

November 21, 2003

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

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

**Re: Canadian River Bluffs Subdivision**

Dear Ms. Chacon,

On November 4, 2003, the Office of the State Engineer received a request to review the Preliminary Plat for Canadian River Bluffs, a Type Two Subdivision. The proposal is a request to subdivide 80 acres of land into 41 lots. The proposed subdivision is located on the south side of Ute Lake, approximately three miles south of the Village of Logan, within the SW ¼ of Section 20, Township 13 North, Range 33 East, NMPM. The subdivider proposes to obtain water from the Village of Logan. This submittal was reviewed pursuant to the 1998 Quay County Subdivision Regulations and the New Mexico Subdivision Act. It is the opinion of this office that the developer's water supply proposal **does not satisfy** the requirements of the County regulations.

**WATER DEMAND ANALYSIS**

The developer has computed 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 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. By taking into account 5% system losses and water for fire protection, the developer has estimated that the total maximum water demand for the subdivision will be 17.7 acre-feet per year.

**WATER AVAILABILITY ASSESSMENT**

The developer proposes to obtain water from the Village of Logan. A "Water Supply Agreement" between the water utility and the developer is included in the package. It basically states that water service can be extended to 100 additional residential meters, and that the developer must install a water storage tank on the south side of Ute Lake with a capacity of not less than 55,000 gallons. This agreement **does not satisfy** the requirements of Section 8.7.4(d) of the Quay County Subdivision Regulations, which states, "*for community water systems in which existing utility companies are proposed as the source of water supply the subdivider shall submit a water supply plan which documents the quantity of water presently produced annually, quantity of water supply commitments to date, and of sufficient water to meet both existing commitments and the requirements of the proposed subdivision.*"

This information is of particular importance in this case, because it is not contained in the OSE records. As a matter of fact, the records on file show contradictions. On one hand, there is record that the Village used approximately 377 acre-feet of water during calendar year 2000<sup>1</sup>. On the other hand, the Village filed seven Declarations of Owner of Underground Water Rights for a total of 784.8 acre-feet per year, on August 19, 2003 (these declarations have not yet formally been accepted for filing by the OSE). What this means is that the Village drilled seven wells when a permit approved by the OSE was not required, that is before the State Engineer assumed jurisdiction over the appropriation and use of the groundwater in this area (which occurred in November 1998), and subsequently declared that 784.8 acre-feet of water per year were historically applied to beneficial use for municipal purposes. The declarations do not include well logs, records regarding number of connections, increase/decrease of water use, and historical population trends. Also, the Village has an allocation of 400 acre-feet per year under the Ute Reservoir Water Contract.

### **DISCLOSURE STATEMENT AND RESTRICTIVE COVENANTS**

In Item # 4.14 of the Restrictive Covenants, reference is made to restrictions requiring the use of water saving fixtures, and the prohibition to irrigate an area larger than 800 square feet. Low water use landscaping techniques applying the principles of xeriscape is only vaguely mentioned, and therefore it is recommended that the following wording be used: *“The 800 square feet may be planted in any combination of trees, shrubs, annuals and perennials, and grasses. Non-native grasses such as Kentucky bluegrass and Tall Fescue are discouraged. Low-water-use landscaping techniques applying the principles of xeriscape should be utilized. Drip irrigation is encouraged wherever possible. Irrigation with rainwater collected by means confined to the property or with recycled household gray water is encouraged”*.

Item # 16 of the Disclosure Statement merely states who the water supplier is, and that a 48,000 gallon tank will be installed at the southern edge of the subdivision. Please, note that the water provider requires a 55,000 gallon tank. Also, the same water conservation measures and outdoor irrigation restrictions contained in the Restrictive Covenants should be included under this item.

### **FIRE PROTECTION**

The nearest fire station is approximately three miles from the proposed subdivision. The developer has not provided a letter by the Village of Logan disclosing water pressure, fire flows information, as required by Section 8.8.1 (c) of the County Regulations. Also, a letter from the local fire authority with a firm commitment to provide fire protection service as required by Section 8.8.1(d) has not been provided.

### **CONCLUSION**

The water supply proposal for the Canadian River Bluffs Subdivision does not satisfy the requirements of the Quay County Subdivision Regulations. The OSE is prepared to re-evaluate the development proposal when the following items have been correctly addressed:

- The letter/water agreement by the water provider should specify quantity of water produced annually, quantity of water supply commitments to date, and document the availability of sufficient water to meet both existing commitments and the requirements of the proposed subdivision. It should also disclose fire flows and water pressure information.

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<sup>1</sup> New Mexico Office of the State Engineer Technical Report 51 entitled “Water Use by Categories in NM Counties and River Basins and Irrigated Acreage in 2000”.

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- Item # 16 of the Disclosure Statement should include the same water conservation measures and outdoor irrigation restrictions contained in the Restrictive Covenants.
- The issue of the 48,000 gallon storage tank (as per proposal) versus the 55,000 gallon tank (as per water agreement) should be clarified.

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

Sincerely,

Mara Smith  
Water Use and Conservation

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