lot will be limited to 800 square feet and that one out of seven homes may also install a swimming pool. At 0.41 acre-feet per lot the total water demand for 135 lots will be 55.35 acre-feet per year.

## **WATER AVAILABILITY ASSESSMENT**

The proposed source of water is individual domestic wells that will be drilled into an aquifer that will be replenished by recharge from the Ute Lake. It will be necessary therefore, for the developer to obtain water rights for the proposed subdivision to offset the depletion on existing surface water rights. In a meeting held in the Office of the State Engineer (OSE) on October 29, 2003, this issue was discussed with members of the Interstate Stream Commission Staff, the Quay County Manager, and an attorney representing the developer. Based on that meeting, it appears that the developer's best option is negotiate an agreement with the Ute Lake Commission and Quay County to lease 60 acre-feet of water per year for a period of at least 40 years.

## **LIQUID WASTE DISPOSAL**

Protecting Ute Lake from contamination by sewage from the proposed subdivision was discussed at the October 29, 2003 meeting in the OSE. Approval of the proposed liquid waste disposal plan must be obtained from the New Mexico Environment Department.

## **FIRE PROTECTION**

The nearest fire station is 7.5 miles from the southern edge of the proposed subdivision and the developer has reserved a lot at the edge of the subdivision for a future fire station. The developer has not provided a letter from the local fire authority with a firm commitment to provide fire protection service to the proposed subdivision and the anticipated travel time as required by Section 8.8.1(d) of the County Subdivision Regulations. This issue was not addressed in the developer's second submittal dated October 2, 2003.

## **DISCLOSURE STATEMENT AND RESTRICTIVE COVENANTS**

Item 7 of the developer's Disclosure Statement should state that the maximum amount of water that may be diverted from each domestic well in one calendar year is 0.41 acre-feet and the total irrigated area on each lot is limited to 800 square feet.

## **CONCLUSION**

The developer's amended water demand analysis is satisfactory, however OSE concerns about the fire protection plan have not been addressed and an amended disclosure statement that reflects the revised water demand analysis and restrictions on the total water allotment per lot and irrigated area has not been provided. The availability of water for subdivision use is contingent upon the Ute Lake Commission and Quay County approving an allocation of about 60 acre-feet per year to offset the groundwater pumping effects. Because no formal agreement between the subject parties has been adopted at the time of this writing, the OSE must defer offering a final opinion on the water supply

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proposal. The OSE is prepared to re-evaluate the development proposal when these items have been addressed.

Sincerely,

Brian C. Wilson, P.E.  
Bureau Chief,  
Water Use and Conservation