



# LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Thursday, September 30, 2021 9:00 A.M.  
Regular Meeting

Lea County Courthouse  
100 North Main, Lovington, New Mexico 88260

# Consideration of Lea County Resolution No. 21-SEP-194R Approving the Following Meeting Minutes: September 2, 2021 Special Meeting - September 2, 2021 Regular Meeting - September 9, 2021 Special Meeting

## Minutes of Special Meeting Lea County Board of Commissioners September 2, 2021

Chair Long called the meeting  
Courtroom  
Commissioners present were,  
Chair Rebecca Long, District 2, Com  
Jonathan Sena, District 4, and Com  
Also present were Lea County  
County Attorney John W. Caldwell.  
Commissioner Eidsen led the  
Invocation by Commissioner Sena.

### ITEM 01: COMMISSION

- Convene as Lea County Can  
Consideration of Lea  
the Canvass of the Au  
16 Special Public Sch  
Special Public School  
Clerk)

Clerk Manes requested a  
public or commissioner commen  
Commissioner Sena asked  
Mill Levys.

Commissioner Eidsen pro

Commissioner Eidsen mo  
SEP-182R Certifying the Canva  
School District 16 Special Public  
Special Public School Buildings  
Commissioner Sims, Secretary  
Chair Jackson, yes; Commissioner  
Commissioner Sims, yes. The n

### ITEM 02: OTHER BUSINESS

There was no other busin  
The meeting adjourned at 8:54 a

## Minutes of Meeting Lea County Board of Commissioners September 2, 2021

Chair Long called the meeti  
Courtroom  
Commissioners present we  
Chair Rebecca Long, District 2, Co  
Jonathan Sena, District 4, and Co  
Also present were Lea Cou  
County Attorney John W. Caldwell  
Vice Chair Jackson led the  
Invocation by Commissioner Sena.

### ITEM 01: COMMISSION

- Consideration of Lea Cou  
August 19, 2021 Regular

Chair Long requested  
comments concerning this ag  
Lea County Resolution. Lea  
August 19, 2021 Regular Me  
Chair Jackson, Secretary  
Chair Jackson, yes; Commissioner  
Commissioner Sims, yes. Th

- Public Comments

No comments

- Commissioners and Mana

Commissioner Eidsen thank  
Commissioner Sena mention  
children and teachers returni

Commissioner Sims thanked  
Arbitration concerning the ne  
Chair Long gave an update  
September 22, 2021.

## Minutes of Special Meeting Lea County Board of Commissioners September 2, 2021

Chair Long called the meeting to order at 8:45 a.m. in the Lea County  
Courtroom  
Commissioners present were, to wit: Vice Chair Dean Jackson, District 1,  
Chair Rebecca Long, District 2, Commissioner Gary G. Eidsen, District 3,  
Jonathan Sena, District 4, and Commissioner Pat Sims, District 5.  
Also present were Lea County Manager Michael P. Gallagher II, and Lea  
County Attorney John W. Caldwell.  
Commissioner Eidsen led the Pledge of Allegiance followed by the  
Invocation by Commissioner Sena.

### ITEM 01: COMMISSION

- Convene as Lea County Canvassing Board  
Consideration of Lea County Resolution No. 21-SEP-182R Certifying  
the Canvass of the August 24, 2021 Hobbs Municipal School District  
16 Special Public School Buildings Tax Election. (Keith Manes, County  
Clerk)

Clerk Manes requested approval. Chair Long asked if there were any  
public or commissioner comments concerning this agenda item.  
Commissioner Sena asked a question concerning the purpose of the  
Mill Levys.

Commissioner Eidsen provided explanation to Commissioner Sena  
Commissioner Eidsen moved to approve Lea County Resolution  
SEP-182R Certifying the Canvass of the August 24, 2021 Hobbs Munic  
School District 16 Special Public School Capital Improvements Tax Ele  
Special Public School Buildings Tax Election. The motion was second  
Commissioner Sims, Secretary  
Chair Jackson, yes; Commissioner  
Chair Jackson, yes; Commissioner Eidsen, yes; Commissioner Serv  
Commissioner Sims, yes. The motion passed.

### ITEM 02: OTHER BUSINESS

There was no other business.  
The meeting adjourned at 8:54 a.m.

## STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 21-SEP-194R

### A RESOLUTION APPROVING THE LEA COUNTY BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

**WHEREAS**, Section 10-15-1 through 10-15-4 of the Open Meetings Act (NMSA 1978), states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

**WHEREAS** the board, commission or other policy making body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted; and

**WHEREAS** all minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body; and

**WHEREAS**, NMSA 1978, Section 4-38-12 as amended, allows the County Commission to establish rules and regulations to govern the transaction of county business in these meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lea County that the attached minutes are hereby approved.

**PASSED AND APPROVED** on this 30<sup>th</sup> day of September, 2021, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

### LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair  
Voted: Yes No Abstain

Dean Jackson (District 1), Vice Chair  
Voted: Yes No Abstain

Gary G. Eidsen (District 3), Member  
Voted: Yes No Abstain

Jonathan Sena (District 4), Member  
Voted: Yes No Abstain

MINUTES  
OF  
MEETING









# Consideration of Lea County Resolution No. 21-SEP-195R Approving/Confirming Appointment(s) to the Lea County DWI Advisory Council.

On April 21, 2009, the Lea County Board of County Commissioners approved Resolution No. 09-APR-011R recreating the Lea County DWI Advisory Council.

On October 24, 2019, Lea County Board of County Commissioners approved Resolution No. 19-OCT-251R amending Lea County Resolution No. 09-APR-011R.

On the Lea County DWI Advisory Council is comprised of seven members; one member from each Commission District, and two public safety members that are appointed by the Lea County DWI Council.

The Lea County Board of County Commissioners approved Lea County Resolution No. 21-JAN-005R on January 14, 2021 Approving/Confirming Appointment(s) to the Lea County DWI Advisory Council.

The Lea County Board of County Commissioners postponed Lea County Resolution No. 21-FEB-025R on February 4, 2021 Approving/Confirming Appointment(s) to the Lea County DWI Advisory Council

There is currently a need to reappoint or replace member(s) of the Lea County DWI Advisory Council.

## Lea County DWI Advisory Council

- District 1: Shannon Rice (Term of 01/01/2021 – 12/31/2022)
- District 2: Replace Rhonda Tyler for Term of 01/01/2020 – 12/31/2021**
- District 3: Reappoint John Paul Henderson for Term 01/01/2021 – 12/31/2022**
- District 4: Winford Gipson (Term 01/01/2020 – 12/31/2021)
- District 5: Replace Casey Arcidez for Term of 01/20/2020 – 12/31/2021**
- Public Safety: James Hay (Filled by LCDWIAC)
- Public Safety: Benjie Monsalve (Filled by LCDWIAC)



STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 21-SEP-195R  
A RESOLUTION APPROVING/CONFIRMING APPOINTMENT(S) TO THE  
LEA COUNTY DWI ADVISORY COUNCIL

**WHEREAS**, on April 21, 2009, the Lea County Board of County Commissioners approved Resolution No. 09-APR-011R recreating the Lea County DWI Advisory Council; and

**WHEREAS**, on October 24, 2019, Lea County Board of County Commissioners approved Resolution No. 19-OCT-251R amending Lea County Resolution No. 09-APR-011R; and

**WHEREAS**, the Lea County DWI Advisory Council is comprised of seven members; one member from each Commission District, and two public safety members that are appointed by the Lea County DWI Council; and

**WHEREAS**, the Lea County Board of County Commissioners review board/committee appointments at their first meeting of the year; and

**WHEREAS**, the Lea County Board of County Commissioners approved Lea County Resolution No. 21-JAN-005R on January 14, 2021 Approving/Confirming Appointment(s) to the Lea County DWI Advisory Council; and

**WHEREAS**, the Lea County Board of County Commissioners postponed Lea County Resolution No. 21-FEB-025R on February 4, 2021 Approving/Confirming Appointment(s) to the Lea County DWI Advisory Council; and

**WHEREAS**, there is currently a need to reappoint or replace member(s) of the Lea County DWI Advisory Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lea County that the following individuals be appointed, re-appointed or confirmed to the Lea County DWI Advisory Council:

Lea County DWI Advisory Council

Shannon Rice (Term 01/01/2021 – 12/31/2022)  
**Replace Rhonda Tyler with**  
**Term of 01/01/2020 – 12/31/2021**  
**Reappoint John Paul Henderson**  
**Term of 01/01/2021 – 12/31/2022**  
Winford Gipson (Term 01/01/2020 – 12/31/2021)  
**Replace Casey Arcidez with**  
**Term of 01/20/2020 – 12/31/2021**

James Hay (Filled by LCDWIAC)  
Benjie Monsalve (Filled by LCDWIAC)



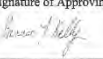
# Consideration of Lea County Resolution No. 21-SEP-196R Approving Grant No. G20SN0017A Modification No. 3 Between Lea County and the Office of National Drug Control Policy Increasing Funds for the High Intensity Drug Trafficking Area (HIDTA) Region VI Awarded 01/01/2020 to 12/31/2021

Lea County is the fiscal agent for the Region VI Drug Task Force.

For the grant period of 01/01/2020 to 12/31/2021, HIDTA was awarded a grant in the amount of \$1,200,120.00.

- August 4, 2020, Modification No. 01 increased the grant in the amount of \$52,139.00 for a total awarded of \$1,252,259.00.
- May 18, 2021, Modification No. 02 increased the grant in the amount of \$201,538.00 for a total awarded of \$1,453,797.00.
- August 17, 2021, Modification No. 03 increased the grant in the amount of \$4,987.50 for a total awarded of \$1,458,784.50



Executive Office of the President Office of National Drug Control Policy		AWARD Grant	Page 1 of 1
1. Recipient Name and Address County Manager Michael Gallagher Lea County 100 N Main Lovington, NM 88260-4030		4. Award Number: G20SN0017A	
		5. Grant Period: From 01/01/2020 to 12/31/2021	
1A. Subrecipient IRS/Vendor No.		6. Date: 8/17/2021	7. Action
Subrecipient Name and Address		8. Supplement Number 3	Initial <input checked="" type="checkbox"/> Supplemental
2A. Subrecipient IRS/Vendor No.:		9. Previous Award Amount: \$1,453,797.00	
3. Project Title Multiple		10. Amount of This Award: \$4,987.50	
		11. Total Award: \$1,458,784.50	
12. * The above grant is approved subject to such conditions or limitation as are set forth in the original Grant.			
13. Statutory Authority for Grant: Public Law 116-93			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director		15. Typed Name and Title of Authorized Official Michael Gallagher County Manager	
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date	
AGENCY USE ONLY			
18. Accounting Classification Code DUNS: 010485308 EIN: 1856000226A2		19. HIDTA AWARD OND107HDB2021XX OND6113 OND2000000000 OC 410001 JID: 75702	

STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 21-SEP-196R  
A RESOLUTION APPROVING GRANT NO. G20SN0017A MODIFICATION NO. 3  
BETWEEN LEA COUNTY AND THE OFFICE OF NATIONAL DRUG CONTROL POLICY  
INCREASING FUNDS FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) REGION VI  
AWARDED 01/01/2020 TO 12/31/2021

WHEREAS, Lea County is the fiscal agent for the Region VI Drug Task Force, and  
WHEREAS, for the grant amount of \$1,200,120.00, and  
WHEREAS, on August 4, 2020, the grant was increased by \$52,139.00 for a total awarded of \$1,252,259.00,  
WHEREAS, on May 18, 2021, the grant was increased by \$201,538.00 for a total awarded of \$1,453,797.00,  
WHEREAS, on August 17, 2021, the grant was increased by \$4,987.50 for a total awarded of \$1,458,784.50,  
THEREFORE, BE IT RESOLVED, that the County Manager is authorized to execute the grant on behalf of the County.



County Manager Michael Gallagher  
Lea County  
100 N Main  
Lovington, NM 88260-4030

August 17, 2021

Dear Mr. Gallagher:

Grant number G20SN0017A has been increased and now totals \$1,458,784.50.

The original of Modification and Modification for

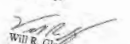
All items and questions pertaining



High Intensity Drug Trafficking (HIDTA) FY 20 funds have increased by \$4,987.50 as indicated on Modification 3 for the Region VI Drug Task Force Administration Initiative. The enclosed grant award modification should be completed and returned to the NM HIDTA Director's Office as soon as possible.

Detailed information is provided in a letter to you from Shannon Kelly, National HIDTA Director. In her letter she does ask that you send the signed Award Modifications to Miami; however, I am asking that you return this paperwork to our office. We will forward this information to the Miami Assistance Center to ensure that we have the same records. If you have any questions, please contact Sandra A. Russell, Finance Director at (575) 541-7503.

Sincerely,

  
Will R. Gaffney  
Executive Director

Attachments  
WEG:car



# Consideration of Lea County Resolution No. 21-SEP-197R Approving Grant No. G21SN0017A Modification No. 1 Between Lea County and the Office of National Drug Control Policy Increasing Funds for the High Intensity Drug Trafficking Area (HIDTA) Region VI Awarded 01/01/2021 to 12/31/2022



Executive Office of the President Office of National Drug Control Policy		AWARD Grant	Page 1 of 1
1. Recipient Name and Address County Manager Michael Gallagher Lea County 100 N Main Lovington, NM 88260-4030		4. Award Number: G21SN0017A	
1A. Subrecipient IRS/Vendor No. Subrecipient Name and Address		5. Grant Period: From 01/01/2021 to 12/31/2022	
2A. Subrecipient IRS/Vendor No.		6. Date: 8/17/2021	7. Action Initial <input checked="" type="checkbox"/> Supplemental
3. Project Title Multiple		8. Supplement Number 1	
9. Previous Award Amount: \$1,252,226.00		10. Amount of This Award: \$4,000.00	
11. Total Award: \$1,256,226.00			
12. * The above grant is approved subject to such conditions or limitation as are set forth in the original Grant.			
13. Statutory Authority for Grant: Public Law 116-260 H.R.133			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director		15. Typed Name and Title of Authorized Official Michael Gallagher County Manager	
16. Signature of Approving ONDCP Official <i>Shannon Kelly</i>		17. Signature of Authorized Recipient/Date	
AGENCY USE ONLY			
18. Accounting Classification Code DUNS: 010485308 EIN: 1856000226A2		19. HIDTA AWARD OND1970DB21222X OND2000000000 JID: 75750 OND6113 OC: 410001	

Lea County is the fiscal agent for the Region VI Drug Task Force.

For the grant period of 01/01/2021 to 12/31/2022, HIDTA was awarded a grant in the amount of \$1,252,226.00.

- August 17, 2021, Modification No. 01 increased the grant in the amount of \$4,000.00 for a total awarded of \$1,256,226.00.

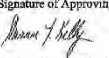


# Consideration of Lea County Resolution No. 21-SEP-198R Approving Grant No. G21SN0017A Modification No. 2 Between Lea County and the Office of National Drug Control Policy Increasing Funds for the High Intensity Drug Trafficking Area (HIDTA) Region VI Awarded 01/01/2021 to 12/31/2022

Lea County is the fiscal agent for the Region VI Drug Task Force.

For the grant period of 01/01/2021 to 12/31/2022, HIDTA was awarded a grant in the amount of \$1,252,226.00.

- August 17, 2021, Modification No. 01 increased the grant in the amount of \$4,000.00 for a total awarded of \$1,256,226.00.
- August 31, 2021, Modification No. 02 increased the grant in the amount of \$56,116.00 for a total awarded of \$1,312,342.00.

Executive Office of the President Office of National Drug Control Policy		AWARD Grant	Page 1 of 1
1. Recipient Name and Address County Manager Michael Gallagher Lea County 100 N Main Lovington, NM 88260-4030		4. Award Number: G21SN0017A	
1A. Subrecipient IRS/Vendor No. Subrecipient Name and Address		5. Grant Period: From 01/01/2021 to 12/31/2022	
2A. Subrecipient IRS/Vendor No.		6. Date: 8/31/2021	
3. Project Title Multiple		7. Action Initial <input checked="" type="checkbox"/> Supplemental	
8. Supplement Number 2		9. Previous Award Amount: \$1,256,226.00	
10. Amount of This Award: \$56,116.00		11. Total Award: \$1,312,342.00	
12. * The above grant is approved subject to such conditions or limitation as are set forth in the original Grant.			
13. Statutory Authority for Grant: Public Law 116-260 H.R.133			
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director		15. Typed Name and Title of Authorized Official Michael Gallagher County Manager	
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date	
18. Accounting Classification Code DUNS: 010485308 EIN: 1856000226A2		19. HIDTA AWARD OND1070DB2122XX OND6113 OND2000000000 OC 410001 JIR: 75716	





# Consideration of Lea County Resolution No. 21-SEP-199R Approving a Recommendation from the Lea County Fair and Rodeo Board Authorizing the 3rd Option to Renew Agreement between Lea County and Epicenter Productions, LLC., for Professional Sound and Lighting Production Provider for the Concert Series During the 2022 Lea County Fair and PRCA Rodeo



- January 7, 2019 - Resolution No. 19-JAN-018R: Awarded Request for Proposal No. 07 2018 – 2019 Professional Production Services for the Lea County Fair & Rodeo & Agreement with Epicenter Productions, LLC., for Professional Sound and Lighting Production Provider for the Concert Series During the 2019 Lea County Fair & Rodeo.
- October 24, 2019 - Resolution No. 19-OCT-254R: Approved 1st Option to Renew Agreement between Lea County and Epicenter Productions, LLC., for Professional Sound and Lighting Production Provider for the Concert Series During the 2020 Lea County Fair & Rodeo.
- June 26, 2020 - Resolution No. 20-JUN-150R: Canceled the 2020 Lea County Fair and PRCA Rodeo due to New Mexico Department of Health – Public Health Orders related to COVID 19.
- July 23, 2020 - Resolution No. 20-JUL-154R: Approved the 2nd Option to Renew Agreement between Lea County and Epicenter Productions, LLC., for Professional Sound and Lighting Production Provider for the Concert Series During the 2021 Lea County Fair & Rodeo.
- August 30, 2021: The Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve the 3rd Option to Renew Agreement between Lea County and Epicenter Productions, LLC., for Professional Sound and Lighting Production Provider for the Concert Series During the 2022 Lea County Fair & Rodeo at a cost of \$156,863.00.

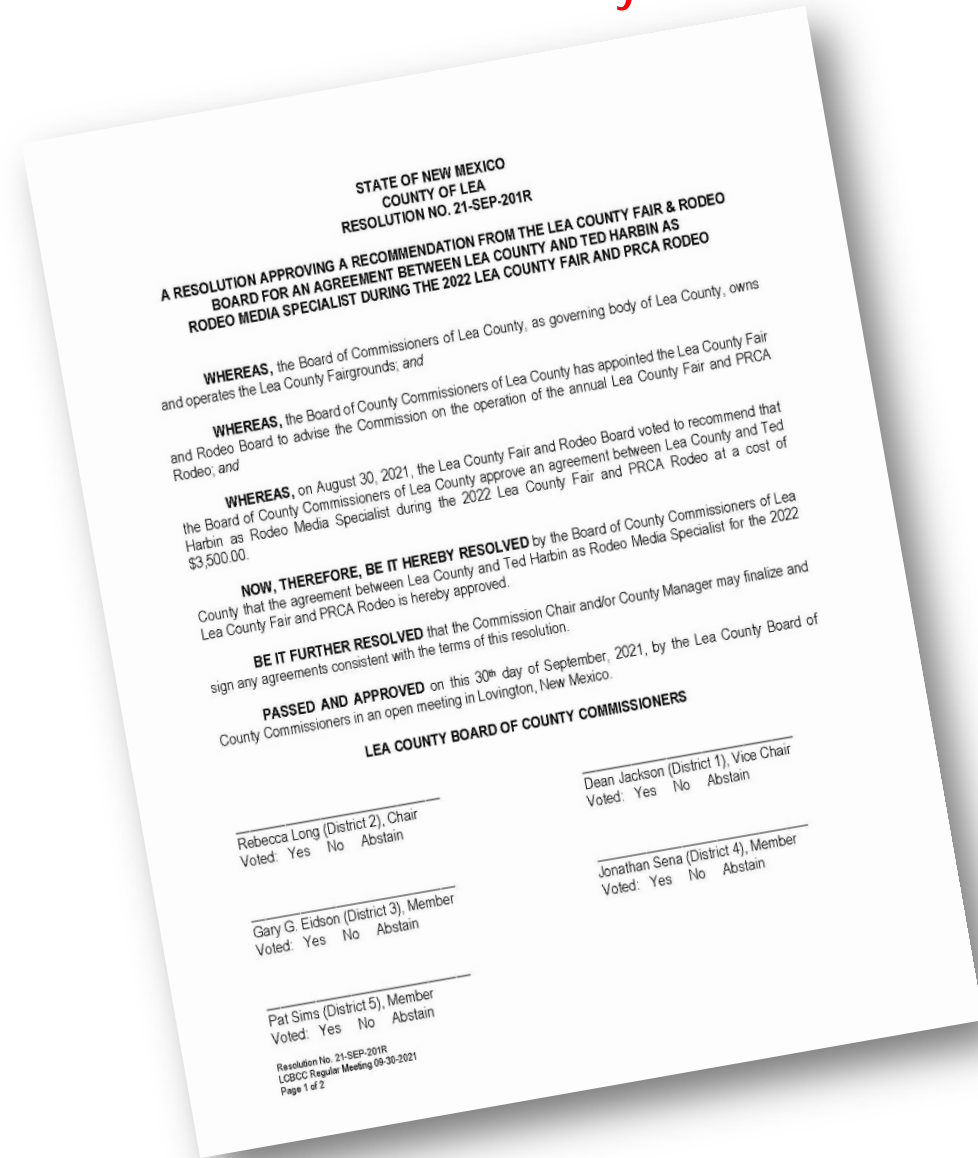
# Consideration of Lea County Resolution No. 21-SEP-200R Approving a Recommendation from the Lea County Fair and Rodeo Board Authorizing the 4th Option to Renew Agreement between Lea County and Pete Carr Pro Rodeo as Stock Contractor for the 2022 Lea County Fair and PRCA Rodeo

- November 16, 2017 - Resolution No. 17-NOV-253R: Awarded of Request for Proposal No. 04 2017 – 2018 Stock Contractor for the Lea County Fair and Rodeo & Agreement Pete Carr, Carr Pro Rodeo, Ltd., as Stock Contractor for the 2018 Lea County Fair and Rodeo
- December 13, 2018 - Resolution No. 18-DEC-253R: Approved 1<sup>st</sup> Option to Renew Agreement between Lea County and Pete Carr Pro Rodeo as Stock Contractor for the 2019 Lea County Fair and Rodeo
- October 24, 2019 - Resolution No. 19-OCT-253R: Approved 2<sup>nd</sup> Option to Renew Agreement between Lea County and Pete Carr Pro Rodeo as Stock Contractor for the 2020 Lea County Fair and Rodeo
- June 26, 2020 - Resolution No. 20-JUN-150R: Canceled the 2020 Lea County Fair and PRCA Rodeo due to New Mexico Department of Health – Public Health Orders related to COVID 19
- September 17, 2020 - Resolution No. 20-SEP-190R: Approved 3<sup>rd</sup> Option to Renew Agreement between Lea County and Pete Carr Pro Rodeo, as Stock Contractor for the 2021 Lea County Fair and Rodeo
- August 30, 2021: The Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve the 4<sup>th</sup> Option to Renew Agreement between Lea County and Pete Carr Pro Rodeo as Stock Contractor for the 2022 Lea County Fair and Rodeo at a cost of \$145,634.00.





# Consideration of Lea County Resolution No. 21-SEP-201R Approving a Recommendation from the Lea County Fair and Rodeo Board for an Agreement between Lea County and Ted Harbin as Rodeo Media Specialist During the 2022 Lea County Fair and PRCA Rodeo



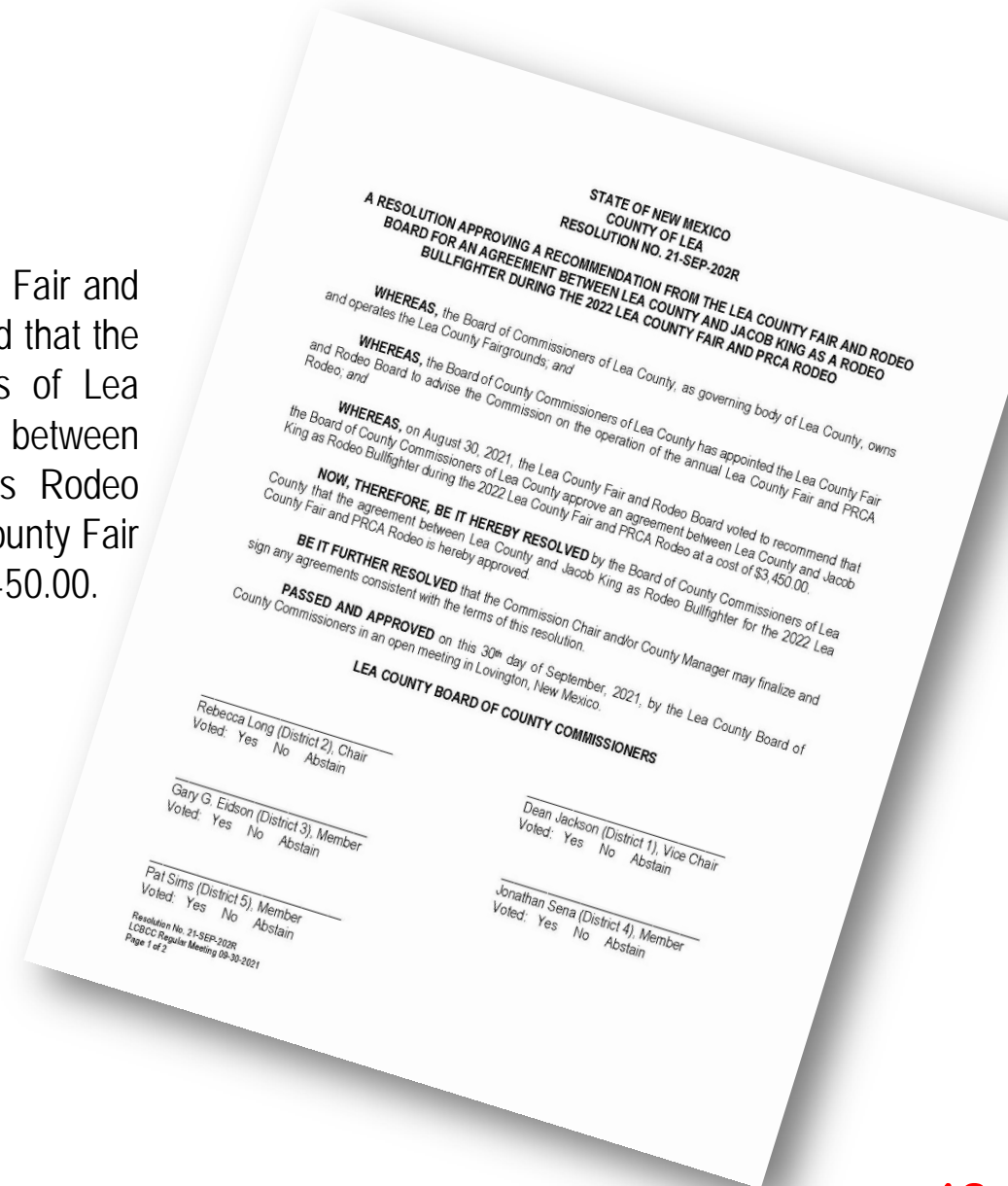
August 30, 2021, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve an agreement between Lea County and Ted Harbin as Rodeo Media Specialist during the 2022 Lea County Fair and PRCA Rodeo at a cost of \$3,500.00.



# Consideration of Lea County Resolution No. 21-SEP-202R Approving a Recommendation from the Lea County Fair and Rodeo Board for an Agreement between Lea County and Jacob King as a Rodeo Bullfighter During the 2022 Lea County Fair and PRCA Rodeo



August 30, 2021, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve an agreement between Lea County and Jacob King as Rodeo Bullfighter during the 2022 Lea County Fair and PRCA Rodeo at a cost of \$3,450.00.



# Consideration of Lea County Resolution No. 21-SEP-203R Approving a Recommendation from the Lea County Fair and Rodeo Board for an Agreement between Lea County and Clay Heger as a Rodeo Bullfighter During the 2022 Lea County Fair and PRCA Rodeo

STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 21-SEP-203R

**A RESOLUTION APPROVING A RECOMMENDATION FROM THE LEA COUNTY FAIR AND RODEO BOARD FOR AN AGREEMENT BETWEEN LEA COUNTY AND CLAY HEGER AS A RODEO BULLFIGHTER DURING THE 2022 LEA COUNTY FAIR AND PRCA RODEO**

WHEREAS, the Board of Commissioners of Lea County, as governing body of Lea County, owns and operates the Lea County Fairgrounds; and

WHEREAS, the Board of County Commissioners of Lea County has appointed the Lea County Fair and Rodeo Board to advise the Commission on the operation of the annual Lea County Fair and PRCA Rodeo; and

WHEREAS, on August 30, 2021, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve an agreement between Lea County and Clay Heger as Rodeo Bullfighter during the 2022 Lea County Fair and PRCA Rodeo at a cost of \$3,450.00.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Lea County that the agreement between Lea County and Clay Heger as Rodeo Bullfighter for the 2022 Lea County Fair and PRCA Rodeo is hereby approved.

**BE IT FURTHER RESOLVED** that the Commission Chair and/or County Manager may finalize and sign any agreements consistent with the terms of this resolution.

**PASSED AND APPROVED** on this 30<sup>th</sup> day of September, 2021, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

Rebecca Long (District 2), Chair  
Voted: Yes No Abstain

Gary G. Eldson (District 3), Member  
Voted: Yes No Abstain

Pat Sims (District 5), Member  
Voted: Yes No Abstain

Resolution No. 21-SEP-203R  
LCBCC Regular Meeting 09-30-2021  
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Dean Jackson (District 1), Vice Chair  
Voted: Yes No Abstain

Jonathan Sena (District 4), Member  
Voted: Yes No Abstain

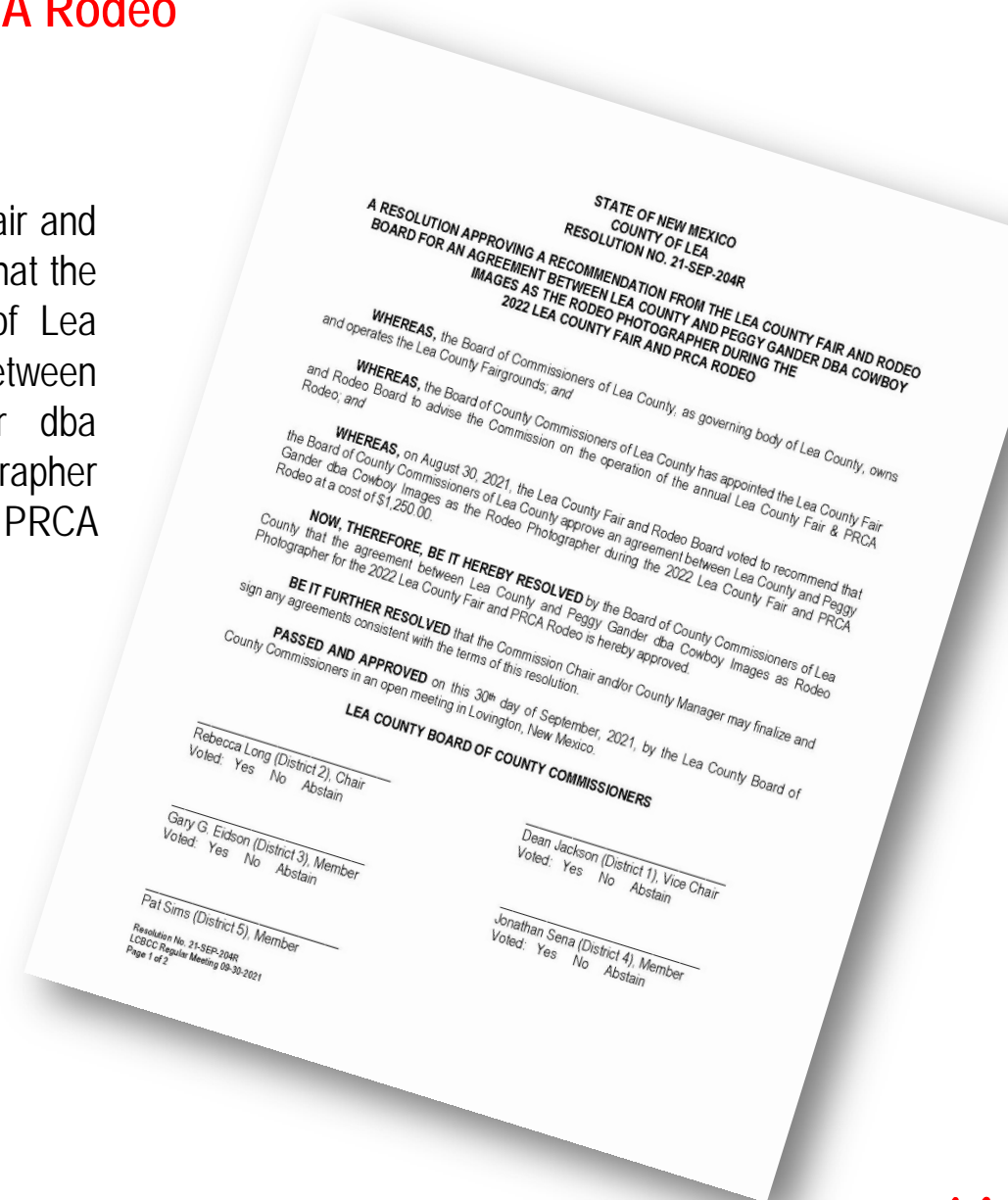
August 30, 2021, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve an agreement between Lea County and Clay Heger King as Rodeo Bullfighter during the 2022 Lea County Fair and PRCA Rodeo at a cost of \$3,450.00.





# Consideration of Lea County Resolution No. 21-SEP-204R Approving a Recommendation from the Lea County Fair and Rodeo Board for an Agreement between Lea County and Peggy Gander dba Cowboy Images as the Rodeo Photographer During the 2022 Lea County Fair and PRCA Rodeo

August 30, 2021, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve an agreement between Lea County and Peggy Gander dba Cowboy Images as Rodeo Photographer during the 2022 Lea County Fair and PRCA Rodeo at a cost of \$1,250.00.





# Consideration of Lea County Resolution No. 21-SEP-205R Approving a Recommendation from the Lea County Fair and Rodeo Board Authorizing a Twenty-Five Percent (25%) Increase for the Rodeo Box Seats at the Lea County Fair and PRCA Rodeo

STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 21-SEP-205R

A RESOLUTION APPROVING A RECOMMENDATION FROM THE LEA COUNTY FAIR AND RODEO BOARD AUTHORIZING A TWENTY-FIVE (25%) INCREASE FOR THE RODEO BOX SEATS AT THE LEA COUNTY FAIR AND PRCA RODEO

WHEREAS, the Board of Commissioners of Lea County, as governing body of Lea County, owns and operates the Lea County Fairgrounds; and

WHEREAS, the Board of County Commissioners of Lea County has appointed the Lea County Fair and Rodeo Board to advise the Commission on the operation of the annual Lea County Fair and PRCA Rodeo; and

WHEREAS, on August 30, 2021, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve a twenty-five percent (25%) increase for the rodeo box seats. The proposed increase will be from \$360.00 yearly to \$450.00 yearly.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the annual rodeo box seat fee of \$450.00 yearly is hereby approved.

PASSED, APPROVED AND ADOPTED on this 30<sup>th</sup> day of September, 2021, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca Long (District 2), Chair  
Voted: Yes No Abstain

Dean Jackson (District 1), Vice Chair  
Voted: Yes No Abstain

Gary G. Eidson (District 3), Member  
Voted: Yes No Abstain

Jonathan Sena (District 4), Member  
Voted: Yes No Abstain

Pat Sims (District 5), Member  
Voted: Yes No Abstain

Resolution No. 21-SEP-205R  
LCBCC Regular Meeting 09-30-2021  
Page 1 of 2

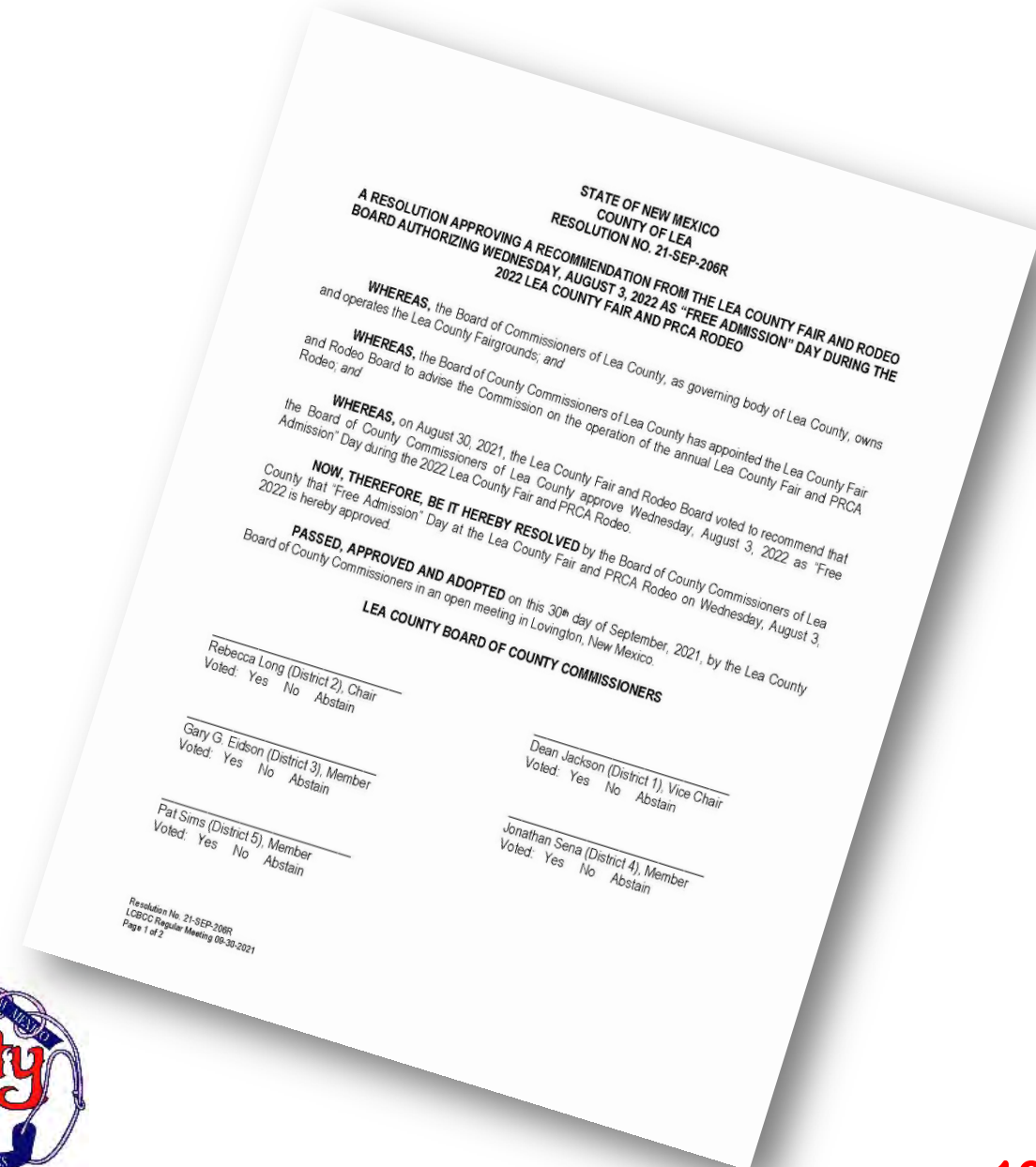
August 30, 2021, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve a twenty-five percent (25%) increase for the rodeo box seats. The proposed increase will be from \$360.00 yearly to \$450.00 yearly.



# Consideration of Lea County Resolution No. 21-SEP-206R Approving a Recommendation from the Lea County Fair and Rodeo Board Authorizing Wednesday, August 3, 2022 as "Free Admission" Day During the 2022 Lea County Fair and PRCA Rodeo

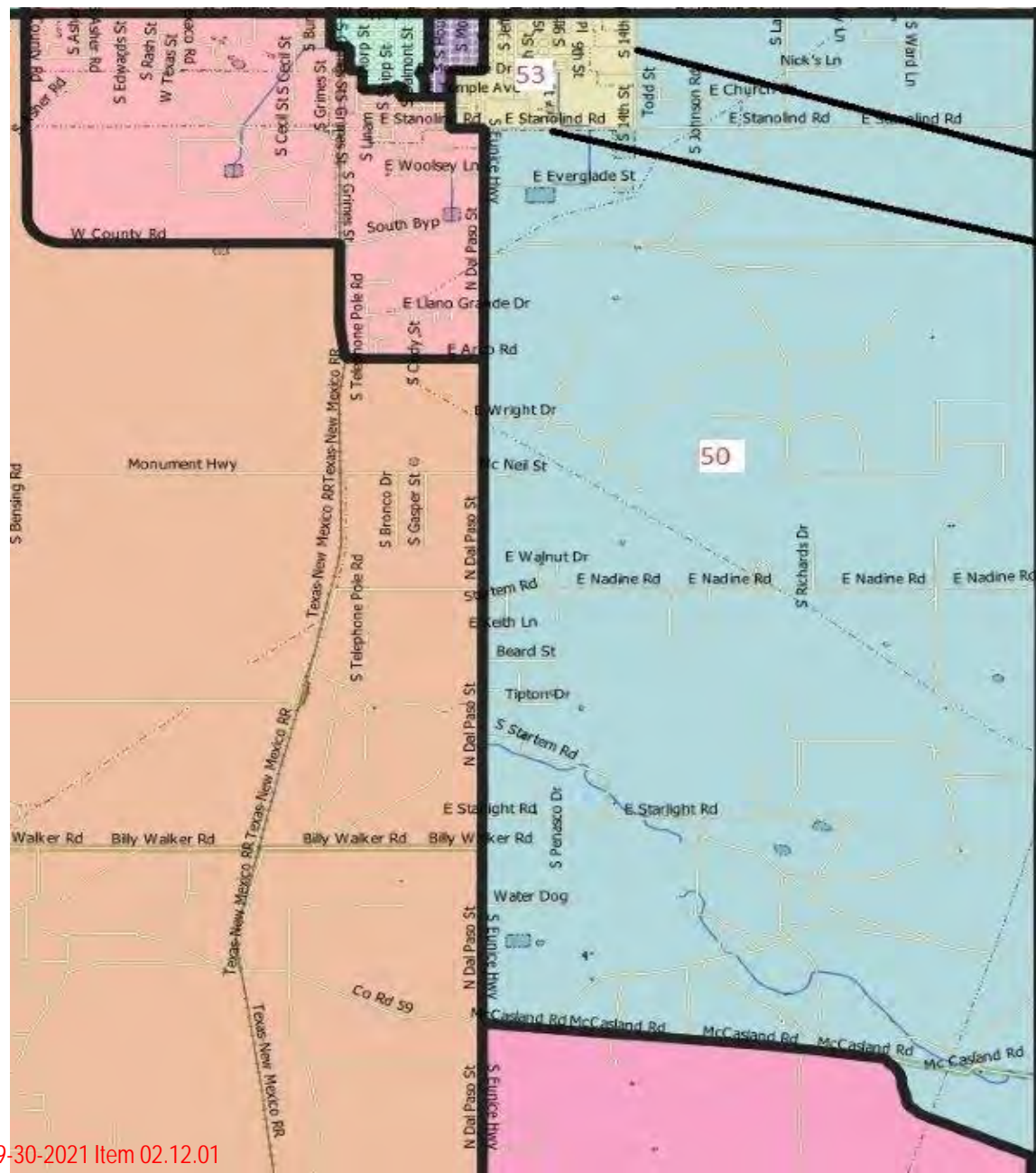


August 30, 2021, the Lea County Fair and Rodeo Board voted to recommend that the Board of County Commissioners of Lea County approve Wednesday, August 3, 2022 as "Free Admission" Day during the 2022 Lea County Fair and PRCA Rodeo.



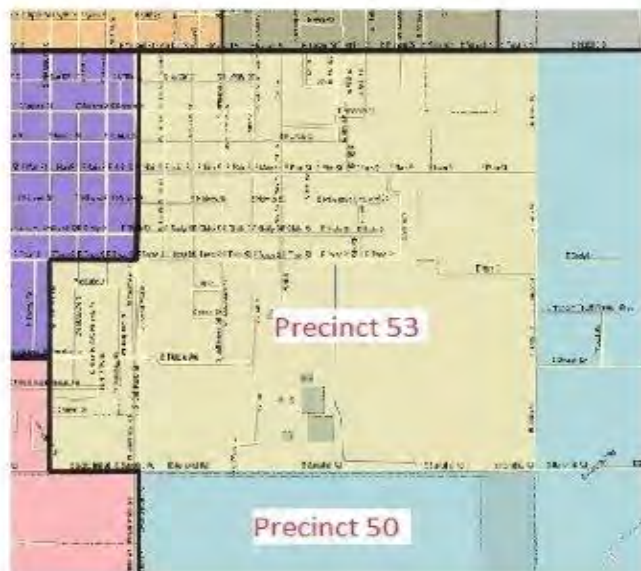


# Consideration of Lea County Resolution No. 21-SEP-207R Approving Precinct Boundaries for the 2022 – 2023 Elections



The original Precinct 53 was split to create the new Precinct 50. The split occurs along E Stanisland Rd and South 14th Street.

Detail Map







# Consideration of Lea County Resolution No. 21-SEP-208R Authorizing the Submittal of a Grant Application and Agreement between Lea County and the New Mexico Department of Transportation for the Safer New Mexico DWI Grant and Safety Funds for FY 2021 – 2022 to Include: End Driving While Impaired (ENDWI) Project No. 02-AL-64-051; Buckle Up (BKLUP)/Click It or Ticket (CIOT) Project No. 02-OP-RF-051; and Selective Traffic Enforcement Program (STEP)/Summer Enforcement Period Project No. 02-PT-RF-051; for Total Funding Award of \$25,783.00

## SAFER NEW MEXICO DWI GRANT AND SAFETY FUNDS FOR FY 2021 – 2022

- End Driving While Impaired (ENDWI)  
Project No. 02-AL-64-051  
\$3,278.00.
- Buckle Up (BKLUP) / Click It or Ticket (CIOT)  
Project No. 02-OP-RF-051  
\$2,038.00.
- Selective Traffic Enforcement Program (STEP)  
Project No. 02-PT-RF-051  
\$20,467.00

**ENDWI**

**CLICK IT OR TICKET**

**SELECTIVE  
TRAFFIC  
STEP  
ENFORCEMENT  
PROGRAM**

Total funding of all three projects is \$25,783.00

CONTRACT NUMBER:  
GRANTEE DUNS NUMBER: 010485308  
VENDOR NUMBER: 0000054388

### GRANT AGREEMENT

This Grant Agreement (Agreement) is between the New Mexico Department of Transportation (Department) and County of Lea (Grantee), collectively referred to as the "parties." This Agreement is effective as of the date of the last party to sign it on the signature page below. The Department and the Grantee agree as follows:

- Award.** The Department hereby awards the Grantee funding for the following projects:
  - End Driving While Impaired (ENDWI), Project No. 02-AL-64-051, \$3,278.00;
  - Buckle Up (BKLUP)/Click It or Ticket (CIOT), Project No. 02-OP-RF-051, \$2,038.00;
  - Selective Traffic Enforcement Program (STEP), Project No. 02-PT-RF-051, \$20,467.00;
  - Total Funding awarded per this Agreement \$25,783.00.
- Scope of Work.** The Grantee shall perform the professional services stated in the following exhibits: **Exhibit A - ENDWI; Exhibit B - BKLUP/CIOT; Exhibit C - STEP.**
- Payment.** To be reimbursed for eligible expenses, the Grantee must submit timely and properly prepared reimbursement requests as provided in the Department's Electronic Grant Management System or the Traffic Safety Division Financial Management Manual 2019, as directed by the Department. The Grantee acknowledges that the Department will not pay for any expenses incurred prior to both Parties signing the Agreement, after termination of the Agreement, or in excess of the amount of the award noted in Section 1. The Grantee must submit its final reimbursement request no later than forty-five (45) calendar days after termination of this Agreement, unless otherwise approved by the Department.
- Records and Audit.** The Grantee shall strictly account for all receipts and disbursements related to this Agreement. The Grantee shall record costs incurred, services rendered, and payment received. The Grantee shall maintain these financial records during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. On request, the Grantee shall provide the financial records to the Department and the state auditor, and shall allow the Department and the state auditor to inspect or audit these financial records during business hours at the Grantee's principal office during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. If the financial records provided by the Grantee are insufficient to support an audit by customary accounting practices, the Grantee shall reimburse the Department for any expense incurred related to the insufficient documentation within thirty (30) calendar days of written notice from the Department. If an audit or inspection reveals that funds were used for expenses not directly related to the project or were used inappropriately, or that payments were excessive or otherwise erroneous, the Grantee shall reimburse the Department for those funds or payments within thirty (30) calendar days of written notice.

STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 21-SEP-208R

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION AND AGREEMENT BETWEEN LEA COUNTY AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE SAFER NEW MEXICO DWI GRANT AND SAFETY FUNDS FOR FY 2021 – 2022 TO INCLUDE: END DRIVING WHILE IMPAIRED (ENDWI) PROJECT NO. 02-AL-64-051; BUCKLE UP (BKLUP)/CLICK IT OR TICKET (CIOT) PROJECT NO. 02-OP-RF-051; AND SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)

WHEREAS, Lea County Department of Transportation

WHEREAS, the project Buckle Up (BKLUP), Click It or Ticket (CIOT)

WHEREAS, each patrol in high crash location and

WHEREAS, these projects traffic crashes are increased

NOW, THEREFORE County of Lea hereby approved as for the

1. End Driving While Impaired (ENDWI)  
2. Buckle Up (BKLUP)  
3. Selective Traffic Enforcement Program (STEP)

Total funding

BE IT FURTHER RESOLVED that the County of Lea hereby approved as for the

PASSED AND APPROVED by the Board of Commissioners in an open and public session this 21st day of September, 2021.

SEP 29 2021

September 29, 2021

Chief Deputy Chan Kim  
Lea County Sheriff's Department  
141 / South Co  
Lovington, NM

RF: Project Ag

Dear Chief Dep

Enclosed is the information regarding the 2 COT R Part responsible for the following:

Project Number  
02-AL-64-051 23  
02-OP-RF-051 24  
02-PT-RF-051 25

2 COT R Subpart  
(a) Audit (see)  
Federal entry)  
conducts for

(b) Single audit  
entry's fiscal year  
\$200,514 Scope  
accordance with

(c) Program-specific  
federal program  
terms and conditions  
business, the audit  
with \$200,517  
invest all of the  
the same time  
pass-through's  
audit.

Date: September 29, 2021

To: Michael Sandoval, Cabinet Secretary

Through: Jeff Borela, Director, Traffic Safety Division

From: Kimberly Wichter, Staff Manager

Subject: Letter of Justification for Grant Agreement between the New Mexico Department of Transportation Traffic Safety Division and County of Lea.

MEMORANDUM

1. ISD Program Manager Vincent Rodriguez Phone # 505-629-3162 will oversee the project(s).

2. The Confidential Agreement provides funding to Lea County Sheriff's Department to conduct the following project(s) and activities as shown below.

- **ENDWI - \$3,278.00 (Federal 164 AU)**  
The ENDWI program funds overtime enforcement for DWI checkpoint and DWI directed patrol program. Funds are used to maintain the program as funding allows, and to resume the program in areas of the state with high rates of DWI.
- **BKLUP - \$2,038.00 (State Road Fund)**  
The BKLUP program funds overtime for law enforcement agencies to conduct safety belt and child restraint/booster seat use activities to increase in seat-belt protection use in New Mexico.
- **STEP - \$20,467.00 (State Road Fund)**  
Provides funding for statewide enforcement program to target specific traffic problems such as speed, DWI, road rage, distracted and reckless driving, fatigue, roadway driving, occupant protection, and crashes involving pedestrians, primarily through the use of safety co-ops. Participating agencies include local law enforcement.

3. The agreement will be effective from date of last signature to 9/30/2022.

4. A deliverables table is listed in Exhibit A-C.

5. The agreement is exempt from the procurement as it is with another government agency, (per NMISA 19-78 Section 13-3-98, et seq.)

General Office P.O. Box 1348 Santa Fe, NM 87504

Michelle Lujan  
Governor

Michael H. Sandoe  
Lieutenant Governor

Commissioners  
Jennifer Davidson  
Commissioner, State Treasurer  
David J.

Brian C. Cline  
Commissioner, State Auditor  
David J.

Thomas C. Clement  
Commissioner, State Attorney General  
David J.

Walter G. Adams  
Commissioner, State Department of Transportation  
David J.

Thomas C. Taylor  
Commissioner, State Department of Agriculture  
David J.

Charles Rasmussen  
Commissioner, State Department of Health  
David J.



Consideration of Lea County Resolution No. 21-SEP-209R Approving Lea County as the Fiscal Agent and Authorizing the Submittal of a Grant Application to the New Mexico Department of Finance and Administration, Local Government Division for Additional Funding Available to Participate in the Local DWI Grant and Distribution Program and Delegating Authority for Fiscal Year 2022

LDWI Grant Funding

Application for additional LDWI funding of \$72,764  
Utilized for expenses in

- Probation
- Treatment
- Prevention

Once awarded, FY22 LDWI Grant total

- \$292,264

Local DWI Grant Program - Reversion Funds  
Revenue/Expenditure Roll Up

County/Municipality Lea

Revenue Breakdown

Local DWI Reversion Funds \$ 72,764.00

In-Kind Match:

Program Generated Fees

County \$ 7,500.00

City

Judicial/Courts

Other:

Other:

\*Minimum 10% in-kind match required

Expenditure Breakdown

LDWI Reversion Funds

Program

Personnel Services \$ 0.00

Employee Benefits \$ 0.00

Travel (in-state) \$ 0.00

Travel (out-of-state) \$ 0.00

Supplies \$ 26,727.00

Operating Costs \$ 21,193.00

Contractual Services \$ 0.00

Minor Equipment \$ 24,844.00

Capital Purchases \$ 0.00

Component

Prevention \$ 22,253.33

Enforcement \$ 0.00

Screening \$ 0.00

Treatment \$ 21,498.01

Compl. Mtr/track \$ 19,897.99

Coord/Plan & Eval. \$ 9,114.67

Alt. Sentencing \$ 0.00

In-Kind Match

Administrative

Personnel Services \$ 0.00

Employee Benefits \$ 0.00

Program

Personnel Services \$ 0.00

Employee Benefits \$ 0.00

Travel (in-state) \$ 0.00

Travel (out-of-state) \$ 0.00

Supplies \$ 3,500.00

Operating Costs \$ 4,000.00

Contractual Services \$ 0.00

Minor Equipment \$ 0.00

Capital Purchases \$ 0.00

Component

Prevention \$ 7,500.00

Enforcement \$ 0.00

Screening \$ 0.00

Treatment \$ 0.00

Compl. Mtr/track \$ 0.00

Coord/Plan & Eval \$ 0.00

Alt. Ser

DRIVE SOBER

Lea COUNTY

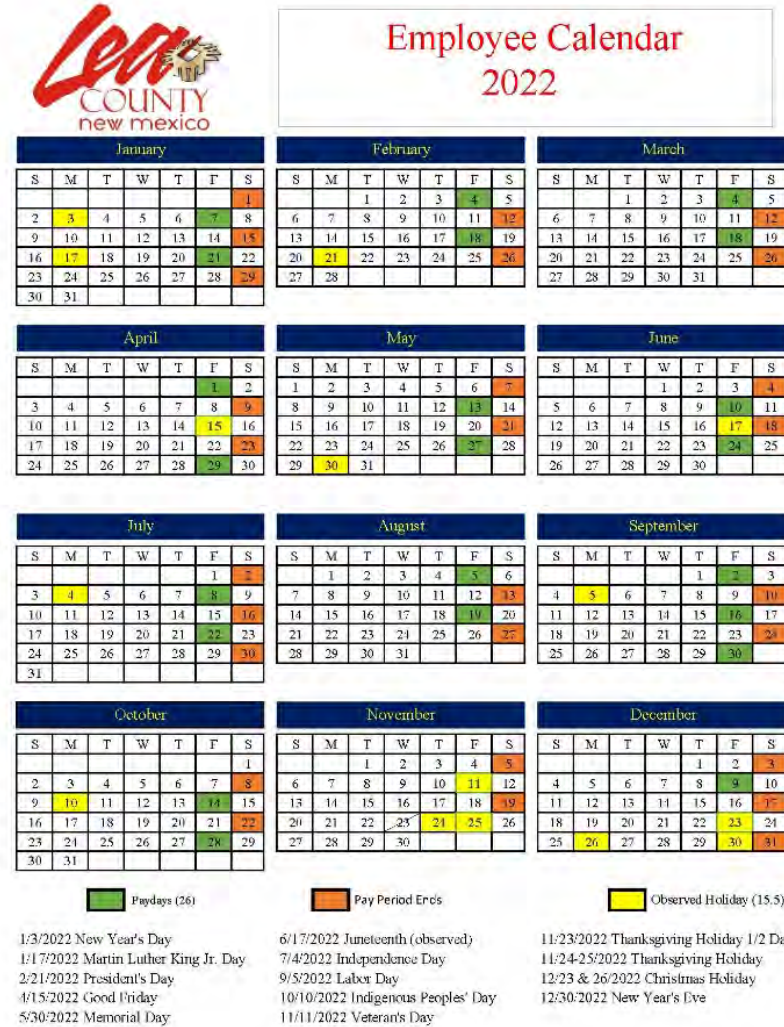
DWI PROGRAM

LCBCC Regular Meeting 09-30-2021 Item 02.14.01

19

## 2022 Employee Holidays

1/3/2022 New Year's Day (observed)  
 1/17/2022 Martin Luther King Jr. Day  
 2/21/2022 President's Day  
 4/15/2022 Good Friday  
 5/30/2022 Memorial Day  
 6/17/2022 Juneteenth (observed)  
 7/4/2022 Independence Day  
 9/5/2022 Labor Day  
 10/10/2022 Indigenous Peoples' Day  
 11/11/2022 Veteran's Day  
 11/23/2022 Thanksgiving Holiday ½ day  
 11/24-25/2022 Thanksgiving Holiday  
 12/23 and 12/26/2022 Christmas Holiday  
 12/30/2022 New Year's Eve (observed)





# Consideration of Lea County Resolution No. 21-SEP-211R Approving a Cooperative Educational Services (CES) Task Order with D&D Automation & Electric, LLC for the Installation of Runway Cameras at the Lea County Regional Airport

Lea County has applied and received a grant to install 6 cameras at the Lea County Regional Airport to capture and record movements on aircraft both on the runways and taxiways, and also on their approach.

D&D Automation & Electric has submitted a CES qualified estimate to complete this project.

Estimated Total Cost of Project: \$29,123.65

HOB-21-04 Grant Information (90/10)  
Total Grant Amount: \$29,912.00



# Consideration of Lea County Resolution No. 21-SEP-212R Approving Award of Bid No. 02 2021 – 2022 High Performance Asphalt Patch Material for the Lea County Road Department to Pavement Sealants and Supply Inc

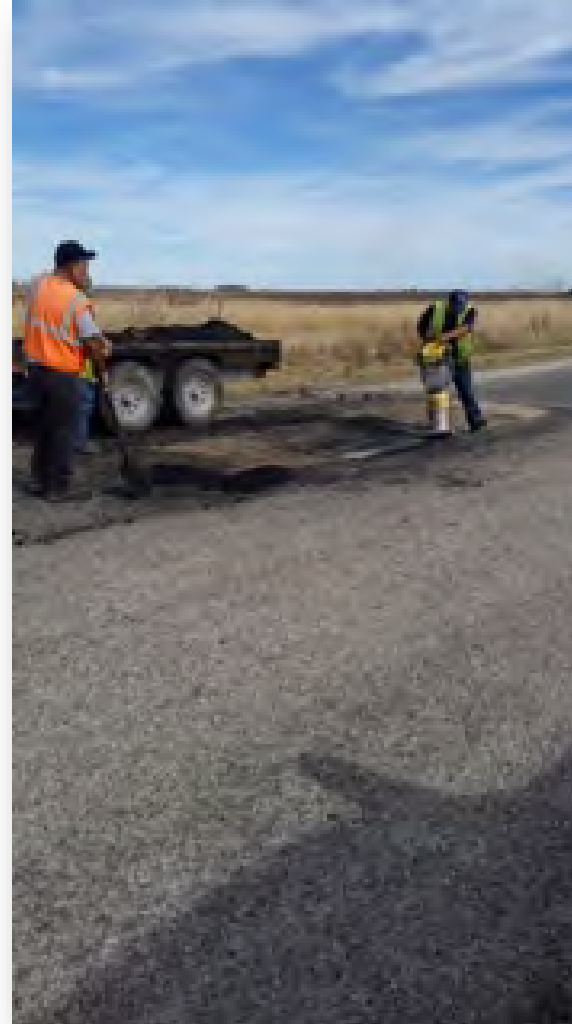
Lea County Road Department utilizes pavement patching material on a daily basis to fix potholes and pavement break offs throughout Lea County.

Lea County opened bids on July 8, 2021 with on bid submitted by Pavement Sealants & Supply, INC.

1,000 bags= \$14,470.00

1,200 TONS= \$308,400.00

The work is currently budgeted in 402-10-2051.





## Consideration of Lea County Resolution No. 21-SEP-213R Approving Award of Bid No. 03 2021 – 2022 Reflectorized High-Durable Traffic Striping for the Lea County Road Department to Highway Supply, LLC

Lea County Road Department utilizes reflectorized pavement markings to mark the centerline and edge lines on some of the highly utilized paved roadways.

Lea County opened bids on July 8, 2021 with one bid being submitted by Highway Supply, LLC. for \$428,525.00

Staff recommends the contract be awarded to Highway Supply, Inc. the work is currently budgeted in 402-10-2051 and 402-10-2052.



## Consideration of Lea County Resolution No. 21-SEP-214R Amending a Cooperative Educational Services (CES) Task Order with Constructors Inc to Widen and Apply Overlay on Battle Axe Road 1.0 Miles Beginning at County Road 1 (CR1) AKA Orla Road for \$366,592.00

Staff requests that LCBCC amend the previous task order with revised termini. The project beginning will be CR1 (Orla Rd.) rather than NM128.

Lea County entered into an CAP grant with NMDOT for the widening and reconstruction of 1 mile of Battle-Axe roadway. The total grant amount is \$297,488 to aid in the funding of the construction project.

Lea County wishes to enter into a CES contract with Constructors Inc. to widen and apply an asphalt overlay on 1 mile of Battle-Axe beginning on County Road 1. Constructors Inc. is familiar with the construction methods and materials that will be utilized on this project.

The total proposed cost of the project is estimated at \$366,592. Additional funds are budgeted in to complete the project.





## Consideration of Lea County Resolution No. 21-SEP-215R Authorizing a Cooperative Educational Services (CES) Task Order with Constructors Inc to Widen and Apply Overlay on Battle Axe Road 1.0 Miles Beginning at NM128 for \$310,518.00

Lea County entered into an CAP grant with NMDOT for the widening and reconstruction of 1 mile of Battle-Axe roadway. The total grant amount is \$297,488 to aid in the funding of the construction project.

Lea County wishes to enter into a CES contract with Constructors Inc. to widen and apply an asphalt overlay on 1 mile of Battle-Axe beginning on NM 128. Constructors Inc. is familiar with the construction methods and materials that will be utilized on this project.

The total proposed cost of the project is estimated at \$310,518. Additional funds are budgeted in to complete the project.





# Consideration of Lea County Resolution No. 21-SEP-216R Approving Land Acquisition for Maljamar Fire Substation from Branch Ranch, LLC

The Maljamar Volunteer Fire Department has the need to increase the number of fire apparatus bays to house their existing and future vehicles. This can be accomplished by adding to their existing station or adding an additional station.

Through much coordination and analysis, it is recommended that an additional station located east of Maljamar would be most beneficial due to the number of volunteers in the Lovington area and the number of responses east and north of Maljamar.

An area near the Lea County Zip Franklin Memorial Airport as chosen as the best location for this second fire station. Through coordination with the Lea County Office of Emergency Management and the Maljamar Fire Chief, available land was able to be identified.

The land is currently under the ownership of Branch Ranch, LLC. Branch Ranch has offered to sever 3 acres of land on the corner of NM 83 and the Zip Franklin Access Road and donate it to the county for this use.

Lea County staff would like to take ownership of this parcel of land and begin planning and design services required to build a substation at this location.

**BRANCH RANCH CLAIM OF EXEMPTION**  
**PLAT OF TRACTS 1 AND 2**  
LOCATED IN THE SW/4 SE/4 OF SECTION 1,  
TOWNSHIP 16 SOUTH, RANGE 30 EAST, N.M.P.M.,  
LEA COUNTY, NEW MEXICO

**LEGEND**

- TRACT 1: 3.00 ACRES
- TRACT 2: 3.00 ACRES
- TRACT 3: 3.00 ACRES
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**STATE OF NEW MEXICO**  
**LEA COUNTY**  
**CLERK**

**BRANCH RANCH, LLC**  
**OWNER**

**LEA COUNTY, NEW MEXICO**  
**CLERK**

**DATE OF RECORDING:** \_\_\_\_\_

**FILE NO.:** \_\_\_\_\_

**BOOK NO.:** \_\_\_\_\_

**PAGE NO.:** \_\_\_\_\_

**RECORDING FEE:** \_\_\_\_\_

**ADDITIONAL FEES:** \_\_\_\_\_

**TOTAL FEE:** \_\_\_\_\_

**REMARKS:** \_\_\_\_\_

**APPROVED BY:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**NOTARY PUBLIC:** \_\_\_\_\_

**COMMISSION EXPIRES:** \_\_\_\_\_

**LEA COUNTY, NEW MEXICO**  
**CLERK**

**DATE OF RECORDING:** \_\_\_\_\_

**FILE NO.:** \_\_\_\_\_

**BOOK NO.:** \_\_\_\_\_

**PAGE NO.:** \_\_\_\_\_

**RECORDING FEE:** \_\_\_\_\_

**ADDITIONAL FEES:** \_\_\_\_\_

**TOTAL FEE:** \_\_\_\_\_

**REMARKS:** \_\_\_\_\_

**APPROVED BY:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**NOTARY PUBLIC:** \_\_\_\_\_

**COMMISSION EXPIRES:** \_\_\_\_\_





# Consideration of Lea County Resolution No. 21-SEP-217R Approving a Recommendation from an Appointed Freeholders Committee Denying the Request to Vacate a Dedicated Street Between Block 5 and Block 6 in the Chula Vista Subdivision, North of Ponderosa Street and West of Grimes Street in Section 4, Township 18 South, Range 38 East N.M.P.M. in Lea County, New Mexico

23396

## CHULA VISTA SUBDIVISION

LEA COUNTY, NEW MEXICO

JOHN W. WEST ENGINEERING CO.  
— CONSULTANTS —

DEDICATION

STATE OF NEW MEXICO ) ss  
COUNTY OF LEA ) ss

KNOW ALL MEN BY THESE PRESENTS

THAT THE SUBDIVISION SHOWN HEREON AND HEREBY DESIGNATED CHULA VISTA SUBDIVISION, LEA COUNTY, NEW MEXICO, CONSISTING OF A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT, FROM WHICH THE COMMON CORNER OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEARS SOUTH 0° 10' EAST, A DISTANCE OF 660 FEET; THENCE NORTH 89° 50' WEST, A DISTANCE OF 2844.07 FEET; THENCE NORTH 0° 10' WEST, A DISTANCE OF 660 FEET; THENCE SOUTH 89° 50' EAST, A DISTANCE OF 2843.14'; THENCE SOUTH 0° 10' EAST, A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR THEREOF, SURVEYED AND SUBDIVIDED ACCORDING TO THE LOTS AND BLOCKS AS THEY APPEAR ON THE PLAT AFFIXED HEREON AND THE STREETS AS THEY APPEAR ON SAID PLAT ARE DEDICATED TO THE USE OF THE PUBLIC.

THERE IS HEREBY RESERVED BY THE PREVIOUS OWNER OF SAID LAND ALL OF THE OIL, GAS, AND OTHER MINERALS LOCATED THEREIN AND THEREUNDER.

IN WITNESS WHEREOF, THE UNDERSIGNED OWNER AND PROPRIETOR OF SAID LAND HAS CAUSED THEIR PRESENCE TO BE EXECUTED BY LOLA BAILEY, A MARRIED WOMAN, DEALING IN HER SOLE AND SEVERATE ESTATE, ON THIS 21st DAY OF SEPTEMBER, 1964 A.D.

Lola Bailey  
LOLA BAILEY

STATE OF NEW MEXICO ) ss  
COUNTY OF LEA ) ss

ON THIS 21st DAY OF SEPTEMBER, 1964 A.D., BEFORE ME PERSONALLY APPEARED LOLA BAILEY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN, AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

MY COMMISSION EXPIRES 3-21-65

NOTARY Lachance R. Rite

CERTIFICATE OF APPROVAL BY THE COUNTY COMMISSIONERS

STATE OF NEW MEXICO ) ss  
COUNTY OF LEA ) ss

BE IT KNOWN THAT THE AFFIXED PLAT OF THE CHULA VISTA SUBDIVISION CONSISTING OF LAND SUBDIVIDED AS A FORECLOSED SUBDIVISION IN LEA COUNTY, NEW MEXICO, WAS SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS OF LEA COUNTY, NEW MEXICO, ASSEMBLED AT A MEETING ON THE 16th DAY OF SEPTEMBER, 1964 A.D., AND THE SUBDIVISION AS SHOWN ON SAID PLAT WAS THEREUPON APPROVED AND ACCEPTED BY A MAJORITY OF THE MEMBERS OF THE BOARD.

IN WITNESS WHEREOF THE BOARD OF COUNTY COMMISSIONERS OF LEA COUNTY, NEW MEXICO, HAS CAUSED THIS RESOLUTION TO BE SIGNED ON ITS BEHALF BY ITS CHAIRMAN AND ATTESTED TO BY THE COUNTY CLERK OF LEA COUNTY, NEW MEXICO, ON THIS 21st DAY OF SEPTEMBER, 1964 A.D.

ATTEST  
County Clerk  
COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS  
Chairman  
CHAIRMAN OF THE BOARD

CERTIFICATE OF MUNICIPAL APPROVAL

STATE OF NEW MEXICO ) ss  
COUNTY OF LEA ) ss

I, HAZEL ANDERSON, THE DULY APPOINTED, QUALIFIED, AND ACTING CITY CLERK OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF THE CHULA VISTA SUBDIVISION, LEA COUNTY, NEW MEXICO WAS APPROVED BY THE CITY COMMISSION OF THE CITY OF HOBBS BY RESOLUTION NO. 23396 ON THE 20th DAY OF SEPTEMBER, 1964 A.D.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE CORPORATE SEAL THIS 21st DAY OF SEPTEMBER, 1964 A.D.

City Clerk  
CITY CLERK

THE PLAT, RESTRICTIONS, AND DEDICATION APPROVED AND ACCEPTED THIS 16th DAY OF JULY 1964 A.D. BY THE CITY PLANNING COMMISSION OF HOBBS, NEW MEXICO.

23396

STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED

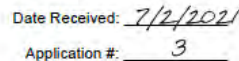
SEP 29 1964

ENGINEERS CERTIFICATE

I, JOHN W. WEST, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT HEREON WAS MADE FROM SURVEY WORK IN THE FIELD BY ME, AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 21st DAY OF SEPTEMBER, 1964 A.D.

John W. West  
JOHN W. WEST  
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR  
LEA COUNTY, NEW MEXICO  
EXPIRATION DATE 1968



## ROAD VACATION REQUEST

\*Applicant requests the Vacation of a County Road or ROW as shown on the Official LEA County Road Map and the applicant acknowledges valid LEA County Ownership but desires vacation of the route.

Utility easements granted within vacated county roads or rights-of-way will remain as legal easements.

Failure to complete this application is cause for rejection of the request.

[illegible]

Name of applicant (print legibly): Brian and Shanna Dunlap

**Mailing Address:** 1220 W Ponderosa Dr. Hobbs, NM 88242

**Brief Reason for Request:** Resident would like to obtain the easement on the east side  
of property. The easement across the street has already been vacated.

Contact Phone Number: 575-441-0492

Name of Road or ROW (right of way): Not a through street

Length of Road or ROW for request: 80 yards long

[illegible]

I understand that this application is a request for the permanent vacation of said road or ROW, as described above, and that pending approval by the LEA County Board of Commissioners, said road or ROW will no longer be a part of the LEA County roads network. Further, if vacated, all utility easements within the approved vacation will remain as legal easements.

Signed (applicant): Shanna Dunlap Date: 07/02/2021

**Applications will only be accepted at:**  
**Lea County Road Department**  
**5915 N Lovington Hwy**  
**Hobbs, NM 88240**

Page 1 of 2

*New Mexico Statutes > Chapter 67 > Article 5 > § 67-5-4 - Discontinuance; procedure; viewers; county-line roads.*

Whenever, in the opinion of the board of county commissioners of any county, any road or part of road then established and maintained as a public highway is not needed, or the repairs of the same are burdensome and in excess of the benefits there from, they may at a regular meeting appoint a board of commissioners of three freeholders of the county as viewers, to view such road or part of road, and make report thereof to the board of county commissioners at their next regular meeting, setting forth fully their finding, and if they recommend a discontinuance of such road or part of road, then the board of county commissioners may order the same vacated: provided, that if such road runs on the county line between two counties, the county commissioners of both the counties interested shall appoint viewers and the concurrence of the county commissioners of both counties shall be necessary to vacate it.

*New Mexico Statutes > Chapter 67 > Article 2 > § 67-2-6 - Abandonment, vacation and reverter of public roads, streets and highways*

Property or property rights acquired by purchase or condemnation by the state or any commission, department, bureau, agency or political subdivision of the state for public road, street or highway purposes shall not revert until such property or property rights are vacated or abandoned by formal written declaration of vacation or abandonment which has been duly declared by the state or any commission, department, institution, bureau, agency or political subdivision of the state in whom the property or property right has vested. The right to abandon and vacate shall exist regardless of whether the public road, street or highway was created by the legislature or otherwise.

Page 2 of 2





Consideration of Lea County Resolution No. 21-SEP-217R Approving a Recommendation from an Appointed Freeholders Committee Denying the Request to Vacate a Dedicated Street Between Block 5 and Block 6 in the Chula Vista Subdivision, North of Ponderosa Street and West of Grimes Street in Section 4, Township 18 South, Range 38 East N.M.P.M. in Lea County, New Mexico



4201 Frankford  
Lubbock, TX 79407

August 27, 2021

Lea County Government  
Attn: Bruce Reid  
100 N. Main Suite 4  
Lovington, NM 88260

RE: Vacation of alley east of 1220 West Ponderosa

Dear Mr. Reid:

Xcel Energy has reviewed the alley east of 1220 West Ponderosa and identified Distribution facilities that will be impacted.

Xcel Energy has two lift poles with triplex secondary on them that terminates to an underground service to the home at 1220 West Ponderosa. Xcel Energy requests to keep the right of way at this location by keeping a reservation for electric utilities.

Please do not hesitate to contact me at 806-729-9464, if you should have any questions.

Respectfully,

Dusty L. Durham

Digitally signed by Dusty L. Durham  
DN: cn=Dusty L. Durham,  
email=Dusty.L.Durham@xcelenergy.com,  
c=Xcel Energy, ou=Central Texas,  
ou=Dusty L. Durham,  
serial=1, c=Xcel Energy, ou=Central Texas,  
ou=Dusty L. Durham

Dusty Durham  
Manager, Distribution Design

Consideration of Lea County Resolution No. 21-SEP-217R Approving a Recommendation from an Appointed Freeholders Committee Denying the Request to Vacate a Dedicated Street Between Block 5 and Block 6 in the Chula Vista Subdivision, North of Ponderosa Street and West of Grimes Street in Section 4, Township 18 South, Range 38 East N.M.P.M. in Lea County, New Mexico

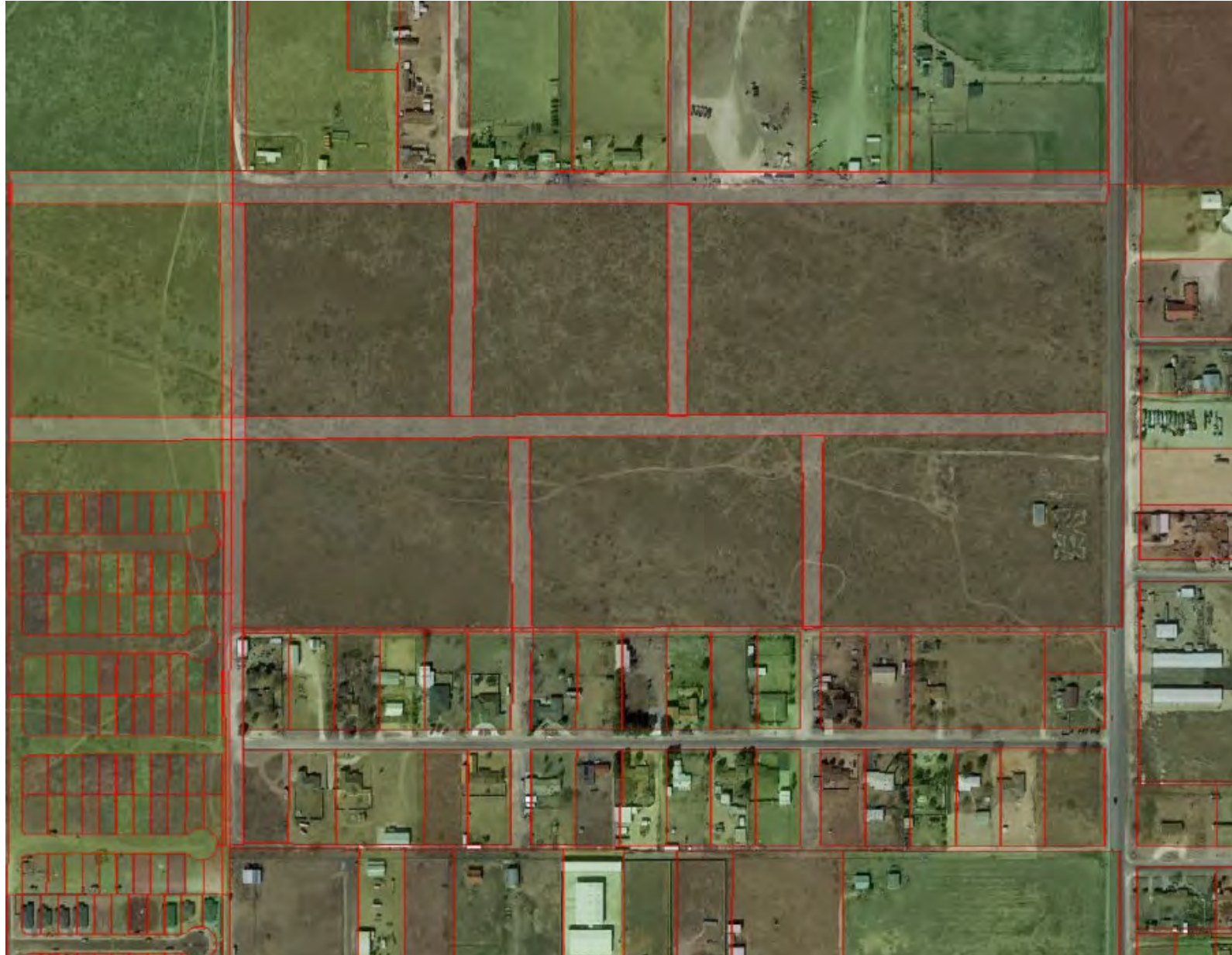




## Freeholders Committee Questions Prior to Decision Making

- Will the easement be split evenly between the two property owners next to it?
- Who would take responsibility of the land maintenance?
- Will the size and value of the two properties connected change?
- Who will be fiscally responsible for these changes?
- Will this vacated property be need if/when future development occurs?
- What will the block length be if the property is vacated?
- Do any Utility companies have an opinion about this possible vacation of property?
- Do any dedicated rights of way in any other subdivision closely align or perfectly align with the proposed vacated right of ways?

Consideration of Lea County Resolution No. 21-SEP-217R Approving a Recommendation from an Appointed Freeholders Committee Denying the Request to Vacate a Dedicated Street Between Block 5 and Block 6 in the Chula Vista Subdivision, North of Ponderosa Street and West of Grimes Street in Section 4, Township 18 South, Range 38 East N.M.P.M. in Lea County, New Mexico





Consideration of Lea County Resolution No. 21-SEP-217R Approving a Recommendation from an Appointed Freeholders Committee Denying the Request to Vacate a Dedicated Street Between Block 5 and Block 6 in the Chula Vista Subdivision, North of Ponderosa Street and West of Grimes Street in Section 4, Township 18 South, Range 38 East N.M.P.M. in Lea County, New Mexico

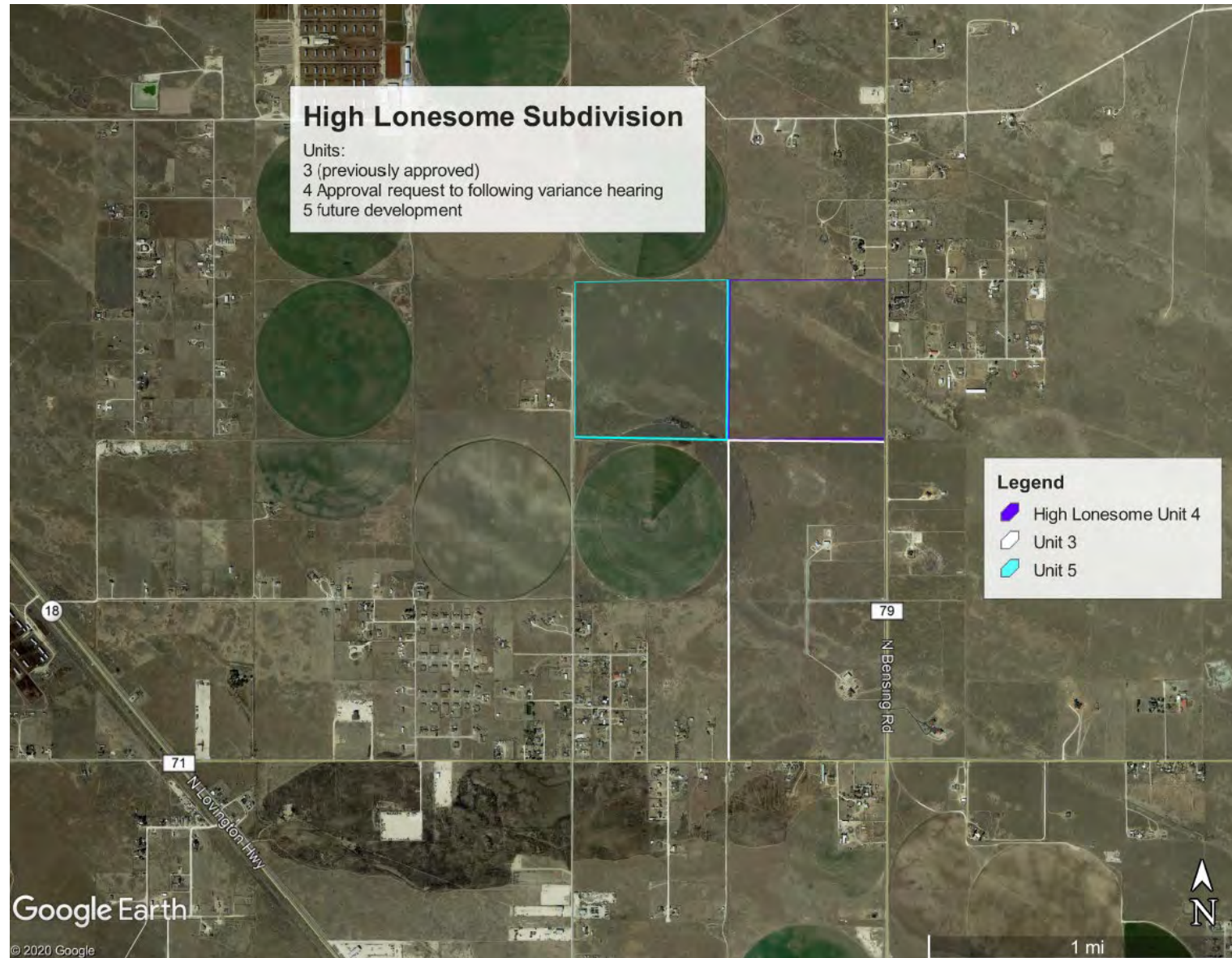




## Freeholders Committee's Decision

- Based on the following conditions, the committee recommends denial for the request of vacation of right of way between Blocks 5 and 6 of Chula Vista Subdivision.
- If vacation is granted, then the Board of Commissioners will to noncompliant with Lea County Subdivision Regulation, Ordinance 35, Section 16.2.1(F) dealing with block length in a subdivision.
- This right of way will be needed for future conductivity from northern subdivision to southern and westerly subdivision.
- Xcel Energy would like to protect its access to its transmission lines and equipment in this right of way.

# Consideration of Lea County Resolution No. 21-SEP-218R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat for High Lonesome, Unit 4 in Section 19, Township 17 South, Range 38 East, N.M.P.M. In Lea County, New Mexico



36



High Lonesome Unit 4 - High Lonesome Subdivision, Unit 4 is a proposed 30 lot subdivision on 160 acres.

A block length variance for this subdivision was previously approved by the Board of County Commissioners on February 18, 2021.

It is located one mile north of the Alabama Street and Bensing Road intersection on the west side of Bensing Road. The smallest lot in the subdivision will be 4.68 acres with the largest lot being 5.34 acres. Average lot size is greater than 2 acres.

Hightower street will continue through the subdivision from the east side of Bensing Road.

On August 18, 2021, a public hearing was held at the Lea County Planning and Zoning Board meeting. The Planning and Zoning Board voted unanimously to recommend approval of the preliminary plat based on accepting the finding of fact for the subdivision.

Staff recommends that if approval is given, it is approved with conditions.

## TIMELINE

- Commissioners approved Block Length Variance to High Lonesome Subdivision, Unit 4 on February 18, 2021.
- State Agency Opinion Letters sent February 25, 2021
- Opinion period ended March 3, 2021
- Received a positive and an adverse opinion letter March 13, 2021
- Subdivider informed to request a revised opinion April 7, 2021
- Subdivider requested revised opinion from OSE June 23, 2021
- Received 2<sup>nd</sup> negative opinion July 22, 2021
- Public Hearing August 18, 2021 Planning Board Recommends Approval
- Board approval request September 30, 2021

## Planning and Zoning Board agrees on the following Finding of Fact discussed at the public hearing:

### Findings of Fact

1. **Water quantity is sufficient to fulfill the maximum annual water requirements of the Subdivision including water for indoor and outdoor uses.**  
Maximum annual water requirements for High Lonesome Subdivision, Unit 4, is 18 acre-feet per year. The saturated thickness of the aquifer for this subdivision is 100 feet. The average decline in the aquifer is 1.5 feet per year. The office of State Engineer estimates the decline at 3.5 feet per year.  
Approval Votes: Dickie Wall-YES; Blake Ovard-YES; Ben Donahue-YES; Michael Arnold-YES.
2. **Water is of an acceptable quality for human consumption and measures are taken to protect the water supply from contamination.**  
All water in the Ogallala Aquifer is fit for human consumption.  
Approval Votes: Dickie Wall-YES; Blake Ovard-YES; Ben Donahue-YES; Michael Arnold-YES.
3. **There is a means of liquid waste disposal for the subdivision.**  
Individual septic systems will dispose of liquid waste in High Lonesome Subdivision, Unit 4.  
Approval Votes: Dickie Wall-YES; Blake Ovard-YES; Ben Donahue-YES; Michael Arnold-YES.
4. **There is a means of solid waste disposal for the subdivision.**  
Waste Management or SOS collects solid waste for High Lonesome Subdivision, Unit 4.  
Approval Votes: Dickie Wall-YES; Blake Ovard-YES; Ben Donahue-YES; Michael Arnold-YES.
5. **There are satisfactory roads to each parcel, including entry and exit for emergency vehicles, and there are appropriate utility easements to each parcel.**  
60-foot roadways front each Lot in High Lonesome Subdivision, Unit 4.  
Approval Votes: Dickie Wall-YES; Blake Ovard-YES; Ben Donahue-YES; Michael Arnold-YES.
6. **Terrain management protects against flooding, inadequate drainage, and erosion.**  
There are no slopes above 8% in High Lonesome Subdivision, Unit 4.  
Approval Votes: Dickie Wall-YES; Blake Ovard-YES; Ben Donahue-YES; Michael Arnold-YES.
7. **There are protections for cultural properties, archaeological sites and unmarked burials that may be directly affected by the Subdivision as required by the Cultural Properties Act.**  
No archaeological site or unmarked burial plots have been discovered in High Lonesome Subdivision, Unit 4.  
Approval Votes: Dickie Wall-YES; Blake Ovard-YES; Ben Donahue-YES; Michael Arnold-YES.
8. **The subdivider can fulfill the proposals contained in the disclosure statement for the subdivision.**  
Subdivider, John Norris, has proven to be able to fulfill all proposals in previous disclosure statements for High Lonesome Subdivisions, Units 1, 2, & 3.  
Approval Votes: Dickie Wall-YES; Blake Ovard-YES; Ben Donahue-YES; Michael Arnold-YES.
9. **The subdivision will conform with the New Mexico Subdivision Act and these regulations.**  
High Lonesome Subdivision, Unit 4, conforms with the New Mexico Subdivision Act and these regulations.  
Approval Votes: Dickie Wall-YES; Blake Ovard-YES; Ben Donahue-YES; Michael Arnold-YES.



The City of Hobbs is given joint Planning and Platting jurisdiction within the Hobbs ETZ. The City of Hobbs has not yet approved the subdivision as submitted.

If approval is recommended, an "Approval with Conditions" is recommended. Conditions would include compliance with building setbacks as provided in the Lea County Subdivision Regulations and compliance and acceptance of the City of Hobbs requirements for the subdivision.

- Details of the process and state agency comments
  - SHPO opinion is according to their database it is their assessment that the proposed subdivision fall within a low archaeological sensitivity area. Therefore no further cultural resource work of the project area is warranted.
  - NM Office of State Engineer Revised Opinion Letter July 20, 2021 by Julie Valdez
  - July 22, 2021- Received 2<sup>nd</sup> negative opinion from OSE.
  - Sighted lack of minimum and maximum depth in Item 17;
  - Item 17 stated xeriscaping to be utilize here and only encouraged in Item 44;
  - Submittal didn't provide existing yields from well log wells;
  - Submittal didn't submit a water hydrology study;
  - Disclosure statement aquifer decline at 1.5 feet/year & Office of State Engineer's rate is 3.5 feet/year.



# Consideration of Lea County Resolution No. 21-SEP-218R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat for High Lonesome, Unit 4 in Section 19, Township 17 South, Range 38 East, N.M.P.M. In Lea County, New Mexico

## NM Office of State Engineer Revised Opinion Letter July 20, 2021 by Julie Valdez



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
CONCHA ORTIZ Y PINO BUILDING, 130 SOUTH CAPITOL, SANTA FE, NM 87  
TELEPHONE: (505) 827-6091 FAX: (505) 827-3806

JOHN R. D'ANTONIO JR., P.E.  
STATE ENGINEER

July 20, 2021

Mail  
P.O. Box  
Santa

Bruce Reid  
County Planner  
Lea County  
100 N. Main St., Suite 4  
Lovington, NM 88260

VIA

**Re: High Lonesome Estates, Unit 4 Subdivision**

Dear Mr. Reid:

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

Based on the information provided, this office cannot determine that the subdivision is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision for indoor and outdoor domestic uses. Accordingly, a **negative** opinion is

A staff memorandum providing specific comments is attached for your information. If you have questions, please call Matt Nelson at 505-827-6755.

Sincerely,

Julie Valdez  
Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Roswell Office

### MEMORANDUM

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

DATE: July 20, 2021  
TO: Julie Valdez, Senior Water Resource Specialist  
FROM: Matt Nelson, Senior Water Resource Specialist  
SUBJECT: High Lonesome Estates, Unit 4 Subdivision in Lea County

### SUMMARY

On June 22, 2021, the Office of the State Engineer (OSE) received a request to review a subdivision proposal for High Lonesome Estates, a Type-Two Subdivision. The proposal is a request to subdivide a 161-acre parcel into a total of 30 lots ranging in size from 4.68 to 5.0 acres. The property is located north of Hobbs on Benising Road, and comprises the SE ¼ Section 19, Township 17 South, Range 38 East, NMPM. The proposed water supply is individual domestic wells.

This proposal was previously reviewed by our office in March 2021. For details, please refer to that memo.

Documents submitted to our office include an updated Disclosure Statement. The plat map is a file from the previous submittal.

The OSE has reviewed the proposal pursuant to the Lea County Subdivision Regulations (Regulations) and the New Mexico Subdivision Act (Act). The proposal is not in compliance with Article 16.3.5.B.3 of the Regulations, nor Sections 47-6-11.B(1) and 47-6-17.B(11) of the Act. Accordingly, a negative opinion is recommended.

### WATER DEMAND ANALYSIS AND WATER CONSERVATION

Item 17 of the Disclosure Statement quantifies the maximum annual water demand at 0.6 acre feet per year (AFY) per parcel. The total annual maximum water requirement for the proposed subdivision is 18 AFY, however this amount is not specified, as is required by 47-6-17.B(11) of the Act.

Water conservation is discussed in the Disclosure Statement. Item 17 recommends the use of low flow toilets, showerheads, and faucets. It additionally limits outdoor water use to 800 square feet in area, and states that "...xeriscape shall be utilized". Item 44 then states "...landscaping techniques applying the principles of xeriscaping...are encouraged". The discrepancy regarding if xeriscaping is required, or rather solely encouraged, should be rectified.

### WATER AVAILABILITY ASSESSMENT

The proposed water supply for this subdivision is individual domestic wells. Article 16.3.5.B of the Regulations requires the applicant to submit a water availability assessment conforming to the requirements contained therein. Well logs were not provided, however Item 19 of the Disclosure Statement provided a list of existing wells within 1 mile of the subdivision. Information regarding yields from existing wells was not provided, as is required by 16.3.5.B.3

High Lonesome Estates, Unit 4 Subdivision  
July 20, 2021  
Page 2 of 2

of the Regulations. Item 20 of the Disclosure Statement estimates a rate of decline of 1.5 feet per year in the aquifer, with a corresponding water supply life expectancy of 100 years.

Our office reviews the existing water rights and physical water availability when issuing an opinion. The OSE Hydrology Bureau (Hydrology) provided a technical review of the submitted documentation, a copy of which is attached for reference. Hydrology used the OSE Lea County Model (Model) to estimate aquifer saturated thickness in 40 years (the timeframe specified in 16.3.5.C.4 of the Regulations). The Model assumes a full exercise of existing water rights, and estimated a rate of decline of 3.5 feet per year and water supply life expectancy of 30 years. Hydrology concludes that "It is uncertain if there will be a sufficient supply for the proposed subdivision for 40 years". It is the opinion of this office that the proposal has not demonstrated a sufficient water supply in accordance with 47-6-11.B(1) of the Act and 16.3.5.C of the Regulations.

In the March 2021 memo, our office stated that "[t]he proposed subdivision is located within a Critical Management Area of the Lea County Underground Water Basin. Given this fact, and in accordance with article 16.3.5.B.4 of the Regulations, additional information including a geohydrologic report conforming to the requirements set forth in article 16.3.5.C needs to be provided to the OSE with any future submittals to demonstrate the availability of a 40-year water supply for the proposed subdivision". This information was not provided with the current submittal. Our office reiterates that any future submittals for an agency opinion from the OSE regarding this proposal must include a geohydrologic report conforming to the requirements described in 16.3.5.C of the Regulations.





# Consideration of Lea County Resolution No. 21-SEP-218R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat for High Lonesome, Unit 4 in Section 19, Township 17 South, Range 38 East, N.M.P.M. In Lea County, New Mexico

## NM Office of State Engineer Hydrology Bureau Summary Letter July 19, 2021 by Kamran Syed & Ghassan Musharrafieh

Proposed High Lonesome Estates Subdivision, Lea County, NM

### MEMORANDUM OFFICE OF THE STATE ENGINEER Hydrology Bureau

DATE July 19, 2021

TO: Julie Valdez, Water Use and Conservation Bureau Manager  
Matthew Nelson, Water Use and Conservation Bureau

FROM: Kamran Syed, Ph.D., P.E., Water Resources Engr., Hydrology Bureau KHS

THROUGH: Ghassan Musharrafieh, Ph.D., P.E., Hydrology Bureau Chief gsm

SUBJECT: Technical review of the data provided in the Disclosure Statement for High Lonesome Estates Subdivision, Lea County, New Mexico

### SUMMARY

The proposed High Lonesome Estates Subdivision is in Lea County north of Hobbs, NM. Domestic wells are proposed to pump from the Ogallala aquifer to supply water to 30 residential lots. The maximum amount that will be allowed to be pumped from each domestic well will be 0.6 acre-feet per year (AFY), and the maximum diversion from the subdivision would be 18 AFY. The Disclosure Statement (which also includes a section on Water Availability) for the proposed High Lonesome Estates Subdivision was reviewed and commented on according to the requirements set forth in the Lea County subdivision regulations.

- The Disclosure Statement *indirectly* satisfies (it just provides a list of only 4 wells within 1 mile of the proposed subdivision; not the actual well logs or minimum and maximum well yields; but that information for the listed wells can be found on the OSE website) Sections 16.3.5.B.1, 16.3.5.B.2 and 16.3.5.B.3 of the Lea County subdivision regulations (these sections refer to well logs, minimum & maximum depth to water, and well yield, respectively).
- The Disclosure Statement includes an analysis of the life expectancy of the water supply considering future water level declines based on a projection of observed water level trend. In this memorandum, the future (40 years) saturation of the aquifer in the area of the proposed subdivision predicted by the OSE Lea County Model is presented. The results show the model cell in the area of the proposed subdivision goes dry before the end of 40 years. The OSE Lea County Model estimates 40-year aquifer remaining saturated thickness assuming the full exercise of existing water rights. It is uncertain whether there will be sufficient supply for the proposed subdivision, therefore, the conditions of 16.3.5.B.4 of the Lea County subdivision regulations have not been met from a modeling perspective. Therefore, it is recommended that the applicant provide a geohydrology report which demonstrates that sufficient water is available to satisfy the subdivision water requirements for the next 40 years.

### INTRODUCTION

The proposed High Lonesome Estates Subdivision is located in SE Quarter, Section 19, Township 17 South, Range 38 East in Lea County, New Mexico, north of Hobbs. The proposed subdivision covers a total area of approximately 160 acres. It consists of 30 proposed lots with a minimum size of 4.68 acres and a maximum size of 5.34 acres. Domestic wells pumping from the Ogallala aquifer are proposed as the source of the water supply. The developer is proposing a diversion of 0.6 AFY from each lot for a total diversion from the proposed subdivision of 18 AFY.

The New Mexico Office of the State Engineer (OSE) Water Use and Conservation Bureau (WUCB) requested that the OSE Hydrology Bureau provide a review of the data provided in the Disclosure Statement of the proposed subdivision. Specifically, WUCB requested to know (Nelson, 2021):

- 1). *If there is sufficient water available to supply the proposed subdivision for 40 years; and,*
- 2). *The Hydrology Bureau's opinion regarding requiring the applicant to submit a geohydrologic report in accordance with Section 16.3.5.B of the Lea County Subdivision Regulations.*

The Lea County subdivision regulations require the following under Section 16.3.5.B: Water Availability Assessment Requirements:

*"If the subdivider proposes that the source of water shall be individual domestic wells or shared wells to be approved by the State Engineer pursuant to Section 72-12-1 NMSA 1978, the subdivider shall submit a water availability assessment containing the following information:*

1. *At least one well log from an on-site well or from an existing nearby well completed in geologic conditions representative of the conditions within the proposed subdivision.*
2. *A description of the water bearing formation including a statement of the maximum and minimum depths to water in the subdivision and the basis for these statements.*
3. *A statement of the estimated yield of wells in gallons per minute based upon well logs from existing nearby wells.*
4. *Any additional information which is required by the State Engineer's Office that will enable it to determine whether or not the subdivider can furnish water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor uses, and whether the subdivider can fulfill the proposals in his/her disclosure statement concerning water, excepting water quality. For subdivisions containing more than six (6) lots, in locations which the State Engineer has determined that geohydrologic conditions are such that the aquifer has not been demonstrated*

2 | 5

*to be capable of furnishing water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision, such additional information may include a geohydrologic report conforming to the requirements of subsection C of these Requirements."*

In this memorandum, the technical data presented in the Disclosure Statement for the proposed High Lonesome Estates Subdivision was reviewed and commented on according to the requirements set forth in the Lea County subdivision regulations (enumerated as items 1 to 4 above), and the specific request from WUCB.

### COMMENTS

The following are my comments on the proposed High Lonesome Estates Subdivision as they pertain to Sections 16.3.5.B.1 through 16.3.5.B.4 of the Lea County subdivision regulations and the specific request from WUCB.

Lea County Subdivision Regulation 16.3.5.B.1 requires subdivider to provide *"At least one well log from an on-site well or from an existing nearby well completed in geologic conditions representative of the conditions within the proposed subdivision"*.

No well logs are provided with the Disclosure Statement. However, Section 19 of the Disclosure Statement provides just a list of only 4 OSE wells within 1 mile of the proposed subdivision for which well logs are available. I was able to verify most of the well information provided in the Disclosure Statement against the information in the well logs available in the OSE database, with one exception. In the Disclosure Statement, for well L-13501, the depth to water (DTW) is stated to be 85 feet. I was unable to verify this information from the well log (in the OSE well log there is no entry for DTW). The well depths range from 213 to 252 feet. In my opinion, the well logs are generally representative of the geologic conditions within the proposed subdivision. This regulation may, therefore, be considered satisfied by the information provided in the Disclosure Statement.

Lea County Subdivision Regulation 16.3.5.B.2 requires subdivider to provide *"A description of the water bearing formation including a statement of the maximum and minimum depths to water in the subdivision and the basis for these statements"*.

The Water Availability section of the Disclosure Statement includes a description of the water bearing formation, which is the Ogallala aquifer. Maximum and minimum depths to water in the subdivision are not provided in the Disclosure Statement. However, a Table in section 19 of the Disclosure Statement does include depths to water for only four wells located within one mile of the proposed subdivision. The minimum and maximum depths to water are 80 and 98 feet below ground surface (bgs), respectively.

Lea County Subdivision Regulation 16.3.5.B.3 requires to provide *"A statement of the estimated yield of wells in gallons per minute based upon well logs from existing nearby wells."*

In Section 19 of the Disclosure Statement, it is mentioned that the yield for an onsite well should be 15 gallons per minute (gpm). It is indicated on page 6 of the Disclosure Statement that *"All water for the subdivision is provided from the Ogallala Aquifer through the drilling of domestic water wells. Application for a permit to use underground waters in accordance to Section 72-1*

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# Consideration of Lea County Resolution No. 21-SEP-218R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Preliminary Plat for High Lonesome, Unit 4 in Section 19, Township 17 South, Range 38 East, N.M.P.M. In Lea County, New Mexico

## NM Office of State Engineer Hydrology Bureau Summary Letter July 19, 2021 by Kamran Syed & Ghassan Musharrafieh

Proposed High Lonesome Estates Subdivision, Lea County, NM

Proposed High Lonesome Estates Subdivision, Lea County, NM

2-1.1, 72-12-1.2, or 72-1 2-1.3 New Mexico Statutes shall be submitted and approved with the New Mexico Office of the State Engineer". From this statement, it can be inferred that no wells are yet drilled in the proposed subdivision. Although no well logs have been provided in the Disclosure Statement, a list of only 4 wells within one mile of the proposed subdivision is provided, as mentioned above. Two well logs from that list were obtained from the OSE database which provide estimated well yield of 24 and 45 gpm, respectively. The estimated well yield of nearby wells appears to be sufficient information.

Lea County Subdivision Regulation 16.3.5.B.4: "Any additional information which is required by the State Engineer's Office that will enable it to determine whether or not the subdivider can furnish water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor uses, and whether the subdivider can fulfill the proposals in his/her disclosure statement concerning water, excepting water quality. For subdivisions containing more than six (6) lots, in locations which the State Engineer has determined that geohydrologic conditions are such that the aquifer has not been demonstrated to be capable of furnishing water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision, such additional information may include a geohydrologic report conforming to the requirements of subsection C of these Requirements."

Section 20 (Life Expectancy of Water Supply) of the Disclosure Statement indicates that the average observed water-level rate of decline (between 2010 and 2021) is approximately 1.5 ft/yr based on observed data. This observed rate of decline is from USGS well 17S.38E.34.113143, which is about 2.7 miles to the east of the proposed subdivision.

The superposition version of the OSE Lea County Model (Musharrafieh and Chudnoff, 1999) was used to estimate aquifer saturated thickness in 40 years assuming the full exercise of existing water rights.

The proposed subdivision is largely in row 53 and column 43 of the model grid. According to the OSE Lea County Basin Guidelines, the model cell corresponding to row 53 column 43 is a Critical Management Area.<sup>1</sup> Table 1 shows the simulated saturated thickness of the model cell containing the subdivision at the end of 2020. Table 1 also shows that the model-predicted saturated thickness at this model cell in less than 40 years is 0 ft and the average model rate of decline for the future period is 3.5 ft/yr for the respective model cell.

Table 1. OSE Lea County Model results in the area of the proposed High Lonesome Estates Subdivision.

Location	Model Row, Column	Model Bottom Elevation, L1, ft	Simulated drawdown, (2020), ft	Simulated saturated thickness at the end of 2020, ft	Year, model cell goes dry	Average model rate of water level decline, ft/yr
Proposed subdivision	53, 43	-128.1	23.05	105.05	2050	3.5 ft/yr
USGS Well	55, 46	-95.5	22.24	73.26	2037	4.3 ft/yr

<sup>1</sup> A Critical Management Area is an area where the aquifer is predicted to go dry or have an inadequate saturated thickness for continued groundwater pumping over a 40-year period.

### CONCLUSIONS

The High Lonesome Estates Subdivision is proposed to be located north of Hobbs, Lea County, New Mexico. The Disclosure Statement was reviewed for technical information pertaining to well logs, water levels, well yield, and water availability. The Disclosure Statement appears to satisfy sections 16.3.5.B.1 to 16.3.5.B.3 of the Lea County Subdivision Regulations.

The Disclosure Statement estimated the life expectancy of the water supply based on a projection of observed water level data, which suggests a sufficient supply. In this memorandum, the future aquifer saturation predicted by the OSE Lea County Model was estimated and it shows the model cell in the area of the proposed subdivision goes dry before the end of 40 years. The OSE Lea County Model assumes full exercise of existing water rights. The model simulated rate of water level decline at the USGS well location (row 55, column 46) is 4.3 ft/yr (Table 1). This rate of water level decline represents simulated water level decline over a 17-year period (from the end of year 2020 to the end of year 2037 when the corresponding model cell goes dry). Note that the observed rate of water level decline in the USGS well (1.5 ft/yr from 2010 to 2021) may not be representative of the future trend because the wells permitted between 2010 and 2020 may not have started pumping their full diversion amounts. On the other hand, model assumes that all wells permitted in 2020 start exercising their full diversion in the year 2020. Also, it can be observed from the water level graph (Exhibit "A" of the Disclosure Statement) that the rate of water level decline is increasing with time. Therefore, it is likely that the future rate of water level decline may be higher than that from year 2010 to 2021. The USGS well is approximately 2.7 miles away from the proposed subdivision. Because of the spatial variability in aquifer characteristics, there may be uncertainty about how representative is the observed rate of water level decline of the proposed subdivision.

In view of the above, it is uncertain whether there will be sufficient supply for the proposed subdivision for 40 years. Therefore, it is recommended that the applicant submit a geohydrology report (as per Lea County Subdivision Regulations Section 16.3.5.C), demonstrating 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 40 years.

### REFERENCES

- Musharrafieh, G. and M. Chudnoff, 1999, Numerical Simulation of Groundwater Flow for Water Rights Administration in the Lea County Underground Water Basin, New Mexico, OSE Technical Report 99-1.
- Nelson, M, 2021. High Lonesome Estates Subdivision in Lea County. Water Use and Conservation Bureau Memorandum to Hydrology Bureau, dated June 23, 2021.

# Consideration of Lea County Resolution No. 21-SEP-219R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Final Plat for Mesquite Draw Subdivision in Section 31, Township 17 South, Range 38 East, N.M.P.M. In Lea County, New Mexico

**MESQUITE DRAW SUBDIVISION**  
SECTION 31, TOWNSHIP 17 SOUTH, RANGE 38 EAST, N.M.P.M.  
LEA COUNTY, NEW MEXICO

**PRELIMINARY**

**SECTION 31, TOWNSHIP 17 SOUTH, RANGE 38 EAST, N.M.P.M.**

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Consideration of Lea County Resolution No. 21-SEP-219R Approving a Recommendation from the Lea County Planning & Zoning Board for the Approval of the Final Plat for Mesquite Draw Subdivision in Section 31, Township 17 South, Range 38 East, N.M.P.M. In Lea County, New Mexico



August 24, 2021

Mr. Corey Needham  
Public Works Director  
Lea County Road Department  
5915 N. Lovington Highway  
Hobbs, New Mexico 88240

Re: Mesquite Draw Subdivision, located in Lea County, New Mexico

Dear Mr. Needham:

The above described subdivision's infrastructure for roadways has been completed. Frequent periodic inspection indicated no deviation from project plans and specifications. The project was completed per the plans and specifications.

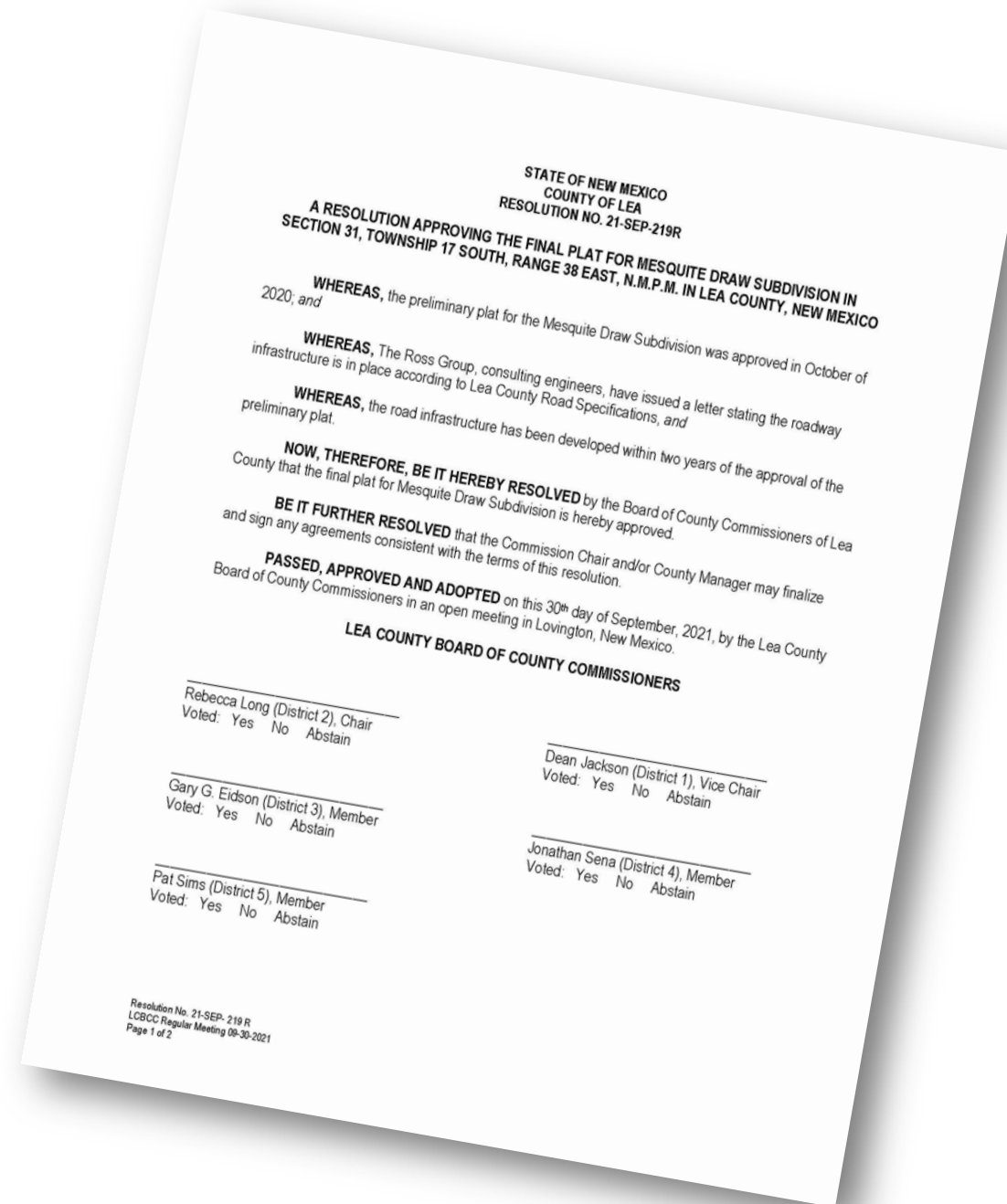
We recommend that the subdivision be accepted into the Lea County roadway system.

Sincerely,

the Ross Group

  
Philip L. Ross, P.E.

xc: Mr. Kevin Robinson, City of Hobbs





# Consideration of Lea County Resolution No. 21-SEP-220R Authorizing Lea County's Fiscal Year 2021 - 2022 1st Quarter Payment and Certification for the Safety Net Care Pool Fund

## 1st Qtr. FY 22 SNCP SB268 Payment

FY 21 Matched Taxable Gross Receipts	\$ 4,993,595,360.58
FY 22 1/12 <sup>th</sup> Increment Due	\$ 4,161,329.47
FY 21 Quarterly Amount Due	\$ 1,040,332.36



# Consideration of Lea County Resolution No. 21-SEP-221R Approving the Lea County Indigent Claims Burial/Cremation Report

## BURIAL INDIGENT CLAIMS

	Date Deceased	Date of Birth	Funeral Home	Amount Requested	Type of Burial	Recommendation for Approval	Comments
Claim #1	08/08/2021	02/14/1959	Baca's Funeral Chapel	\$600.00	Cremation Fee	\$600.00	Deceased owned no property.
Claim #2	08/04/2021	01/26/1956	Kirby-Ratliff Funeral Home	\$600.00	Cremation Fee	\$600.00	Deceased owned no property.





# Lea County Financial Report

For the month ending August 31, 2021

## Revenue Versus Expenses By Function

### For the year ending August 31, 2021

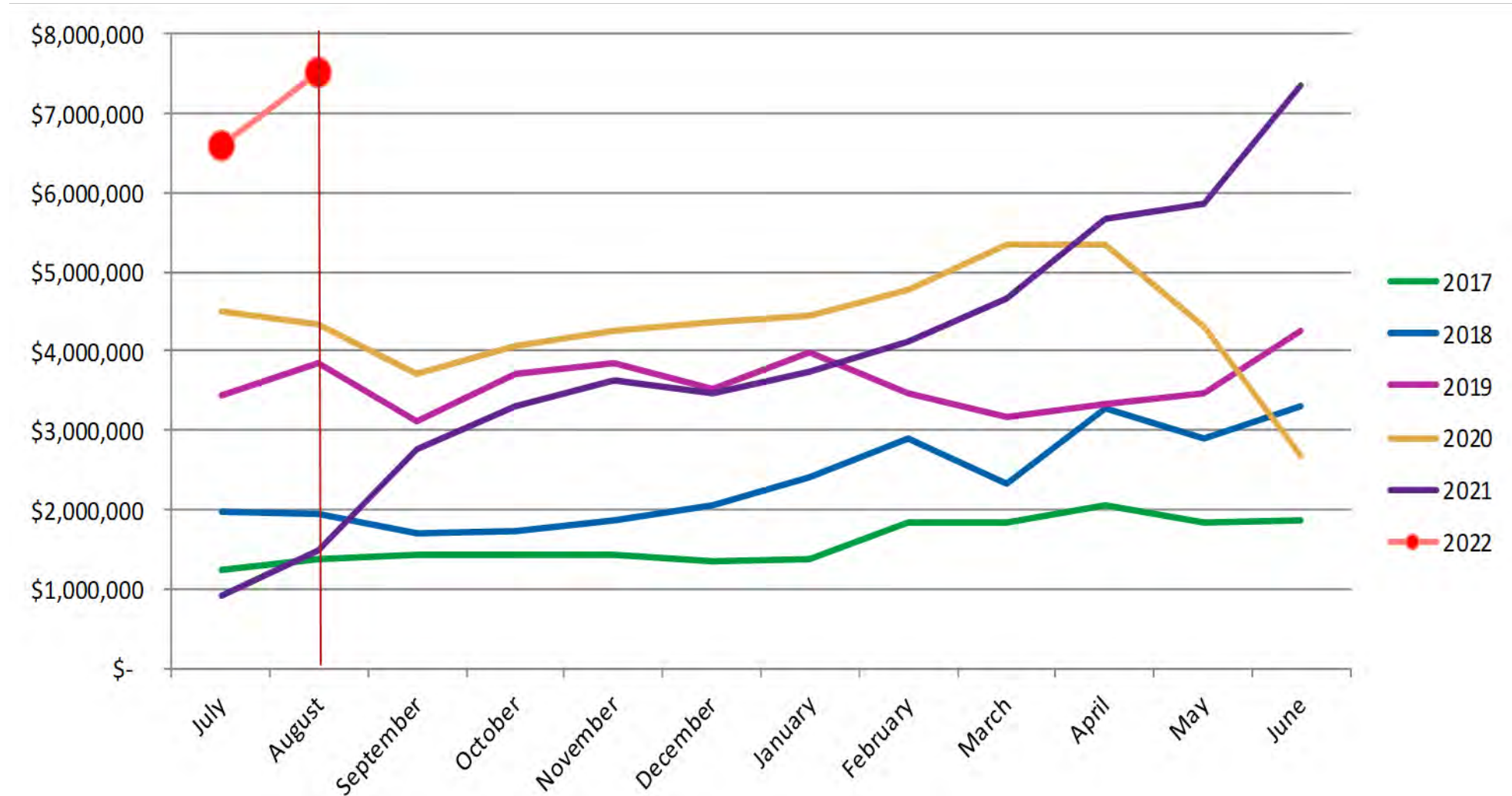
	Budget	Actual
<b>Operations</b>		
Revenues	\$ 66,567,921	\$ 25,729,030
Expenses	\$ 64,779,255	\$ 12,721,999
	\$ 1,788,666	\$ 13,007,031
<b>Indigent</b>		
Revenues	\$ 4,650,572	\$ 1,433,545
Expenses	\$ 10,449,342	\$ 1,440,849
	\$ (5,798,770)	\$ (7,305)
<b>Capital</b>		
Revenues	\$ 8,851,333	\$ 718,409
Expenses	\$ 68,026,965	\$ 1,227,925
	\$ (59,175,632)	\$ (509,516)
<b>Trust &amp; Agency</b>		
Revenues	\$ 7,727,635	\$ 2,208,525
Expenses	\$ 7,888,967	\$ 882,483
	\$ (161,332)	\$ 1,326,042
<b>Totals</b>		
Revenues	\$ 87,797,461	\$ 30,089,508
Expenses	\$ 151,144,529	\$ 16,273,256
	\$ (63,347,068)	\$ 13,816,252



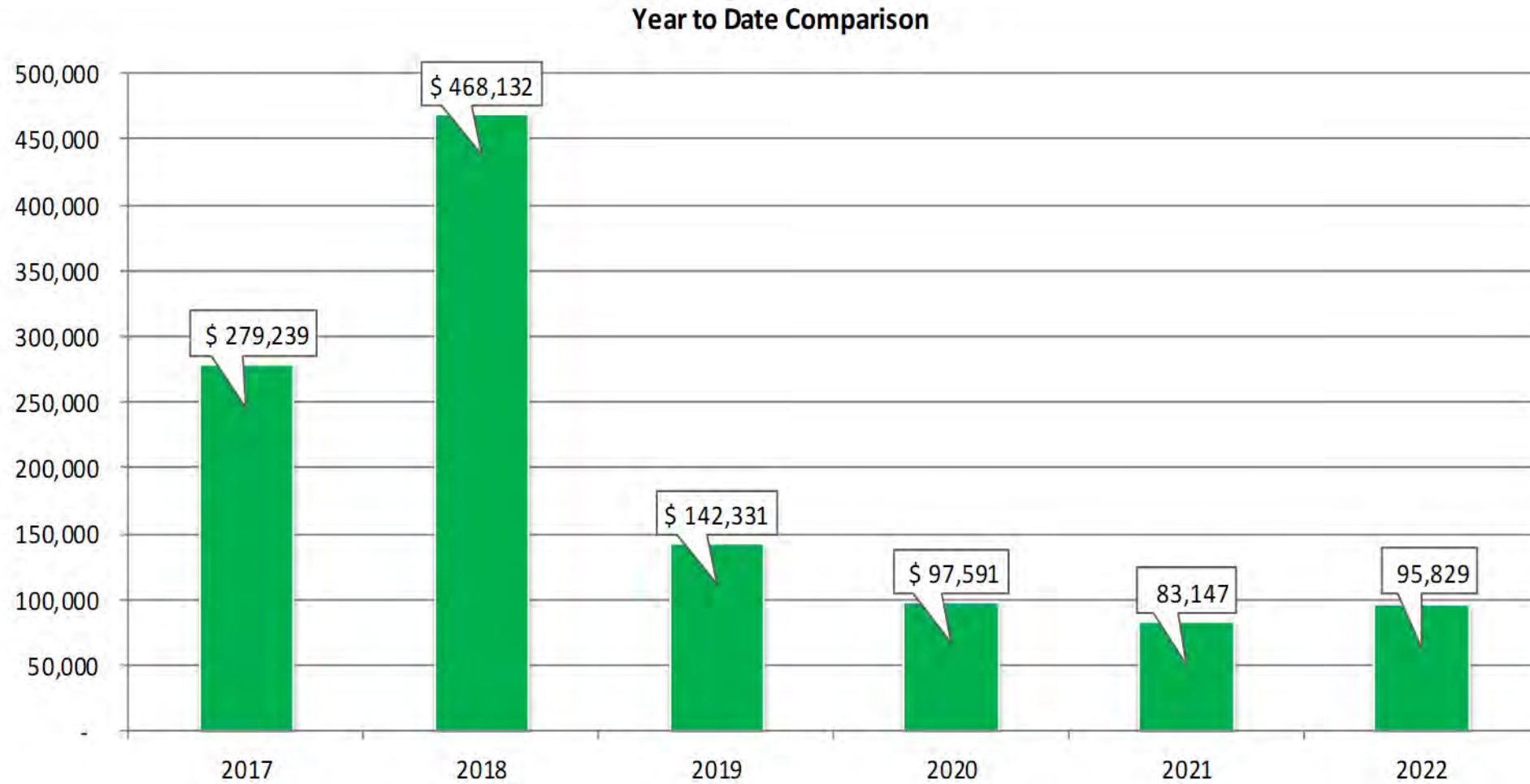
## Revenue versus Expenditures By Fund Type For the Year ending August 31, 2021

<b>Fund Type</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Cash Increase (Decrease)</b>
Unrestricted Funds	\$ 17,267,106	\$ 8,810,389	\$ 8,456,717
Special Revenue Funds	\$ 10,317,396	\$ 4,732,330	\$ 5,585,066
Designated Funds	\$ 296,481	\$ 1,848,054	\$ (1,551,573)
Debt Service Fund	\$ -	\$ -	\$ -
Enterprise Fund	\$ -	\$ -	\$ -
Trust Funds	\$ 2,208,525	\$ 882,483	\$ 1,326,042
<b>Total</b>	<b>\$ 30,089,508</b>	<b>\$ 16,273,256</b>	<b>\$ 13,816,252</b>

## Oil & Gas Production Revenue 73.5% of Budget - \$14,115,766



## Property Tax Revenue .3% of Budget

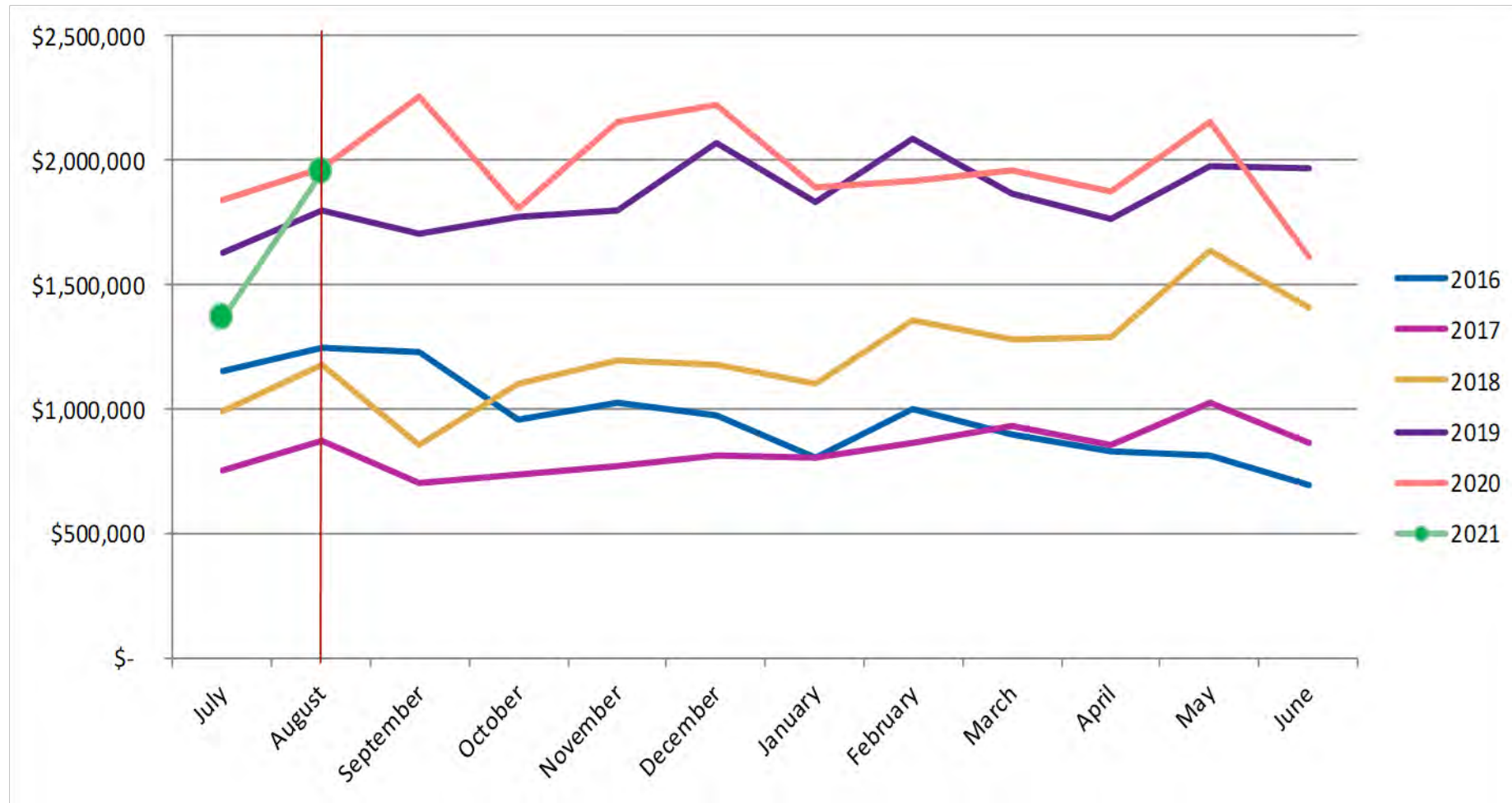




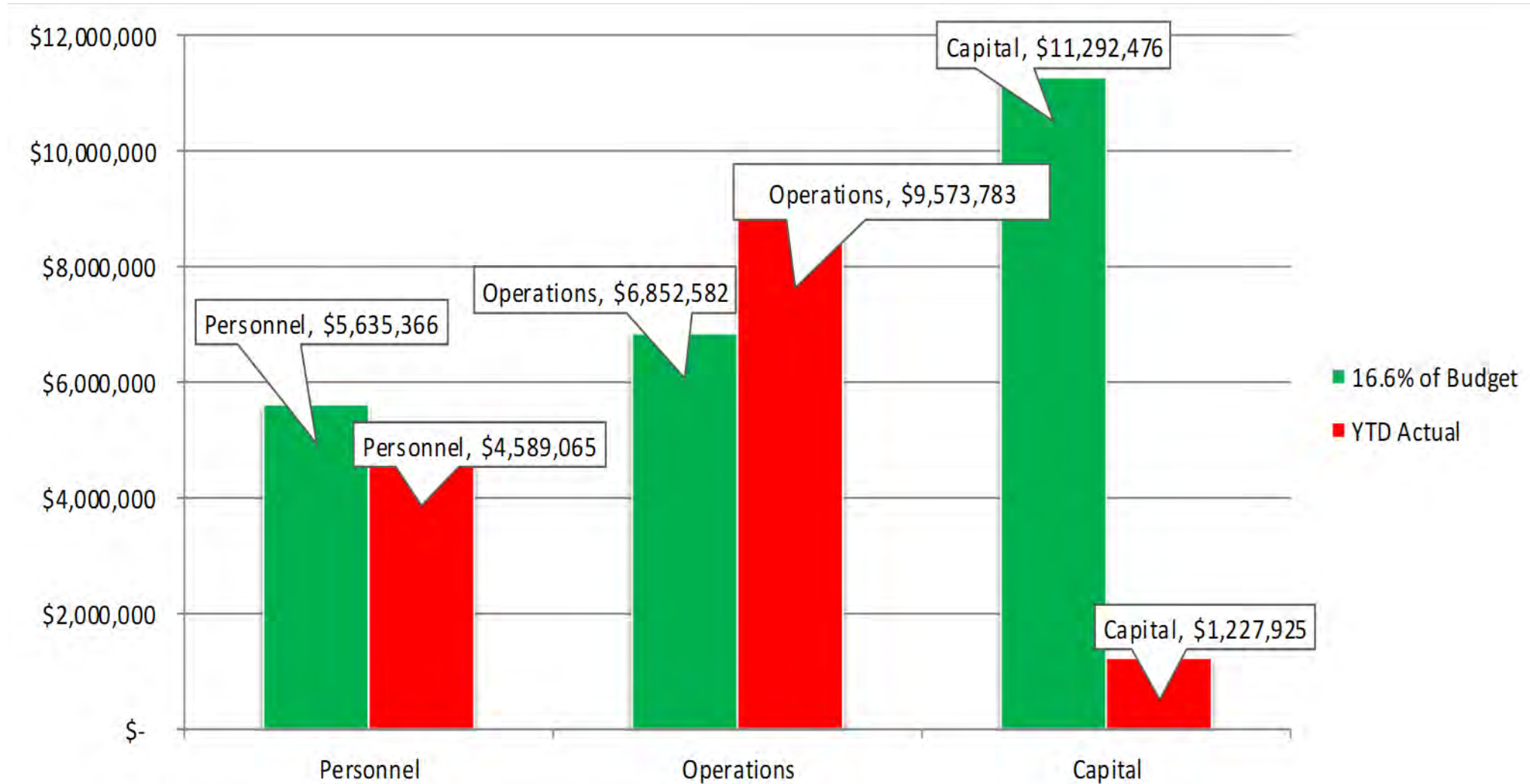
## Gross Receipts Tax – All Sources

23.3% of Budget

Indigent GRT \$1,433,545 Consolidated GRT \$1,877,839



## Expenditures – Year to Date – 10.7%



## Review of August 2021 Accounts Payable / Purchase Card Register

Checks # 1101659 -1102153	\$4,116,103.75
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P-Cards # 22942 - 23067	\$ 47,918.86
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Total	\$4,164,022.61
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COMMISSION MAY CONVENE IN CLOSED SESSION to Discuss Threatened Litigation Involving Land Use in Lea County, Threatened Litigation Regarding Unclaimed Decedents, and Pending Litigation In Re Purdue Pharma, L.P., et al., Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.), as Authorized by NMSA 1978 § 10-15-1 H (7)

COMMISSION MAY CONVENE IN OPEN SESSION to take Action, if any, on the Closed Session Item(s)





# Adjourn



Join Us at Our Next Meeting  
on  
Thursday, October 21, 2021 at 9:00 A.M.