April 14, 2003

A.L. Kroeger
San Juan County
209 South Oliver Drive
Aztec, NM 87504-5102

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Reference: La Plata Ranch Subdivision

Dear Mr. Kroeger:

The Office of the State Engineer has reviewed the subdivision proposal for the referenced subdivision pursuant to the San Juan County Subdivision Regulations and provisions of the New Mexico Subdivision Act. It is the opinion of this office that the subdivider's water supply proposal does not comply with the county's subdivision regulations.

The La Plata Ranch proposal is a request to develop a 48.2-acre lot into a 39-lot residential subdivision. It is located approximately 14 miles north of Farmington, on the west side of N.M.170, in Section 15 of T31N, R13W, N.M.P.M.. The developer proposes that Upper La Plata Domestic Water Users Association (ULPD) provide water to this development.

The subdivider has supplied a water supply plan adequate for domestic use and fire protection as required in Section 8.8.3 of the San Juan County Regulations. While the annual water requirements were not properly calculated, the water restrictions listed would ensure that his subdivision would not exceed the amount of water that the developer proposes that ULPD will provide (0.3 acre-feet per year, per lot). Water restrictions listed in the water supply plan should be specified in the disclosure statement as well as the covenants.

The developer provided a letter from ULPD in which the utility commits to supply 24 lots, subject to the transfer of water rights to them. This letter does not meet the requirements of Section 8.8.3, as ULPD has not committed to provide all 39 lots, and because this commitment is subject to water right transfer. The developer has not provided any documentation that this transfer has occurred.

It is my conclusion that the subdivider has not demonstrated that sufficient water is available to meet the requirements his subdivision in accordance with the San Juan County Subdivision Regulations. In accordance, a positive opinion to this effect is hereby **withheld**. If you have any questions regarding this opinion, please feel free to call me at (505) 827-6790.

Sincerely,

Patrick J. Romero
Water Resource Engineer
Cc: Brian C. Wilson, P.E., Water Use and Conservation Bureau