

April 12, 2006

Ms. Victoria Reyes  
Development Review Specialist II  
Santa Fe County  
P.O. Box 276  
Santa Fe, NM 87504-5102

CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED

**Re: Mattson Subdivision**

Dear Ms. Reyes:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Santa Fe County Land Development Code, the New Mexico Subdivision Act and the OSE Rules and Regulations Governing the Appropriation and Use of Ground Water In New Mexico.

Based on the information provided, this office has determined 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 **positive** 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, Santa Fe Office

JK:jk

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

**DATE:** April 11, 2006

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

**cc:** Mara Smith, Water Resource Master

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

**SUBJECT:** Mattson Subdivision, Santa Fe County

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**SUMMARY**

On March 24, 2006, the Office of the State Engineer (OSE) received a request to review the proposal for Mattson Subdivision, a Type Three subdivision. The proposal is a request to subdivide 40.01 acres into 16 residential lots, with sizes ranging between 1.0 and 1.03 acres with the remainder of the land held in common ownership as open space. The proposed water supply for the subdivision is three shared 72-12-1 domestic wells to be installed by the developer. The property is located northwest of Santa Fe, north of Highway 599, on Centaurus Ranch Road, within Sections 17 and 20, Township 17 North, Range 9 East, NMPM.

The water supply documents submitted to this office consist of a proposed water budget, Restrictive Covenants (Covenants), Disclosure Statement, and Geohydrologic Report (Report).

This proposal was reviewed pursuant to the Santa Fe County Land Development Code (Code), the New Mexico Subdivision Act (Act), and the OSE Rules and Regulations Governing the Appropriation and Use of Ground Water In New Mexico. Based on the information provided, the water supply proposal substantially complies with the requirements of the Code and the Act. Accordingly, a **positive** opinion should be issued.

**WATER DEMAND ANALYSIS AND WATER CONSERVATION**

The subdivider has quantified the subdivision annual water requirements as 0.25 acre-feet per year per lot, assuming 2.6 persons per dwelling at 65 gallons per capita per day, 500 square feet of Buffalo grass or similar drought tolerant grass, 500 square feet of horticultural area and 800 square feet of trees. The water budget assumes that all homes will use evaporative coolers and no water softeners.

Inconsistencies within sections of the Covenants are listed below:

- Under Article 3, Section 3.10.m and Article 8, and Section 8.8.2 evaporative coolers are prohibited.
- Under Article 4, Section 4.2 non-native turf is prohibited. Under Article 8, Section 8.8.5, 800 square feet of non-native grasses are permitted but may only be watered with collected rainwater or household grey water.
- The installation of water softeners is not prohibited.

The contradictions within the Covenants and with the assumptions used for the water budget calculations should be resolved. The Disclosure Statement should summarize the provisions of

the Covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures. The conservation measures are in substantial compliance with Section 6.6.2e of the Code. Strict enforcement of the water use restrictions should ensure that the water budget is not exceeded.

### **WATER AVAILABILITY ASSESSMENT**

The proposed water supply for the subdivision is shared 72-12-1 domestic wells. The developer will construct three wells and the distribution system to serve the 16 lots within the subdivision. The maximum number of lots to be served by a single well is six. Paragraph 6 of the Disclosure Statement lists the shared wells and the lots served by each well. The shared well agreement is contained in Article 8, Section 8.1 through 8.7 of the Covenants. Article 8.6 states that ownership of the wells will be vested in the Lot Owner's Association.

**Under Section 1-15.1 of the OSE Rules and Regulations Governing the Appropriation and Use of Ground Water In New Mexico, the well permit applicant must be the person, firm or corporation intending to divert and use water appropriated from the well. The subdivider is directed to contact the OSE Water Rights Division regarding the permits required and the amount of water that may be diverted if the wells are not owned by the individual lot owners receiving water from a shared well.**

OSE is currently promulgating regulations for The Use of Public Underground Waters for Household or other Domestic Use. The proposed regulations will replace Article 1-15 of the existing Rules and Regulations Governing the Drilling of Wells and the Appropriation and Use of the Ground Water in New Mexico. A public hearing on the proposed regulations will be held on April 21, 2006 in Santa Fe, New Mexico. Under the proposed regulations the total diversion of water from a 72-12-1.1 well shall not exceed 1.0 acre-foot per annum. The total diversion of water from a 72-12-1.1 well permitted to serve more than one household shall not exceed 1.0 acre-foot per annum per household served. The maximum combined diversion from a 72-12-1.1 well serving three or more households shall not exceed 3.0 acre-feet per annum.

The developer submitted a Report for the proposed subdivision in accordance with Sections 6.4.5, 6.4.2, and Table 7.4 of the Regulations. The developer drilled one on-site test well (RG-84896). The Report includes the on-site and eight off-site well logs, drawdown and recovery well test data, geologic cross-sections, water level contours, water availability calculations, and results of 100-year schedule of effects model.

The well depths, and estimated yields shown under item No. 9 of the Disclosure Statement are consistent with the conclusions reached in the Report. The minimum lot size calculation indicates that there is sufficient groundwater in storage beneath the subdivision to support the proposed development. The report concludes that there is adequate water available for 100 years,

and that the effects of pumping within the Sundance Ridge Subdivision on nearby wells will be minor. This office concurs with these conclusions.