

September 12, 2007

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

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

**Re: San Pedro Overlook Phase III**

Dear Mr. Stebleton:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Sandoval County Subdivision Regulations and the New Mexico Subdivision Act.

Based on the information provided, this office cannot determine that 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 that the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality. Accordingly, a **negative** opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Jerry Keller at 505-827-3845.

Sincerely,

John W. Longworth, P.E.  
Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Albuquerque Office

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**MEMORANDUM**  
**New Mexico Office of the State Engineer**  
**Water Use and Conservation Bureau**

**DATE:** September 12, 2007

**TO:** John Longworth, P.E. Water Use & Conservation Bureau Chief

**FROM:** Jerry Keller, Senior Water Resource Specialist

**SUBJECT:** San Pedro Overlook Phase III Subdivision, Sandoval County

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**SUMMARY**

On August 1, and August 13, 2007 the Office of the State Engineer (OSE) received additional/revised information for the Preliminary Plat for San Pedro Overlook Phase III, a Type-Two subdivision. The proposal is a request to subdivide a 331-acre parcel into 68 residential lots ranging in size from 2.71 acres to 5.81 acres. The proposed water supply is shared 72-12-1 domestic wells. The property is located approximately 6 miles northeast of San Antonito, within the San Pedro Grant within projected Sections 26, 27, 34, and 35, Township 12 North, Range 6 East, NMPM.

This office issued a negative opinion for this subdivision on May 10, 2007 for the reason that the proposal was not in compliance with the requirements of Appendix B (Disclosure Statement) and Section 3-H and 4-A of Appendix A of the Sandoval County Subdivision Regulations and Sections 47-6-17 and 47-6-11 F (1) of the New Mexico Subdivision Act. Please see the previous letter for specific details.

The revised water supply documents submitted to this office consist of a Disclosure Statement, Declaration of Covenants, Conditions, and Restrictions, and supplemental information for Water Availability Assessment.

The proposal was reviewed pursuant to the Sandoval County Subdivision Regulations (Regulations), and the New Mexico Subdivision Act (Act). Based on the information provided, the water supply proposal is not in compliance with the requirements of the Section 8.2.2 and Section 3-H and 4-A of Appendix A of the Regulation and Section 47-6-11 F (1) of the Act. Accordingly, a **negative** opinion should be issued.

**WATER DEMAND ANALYSIS AND WATER CONSERVATION**

Item No. 17 of the Disclosure Statement specifies that the maximum annual water requirement is 223 gallons per day per household or 0.25 acre-feet per household per annum. Section 4.A of Appendix A of the Regulations requires the subdivider to prove that water exist within the boundaries of the proposed subdivision in sufficient quantity to deliver 85 gallons per capita per day (gpcd) per dwelling unit plus water needed for landscaping up to 0.5 acre feet per household per year for all uses combined. The subdivider must provide a detailed water demand analysis to demonstrate that 0.25 acre-feet per annum will provide the required 85 gpcd and water for outdoor use.

Under Item No. 17.e of the Disclosure Statement the subdivider states “*All owners and occupants are highly encouraged to implement water conservation measures in accordance with Section 6 of Water Conservation and Quantification of Water Demands in Subdivisions...*” The proposal does not contain the specific water conservation measures or similar measures as required by Section 8.2.2. Strict enforcement of water use restrictions will be required to ensure that the proposed water budget is not exceeded.

#### **WATER AVAILABILITY ASSESSMENT**

The proposed water supply for the development is shared 72-12-1 domestic wells to be constructed by the developer. A shared well agreement is included in the proposal.

As part of the initial proposal the subdivider submitted a report entitled Geohydrology And Water Availability Assessment At The San Pedro Overlook Phase III, Sandoval County, New Mexico (Assessment) as required by Sections 8.6.4, 8.6.7 and Appendix A of the Regulations. In response to previous OSE comments, supplemental information was submitted on August 13, 2007.

OSE Hydrology Bureau, as well as the Water Use and Conservation Bureau, reviewed the supplemental information. The Hydrology Bureau’s comments are summarized in the attached memorandum.

The Assessment and supplemental information do not adequately address the potential offsite effects on existing wells in the vicinity of the subdivision. Section 4.3.c of Appendix A of the Regulations requires that an evaluation shall be made of the drawdown effects of the proposed pumping rate (under full occupancy of the development) over a 100-year duration, including projected water level drawdowns in existing wells that may be hydrologically connected to the proposed water supply wells over the 100-year duration.

It is recommended that the subdivider prepare a table of the existing domestic wells within ½ mile radius and all existing municipal, industrial, and agricultural within a 1-mile radius of the proposed development (see Section 4.A.1.e of Appendix A of the Regulations), and indicate the initial water levels and predicted remaining water columns at the end of the simulated 100-year pumping period. The analysis should be based on the pumping scenario simulations presented in the July 5, 2007 letter and should include background pumping, pumping of the proposed subdivision wells, and the combined pumping effects. Specifically identify wells that may go dry, lose 50 percent of their water column, or experience water-level declines exceeding 1-foot per year.