

November 30, 2004

Mr. Brad Stebleton  
Senior Planner  
Sandoval County  
P.O. Box 40  
Bernalillo, NM 87004

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

**Re: Anasazi Meadows Subdivision**

Dear Mr. Stebleton:

On November 3, 2004, the Office of the State Engineer (OSE) received new documents that contain up-to-date information on the water supply for the "Anasazi Meadows Subdivision". The proposal is a request to subdivide 199.85 acres of land into 134 lots, with sizes ranging between 0.75 and 6.2 acres. The proposed subdivision is located approximately 2.3 miles east of Bernalillo, off State Road 165 via Trails Road East and Anasazi Trail Road, within projected Sections 27, 28, 33 & 34, Township 13 North, Range 4 East, NMPM. Water will be provided by a new community system designed and built for this subdivision and for the contiguous Anasazi Trails subdivision. This submittal was reviewed pursuant to the Sandoval County Land Subdivision Regulations and the New Mexico Subdivision Act.

This office withheld a positive opinion, with letter dated July 2, 2004, for the reason that the developer was not holder of the necessary permit, approved by the OSE, to divert the amount of water budgeted for the Anasazi Meadows and for the Anasazi Trails at full built-out (90.29 acre-feet of water per annum for a total of 236 lots). At that time, the developer was permitted to divert only up to 52.86 acre-feet per annum from wells RG-77562 and RG-77562-S for subdivision and related purposes on 366 acres of land, which encompass the Anasazi Trails and the Anasazi Meadows subdivisions.

The developer is currently asking to re-evaluate the proposal in light of the fact that an additional permit (RG-80930 into RG-77562) has been recently approved by the Water Rights Division of the OSE. This permit allows the transfer of an additional 35.83 acre-feet of water per annum to the subdivision wells. This means that, at the current time, the developer is allowed to divert a total of 88.69 acre-feet per annum from wells RG-77562 and RG-77562-S. There is another application, still pending, with the OSE Water Rights Division (for the transfer of an additional 8.02 acre-feet per annum).

Therefore, the developer is not currently permitted to provide the maximum annual water requirement for the proposed subdivision at full built out (being short of 1.6 acre-feet per annum),

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as required by Section 8.4.6 of the County regulations. Because each dwelling is allotted 0.3826 acre-feet of water per annum, the developer can provide water to 232 lots out of the planned 236 (please, refer to the two previous reviews by this office for details on the comments regarding water budget and restrictive covenants).

This office's opinion is that the developer should be allowed to start applying water to beneficial use by proceeding with the development of the subdivision. Accordingly, a positive opinion is issued on the water supply proposal for the Anasazi Trails and Anasazi Meadows subdivisions.

However, it is recommended that, before final plat approval, the developer complete the pending application to transfer the additional water rights to the subdivision wells, or transfer an additional minimum of 1.6 acre-feet per annum (in case the pending application is denied by the OSE Water Rights Division), or modify the proposal and decrease the number of lots from 236 to 232.

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

Sincerely,

Mara Smith  
Senior Water Resource Specialist

cc: John W. Longworth, OSE Water Use & Conservation Bureau Chief  
OSE Water Right Division, Albuquerque Office