

June 25, 2003

Charlie Padilla
Planning Director
Taos County
105 Albright St. Suite C
Taos, NM 87571

Re: Vista del Valle Subdivision Master Plan

Dear Mr. Padilla,

The Vista del Valle Subdivision proposal is a request to subdivide 14.4 acres into 13 residential lots located in Llano Quemado, West of NM68, in projected Township 25N, Range 5E, Section 35 and 36. In a memorandum dated April 9, 2003, the Office of the State Engineer rendered a negative opinion for an earlier version of this proposal. On June 17, 2003, an amended proposal dated June 2003 was submitted to the OSE for review and comment. It is the opinion of this office that the amended proposal for the Valle del Vista Subdivision does not satisfy the requirements of the Taos County Subdivision Regulations.

In the developer's June 2003 proposal the calculation of water requirements for both indoor and outdoor uses is incorrect. The Disclosure Statement limits the total irrigated landscape on each lot to 400 square feet, however, water requirements were calculated for 1200 square feet. Either the water demand analysis needs to be corrected or the landscape irrigation restrictions in the Disclosure Statement need to be revised. The water demand analysis should also be amended to include distribution systems losses that may be estimated as 5% of the water requirements for both indoor and outdoor uses. In Items 17-23 in the Disclosure Statement, the amount of water that may be delivered to each lot, exclusive of water requirements for firefighting, should be revised from 0.30 acre-feet per year to reflect the results of the water demand analysis when it is corrected. The total water demand for the subdivision should also be revised accordingly.

The developer is proposing to provide water from two wells each of which will serve six or seven dwelling units. In order to do this, the developer would have to obtain approval from the Taos County Commission for two variances. The first would be a variance from the requirement for a community water system as specified in Article X, Section C(1) of the Taos County Subdivision Regulations. The second would be a variance from Appendix B of the regulations that limits the number of dwelling units that can be served by one well to four. The developer has not provided any evidence in the materials submitted to the OSE that these variances have

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been approved.

While the geohydrology report prepared by Glorieta Geoscience concluded that sufficient water is available to meet the projected demand for the subdivision for a period of 40 years, the report also shows that over 90% of the water pumped from the subdivision wells will ultimately come from the Rio Grande del Rancho which is located about 3,000 feet from the proposed subdivision. There are no requirements in OSE regulations or in the Taos County Subdivision Regulations that applicants for domestic well permits issued under Section 72-12-1 NMSA obtain water rights to offset effects on streams. However, a community water system would require the developer to obtain water rights that would offset any stream depletions. Thus, if the County Commission were to approve a variance from the requirement for a community water system, this could result in the impairment of existing water rights associated with the Rio Grande del Rancho.

Sincerely,

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