December 29, 2005

Ms. Louise Marquez
Department of Planning and Zoning
Torrance County
P.O. Box 48
205 9th Street
Estancia, NM 87016

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Anticipated by fax

Re: Rancho Cielo Subdivision

Dear Ms. Marquez:

On December 2, 2005 the Office of the State Engineer (OSE) received a request to review an amended geohydrologic report for Rancho Cielo, a Type Three subdivision.

This office reviewed the proposal on April 2, 2004, and July 19, 2005, and issued two negative opinions. For details, please refer to these two letters.

The developer proposed, in the previous two submittals, to subdivide 100.5 acres into 20 lots, with sizes ranging between 4.92 and 5.02 acres. The documentation currently submitted seems to amend the number of lots from 20 to 24 and the total size of the subdivision from 100.5 to 124 acres. The property is located approximately 8 miles southwest of Moriarty, 3 miles west of the intersection of New Mexico 41 and County Road A-083, in Section 21 of Township 8 North, Range 8 East, NMPM.

The OSE has reviewed the Rancho Cielo Subdivision proposal pursuant to the Torrance County Regulations and the New Mexico State Subdivision Act. It is the opinion of this office that the proposal does not satisfy the requirements of Sections 2.1, 5.4 and 5.6 of the County Regulations. Accordingly, a negative opinion is issued again at this time.

WATER DEMAND ANALYSIS & CONSERVATION

The current proposal consists only of an amended geohydrologic report and does not contain an updated Disclosure Statement or Restrictive Covenants. Therefore, it is not possible to understand if the developer proposes to limit each lot to 0.55 acre-feet of water

per lot per year (as per proposal submitted in 2004), or 0.25 acre-feet (as per proposal submitted in June 2005), or again 0.55 acre-feet (as per currently submitted geohydrologic report). Consequently, it is not possible to understand if the water conservation measures included in the Restrictive Covenants submitted in 2004 are still appropriate. The developer should clarify this issue buy providing an updated copy of the Disclosure Statement and of the Restrictive Covenants.

WATER AVAILABILITY ASSESSMENT

The proposed water supply for this subdivision is individual 72-12-1 domestic wells. Section 5.6 of the County Regulations requires a geohydrologic report to demonstrate that groundwater sufficient to meet the maximum annual water requirement of the subdivision is physically available and can be practically recovered to sustain the development for a continuous period of 70 years. Section 5.4 outlines the requirements of the report.

Some major issues were found with the geohydrologic report submitted in June 2005. This office found that not enough information was provided in the geohydrologic report submitted by the developer to determine if the hydrogeological conditions under the proposed subdivision are similar to those where the well test was conducted (approximately two miles away).

The additional information provided to this office consists of several more logs of existing wells drilled in Section 21 (where the proposed subdivision is located) and in Section 23 (immediately south of the test well location). The log of the well where the pump test was conducted indicates that the principal water bearing strata consist of 5-10 feet thick lenses of limestone within the sediments known as “valley fill”, and the logs for the other wells located in Section 23 indicate that the principal bearing strata is gravel and other coarse valley fill sediments. On the other hand, the logs of the wells drilled in Section 21 indicate that the aquifer utilized is the limestone underneath the valley fill. Therefore, the revised geohydrologic report fails to characterize the aquifer under the proposed subdivision and as such, does not satisfy the requirements of Sections 5.4 and 5.6 of the County Subdivision regulations. If you have any questions, please call me at 505-827-6790.

Sincerely,

Julie Valdez
Senior Water Resource Specialist

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