June 16, 1993

Mr. Roy Tanney  
Director of Real Estate Subdivisions  
Department of Real Estate  
202 East Earll Drive, Suite 400  
Phoenix, Arizona 85012  

Re: Charleston Village  

Dear Mr. Tanney:

Pursuant to A.R.S. §45-108, Bella Vista Ranches, LP has provided the Department of Water Resources with information on the water supply for the above referenced subdivision in Section 29, T21S, R21E, GSRB&M.

Water will be provided to each of the 185 lots in the subdivision by Bella Vista Water Co.

Adequacy of the water supply was reviewed by the Department considering quantity, quality, dependability and legal availability. The subdivision is located in the San Pedro Valley and overlies a large alluvial aquifer. Information available to the Department indicates that the depth to water in the water company’s wells is from about 295 to 343 feet below land surface.

Existing hydrological studies and data suggest that there is a hydraulic connection between the San Pedro River and the underlying aquifer in the Ft. Huachuca-Sierra Vista area. In addition, certain unresolved questions currently exist as to whether such pumpage of groundwater has violated or will violate the legal rights of other persons to the surface water of the San Pedro River, and whether persons pumping water from wells in the area are required by law to establish or acquire surface water rights. The resolution of these questions will require judicial action, which may not become final for many years. Hence, while hydrological studies suggest that an adequate water supply is physically available to this subdivision, the possibility exists that it may not be legally available. Therefore, the Department must find the water supply to be inadequate.

Thus, the Department is not in a position at this time to conclude that an adequate water supply is legally available to provide the present and future requirements of this subdivision. We suggest the following language be included in the public report for the subdivision:

"Charleston Village is a subdivision to be sold with water furnished by Bella Vista Water Company. Depth to water in the water company’s wells is presently from about 295 to 343 feet below land surface. It appears that an adequate water supply is
physically available to the subdivision. However, pending resolution of the question whether such groundwater pumpage impacts the legal rights of other persons to the waters of the San Pedro River, which will involve litigation and court decisions, the Department of Water Resources is not in a position to conclusively determine whether an adequate water supply is legally available to satisfy the requirements of this subdivision and must find the water supply to be inadequate."

A.R.S. §32-2181.F. requires a summary of the Department’s report for dry lot subdivisions or those with an inadequate water supply be included in all promotional material and contracts for sale of lots in the subdivision. The developer should include in all promotional material and contracts the above-quoted language or a summary of this language approved by the Commissioner. We suggest that any summary include the following statement:

"It appears that an adequate water supply is physically available to the subdivision. However, the Department of Water Resources is not in a position at this time to conclude whether an adequate supply is legally available to satisfy the requirements of the subdivision due to certain questions yet to be resolved in pending judicial proceedings."

This letter constitutes the Department of Water Resources’ report on the subdivision water supply and is being forwarded to your office as required by A.R.S. §45-108. This law requires the developer to hold the recordation of the above subdivision’s plat until receipt of the Department’s report on the subdivision’s water supply. By copy of this report, the Cochise County Recorder is being officially notified of the developer’s compliance with the law. Any changes to the above subdivision or water supply plans may invalidate this report.

Sincerely,

Greg Wallace
Chief Hydrologist

GW/JES

cc: Bella Vista Ranches, LP
    Bella Vista Water Co.
    Buck Lewis Engineering