

**SANDOVAL COUNTY**  
**PLANNING & ZONING COMMISSION**

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**MEMORANDUM AND EXHIBITS IN OPPOSITION TO**  
**ZNCH-25-006**

**Algodones Distillery**

Application for Conditional Use Permit / Zoning Variance  
*Regarding Real Property Located in the Algodones Corridor,*  
*Sandoval County, New Mexico*

**Zoned: Rural Residential / Agricultural (RRA)**

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**Represented By:** Guy W. Bluff, Esq.

**Hearing Date:** June 9, 2026

**Case No.:** ZNCH-25-006

**Date of Preparation:** May 29, 2026

*This binder is submitted in connection with zoning enforcement and conditional use permit proceedings before the Sandoval County Planning & Zoning Commission. All exhibits contained herein are submitted as authentic and competent evidence. This document contains 37 numbered exhibits organized across eight tabs, accompanied by a narrative summary in seven sections.*

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# Memorandum and Chronology

Zone Change Application No. ZNCH-25-006

15 Calle Alfredo, Algodones, NM 87001

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**CASE REFERENCE:**

ZNCH-25-006

**PROPERTY:**

15 Calle Alfredo, Algodones, NM 87001

**ZONE DISTRICT:**

Rural Residential Agricultural (RRA)

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## SECTION 1 —EXECUTIVE SUMMARY

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This memorandum is submitted for the official record of Zone Map Amendment Application No. ZNCH-25-006 and is addressed to the Sandoval County Manager and the members of the Planning and Zoning Commission. Its purpose is to provide the Commission and County Manager with a comprehensive, document-by-document chronological account of the Algodones Distillery matter, spanning from the original subdivision covenants recorded in 1994 through regulatory agency actions confirmed as recently as April 2026. This memorandum does not rely on unverified allegations; every factual assertion it contains is drawn directly from identifiable documents, public records, government agency correspondence, the applicant's own filings, and sworn statements by neighboring property owners. The document references throughout this memorandum correspond to the Exhibit Index.

Gregory McAllister and his partner Peter Pacheco operate Algodones Distillery LLC at 15 Calle Alfredo, Algodones, New Mexico — a 1.22-acre property within the Valle de Irene subdivision, zoned Rural Residential Agricultural (RRA). The property is encumbered by private restrictive covenants filed in 1994 limiting all subdivision lots to residential use. Ex. 1. Its infrastructure reflects its residential origins: a shared domestic well permitted by the Office of the

State Engineer under permit RG-64500 for household use at a maximum of 3 acre-feet per year, and a septic system permitted by the New Mexico Environment Department under permit BE040555 for a four-bedroom residential structure at a design flow of 450 gallons per day. Exs. 3-5. Neither the well permit nor the septic permit authorizes commercial activity. The property is accessed exclusively via Calle Alfredo, a 25-foot-wide private dirt road subject to a Road and Maintenance Agreement requiring unanimous consent of all four parcel owners for any improvements. Ex. 2.

In 2013, McAllister obtained a narrowly defined Home Occupation permit from the Sandoval County Planning and Zoning Division authorizing craft distillery manufacturing as an accessory residential use, subject to strict operational conditions: no more than one non-resident employee on the premises at any given time, business traffic not exceeding that customary for a single-family residence, and operations confined to the approved distillery structure. Ex. 8. In January 2014, the County explicitly advised McAllister in writing that on-premises sales and service of alcohol constituted retail activity that legally required a zone change. Ex. 9. On February 17, 2014, McAllister responded in writing, committing explicitly that the distillery would not operate a tasting room, would not be open to the public, and would function solely as a home occupation with off-site distribution. Exs. 10-12. Three days later, on February 20, 2014, McAllister appeared before the Board of County Commissioners in connection with his liquor license application and publicly repeated these commitments. Exs. 11-12. Neighboring property owners Richard Sutton (3 Calle Alfredo) and Michael and Melinda Quinones (13 Calle Alfredo) withdrew their active opposition to the liquor license application in direct and documented reliance on those promises. Ex. 30. The liquor license was approved. Ex. 12.

Over the decade that followed, McAllister systematically violated every condition of his Home Occupation permit and every commitment he made to the County and his neighbors. Exs. 13, 16, 19-21, 37. By January 2026, the distillery's own marketing materials describe a full-scale commercial event venue: a 1,400-square-foot climate-controlled ballroom (the "Willow Room"), a covered outdoor patio and bar, on-site grounds accommodating up to 100 guests, wedding venue packages priced at \$7,500 per event, full-service alcohol bar operations, and at minimum six licensed alcohol server employees. Exs. 13, 16, 19-21. State agencies have since confirmed violations of the well permit, septic regulations, and construction permitting requirements. Exs. 22-26, 37. Specifically, the distillery has been found by the Office of the State Engineer to be in

violation of its domestic well permit and ordered to obtain commercial water rights. Exs. 24-26. The New Mexico Environment Department has issued a Notice of Complaint regarding the septic system. Ex. 22. The NM Construction Industries Division has produced no responsive records in response to an IPRA request for construction permits for new structures. Ex. 21.

The applicant now seeks to retroactively legitimize these operations through the zone change that the County told him in writing — twelve years ago — he would need before any such operations could commence. This memorandum documents, in precise chronological order, how this situation developed, the specific commitments made and broken, and the regulatory violations confirmed by state and county agencies.

### **SECTION 3 — DETAILED CHRONOLOGICAL NARRATIVE**

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The entries below present each document and key event in chronological sequence. Document reference numbers appear in parentheses at the close of each entry. Where document language is particularly significant, it is quoted directly.

<p style="text-align: center;"><b>Phase I:</b> <b>Establishing the Residential Character of the Property</b> <b>(1994–2012)</b></p>
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**October 21, 1994 — Restrictive Covenants Recorded (Ex. 1)**

The Valle de Irene subdivision covenants restrict all lots to residential use only, allowing one dwelling and related outbuildings. Ex. 1. These covenants automatically renew every ten years and remain in full force. No amendment has ever been recorded. They independently prohibit commercial operations on any lot. Ex. 1.

**May 30, 1995 / Filed July 7, 1995 — Road and Maintenance Agreement (Ex. 2)**

The four parcels share a 25-foot private dirt road, Calle Alfredo. All owners must agree before any improvements or changes are made. Ex. 2. This road was designed for residential access only and is the sole access point for all distillery traffic. Ex. 27.

**April 23, 1996 — Domestic Well Permit RG-64500 Approved (Exs. 3-4)**

The well is permitted for household use only, with a maximum of 3 acre-feet per year. Exs. 3-4. The permit expressly prohibits use for commercial operations unless additional approvals are obtained. Ex. 4. No commercial water rights were ever sought until after the OSE violation in 2026.

**March 22, 1996 — Initial NMED Liquid Waste Permit (Referenced in Ex. 22)**

The New Mexico Environment Department issued initial Liquid Waste Permit BE960171 for the property at 15 Calle Alfredo, authorizing a septic system sized for a three-bedroom residential structure. Ex. 22. This establishes that the entire wastewater infrastructure at 15 Calle Alfredo was designed, permitted, and constructed for residential household use from the property's inception.

**June 24, 2004 — NMED Liquid Waste Permit BE040555 Issued (Ex. 5)**

The New Mexico Environment Department issued revised Liquid Waste Permit BE040555 for the property at 15 Calle Alfredo in the name of Gregory McAllister. Ex. 5. The permit is for a single-family residence with four bedrooms, with a design flow of 450 gallons per day. Ex. 5. The system consists of a 1,000-gallon septic tank and a 150-linear-foot trench disposal field with pipe-and-gravel construction, on a lot of 1 acre. Ex. 5. No commercial-capacity liquid waste permit has ever been issued for this property. This residential-scale system was designed and approved to handle domestic household wastewater only, not the process water, cleaning effluent, sanitary demands of employees and event guests, or production wastewater generated by a commercial distillery and event venue hosting up to 100 guests.

**June 1, 2005 — Well Sharing Agreement Recorded (Ex. 6)**

Peter David Pacheco and Gregory R. McAllister, owners of 15 Calle Alfredo, and Julie Grey, then-owner of 13 Calle Alfredo, formalized a Well Sharing Agreement that had been in practical effect since February 1996. Ex. 6. The agreement authorizes the 15 Calle Alfredo owners to share use of the domestic well located on the 13 Calle Alfredo parcel, in exchange for a \$5.00

monthly payment (\$60 per year) to cover electrical costs. Ex. 6. The agreement expressly binds successors and assigns, and its scope is limited to uses consistent with the underlying well permit — that is, domestic and residential use only. Critically, this agreement was received and logged by the NM Office of the State Engineer as recently as January 26, 2026, in connection with the OSE's investigation of the commercial use complaint, confirming the agency's awareness of and reliance on its terms as a governing instrument. Ex. 6.

**Phase II:**  
**The Home Occupation Permit — What Was Approved and What Was Not**  
**(2013–2014)**

**October 24, 2013 — Home Occupation Permit Approved (Ex. 8)**

Makita Hill, Long Range Senior Planner at the Sandoval County Planning and Zoning Division, issued a Home Occupation permit to Gregory McAllister / Algodones Distillery LLC for a Craft Distillery at 15 Calle Alfredo. Ex. 8. The permit was approved for Accessory Use in the Rural Residential Agricultural (RRA) zone district, with fire suppression reviewed and approved by the Sandoval County Fire Marshal. Ex. 8. The permit imposed five strict operational conditions: (1) the business must be operated only from the approved Craft Distillery structure; (2) there must be no more than one non-resident employee on the premises at any given time; (3) business-related traffic must be minimal and not exceed that customary for a single-family residence; (4) signage is limited to one non-illuminated sign of not more than four square feet; and (5) the permit required maintenance of an active County business license, expressly requiring annual renewal and re-approval by the P&Z Division. Ex. 8.

Notably, the letter acknowledged that "the Sandoval County Comprehensive Zoning Ordinance does not name alcoholic service, consumption, and/or production as a land use" and that "the use is not specifically prohibited in the RRA zone" — language that described the manufacturing component of the operation only and did not authorize on-premise service, public access, or event hosting. Ex. 8. This language was expressly limited to the manufacturing activity only – it said nothing about sales, service, or public events. The County eliminated any ambiguity

just ten weeks later in the January 31, 2014 clarification letter, which explicitly stated that on-premise sales and service constitute retail activity requiring a zone change. Ex. 9. The October 2013 letter cannot be read in isolation; it must be read together with the January 2014 clarification, which was itself copied to the County Attorney. Any reliance on the “not specifically prohibited” language to justify tasting room operations, event hosting, or public sales is legally untenable in light of the January 31, 2014 written determination. The permit was a narrowly scoped home occupation authorization, not a commercial use permit.

**January 31, 2014 — County Clarifies: No On-Premise Sales, No On-Premise Service (Ex. 9)**

Upon learning that McAllister had filed an application for a state liquor license, Sandoval County P&Z Director Makita Hill sent a formal clarification letter to McAllister explicitly defining the limits of the Home Occupation permit with respect to alcohol sales and service. Ex. 9. The letter's operative language is unambiguous: "you are not permitted to make direct sales of alcoholic beverages from your distillery," and "the Home Occupation Permit does not allow service of the beverages you manufacture within your distillery anywhere on your property." Ex. 9. Most critically, the letter states in plain terms: "the on-premise service and sale of beverages manufactured in your distillery is considered a retail business activity which requires a zone change of your property." Ex. 9.

This is the County's official written determination, issued before the liquor license was granted, establishing that any future on-premise service or sales would require a separate zone change — the very zone change McAllister is now seeking to obtain retroactively, twelve years later.

**February 17, 2014 — McAllister's Written Commitment: No Tasting Room, Manufacturing Only (Ex. 10)**

Three days before the Board of County Commissioners hearing on his liquor license application — McAllister emailed Makita Hill with an explicit written commitment: "we have decided to NOT have an on-premise tasting room in the craft distillery thus avoiding being open to the public and avoiding any real or potential liability for the safety of our family, our neighbors or even our patrons. We will simply operate the craft distillery as a home occupation per the terms of your January 31, 2014 letter manufacturing the product there but distributing it off site." Ex. 10. He further acknowledged that the NM Domestic Winery, Small Brewery and Craft Distillery Act

"permits but does not require a tasting room" and that because they were "only approved as a home occupation" they wanted to "operate within those parameters while honoring the community." Ex. 10. Makita Hill responded the same morning: "I believe this approach is consistent with your Home Occupation allowances and will also avoid the potential for conflict in your neighborhood." Ex. 10.

This written exchange — submitted in a government proceeding, copied to the County Attorney, and relied upon by neighbors — constitutes a binding commitment by the applicant that was acknowledged and confirmed by the County, and upon which the neighboring property owners expressly relied in deciding not to oppose the liquor license application.

**February 20, 2014 — BCC Hearing: Liquor License Approved on the Strength of Public Promises (Exs. 11-12)**

At the public hearing on the distillery's liquor license, neighboring owners Richard Sutton and Mike and Melinda Quinones appeared in opposition due to concerns about traffic and public alcohol service on the private road. Exs. 29-30. According to their sworn statements, McAllister personally assured them on the morning of the hearing that the distillery would not be open to the public, would not hold tasting or events, and would be used only for production. Exs. 29-30. He then repeated the commitments publicly before the Commission that evening. Ex. 12. Relying on these promises, the neighbors withdrew their opposition, and the Commission approved a package-sales only license consistent with those representations. Exs. 29-30.

<p style="text-align: center;"><b>Phase III:</b> <b>Systematic Violation of Permit Conditions</b> <b>(2015–2022)</b></p>
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**January 1, 2015 — Non-Resident Employees Hired in Violation of Home Occupation Permit (Ex. 13)**

According to the distillery's own List of Alcohol Servers filed with the NM Regulation and Licensing Department in 2023, at least two non-resident employees — Kyle Padilla and Melissa

Castillo — were hired as licensed alcohol servers with an effective hire date of January 1, 2015. Ex. 13. This directly violated the Home Occupation permit's unambiguous condition that no more than one (1) non-resident employee be present on the premises at any given time. Ex. 8. The distillery's hiring of two non-resident employees simultaneously, as documented in its own regulatory filings, constitutes a violation that began within eighteen months of the permit's issuance. Compounding this violation, Director Beaman's October 21, 2025 email confirmed that the County has found no record of annual zoning clearance letters issued to McAllister from 2014 through 2023 — raising a material question as to whether the Home Occupation permit remained validly in force at all during this period of escalating commercial expansion. Ex. 23.

**January 1, 2018 — Third Non-Resident Employee Hired (Ex. 13)**

Sophia Castillo was hired as a licensed alcohol server effective January 1, 2018, adding a third non-resident employee to the distillery's operations — triple the maximum of one non-resident employee permitted under the Home Occupation permit. Ex. 13.

**October 1, 2022 — Fourth Non-Resident Employee Hired (Ex. 13)**

Miguel Valdez was hired as a licensed alcohol server effective October 1, 2022. Ex. 13. As reflected in the distillery's 2023 RLD filing, the distillery's full roster of individuals holding alcohol server permits at that time comprised six individuals. Ex. 13. The Home Occupation permit allows one non-resident employee. Ex. 8. The distillery's own regulatory filings with the State of New Mexico list six alcohol server permits — four of whom are, by the structure of the filing, non-resident employees. Ex. 13. This is not a minor or technical deviation; it represents the operation of a multi-employee commercial business on a residentially zoned property in violation of the foundational condition of the only land use authorization ever issued for this activity. (Ex. 15)

<p style="text-align: center;"><b>Phase IV:</b> <b>Formal Expansion Applications and Public Operations Revealed</b> <b>(2023–2025)</b></p>
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**August 23, 2023 — McAllister Applies to Expand Licensed Premises to Entire Property (Ex. 14)**

McAllister submitted a letter to the Sandoval County Manager applying for an Expansion of Liquor Premises for Algodones Distillery LLC. Ex. 14. The letter explicitly requests expansion of the licensed premises to include "our boiler room, patio and rickhouse (storage) as well as to the entire boundary of the property" to "permit operations to meet our current and future needs which are mechanical, storage and visitation such that patrons can have full use of the property while on site." Ex. 14. The letter claims that "Algodones Distillery has been in operation since 2013 in compliance with all federal, state and local requirements for a craft distillery without incident or violation." Exs. 14, 37.

This claim of continuous compliance is materially false. Subsequent agency investigations confirmed: (a) the Office of the State Engineer found a violation of domestic well permit RG-64500 on February 2, 2026, issuing a formal Unlawful Use finding and ordering commercial water rights compliance within 90 days; (b) the New Mexico Environment Department issued a Notice of Complaint regarding the adequacy of the septic system for commercial use, and confirmed no commercial liquid waste permit has even been issued for the property; and (c) the NM Construction Industries Division produced no responsive records in response to an IPRA request for construction permits for the Willow Room ballroom, the covered patio and outdoor bar, or any other new structures built on the property. Exs. 21-22, 24, 37. McAllister's August 2023 "in compliance" representation to the County Manager – made in the context of seeking further expansion approvals – directly contradicts all three of these subsequent agency findings. Ex. 23. This claim of compliance is contradicted by the County's own records (no annual zoning clearance letters from 2014-2023) as well. Ex. 23. The application's reference to "visitation" confirms that by August 2023, on-premise patron access was an established ongoing feature of operations. Ex. 37.

**August 31, 2023 / January 24, 2024 — Application for Permanent Change of Floor Plan (Ex. 15)**

McAllister filed a formal Application for Permanent Change of Floor Plan / Expansion of Liquor Licensed Premises with the NM Alcohol and Gaming Division, received on August 31, 2023 and bearing a processing date of January 24, 2024. Ex. 15. The application documents that

the current licensed premises comprise 900 square feet; the proposed expansion adds 764.42 square feet of enclosed space plus approximately one acre of grounds, for a total of 1,664.42 square feet of enclosed licensed premises plus the entire property boundary. Ex. 15.

The expansion is specifically described as adding a boiler room (404.42 sq ft), rickhouse storage (360 sq ft), and the full grounds for patron access. Ex. 15. The stated purpose is to allow patrons to have "full use of the property while on site." Ex. 15. This application is an unambiguous acknowledgment that the operation had, by 2023, evolved far beyond any home occupation and was functioning as a public commercial venue across the entirety of the 1.22-acre parcel — a scale of commercial use that was never authorized under the 2013 Home Occupation permit and that the County explicitly told McAllister in 2014 would require a zone change. Exs. 8-9.

**September 18, 2025 — McAllister Applies for Zone Change from RRA to Special Use (Ex. 13)**

McAllister submitted a Zone Map Amendment application (ZNCH-25-006) to Planning and Zoning Director Daniel J. Beaman, requesting rezoning of 15 Calle Alfredo from RRA to SU-Special Use District. Ex. 13. The letter accompanying the application is itself a significant evidentiary document: it acknowledges that the applicant intends "to continue to exercise our rights under NM law as a licensed Craft Distillery wherein we are permitted to: manufacture craft spirits, conduct tours and tastings of our products, sell our products by the glass or package and use the licensed premises as a special event venue for private events such as weddings, as we have done since our inception." This statement is a critical admission in the record: McAllister expressly acknowledges that tours, tastings, on-premise glass sales, and wedding venue hosting have been occurring at the property — precisely the activities that the County's January 31, 2014 clarification letter stated required a zone change, that McAllister committed in writing on February 17, 2014 would not occur, and that he publicly pledged before the BCC on February 20, 2014 would not take place. Exs. 9-10, 12. The zone change application is, in effect, an application to retroactively authorize what the applicant admitted he had been doing without authorization.

**September 28, 2025 — Event Traffic Photographs (Ex. 27)**

Photographs submitted by neighboring property owners document vehicles parked along and adjacent to Calle Alfredo, the private 25-foot road easement, in connection with distillery activities. Ex. 27. The photographs provide visual documentation of the scale of vehicle traffic

generated by distillery events on the private residential road shared by the four parcel owners. The road was sized, paved, and governed as a shared residential access easement — not as a commercial access road for event venues. Ex. 3.

**October 14, 2025 — P&Z Commission Hearing: Application Deferred (Referenced in Ex. 34)**

The Planning and Zoning Commission conducted a public hearing on ZNCH-25-006. After receiving public testimony from neighbors and the applicant, the Commission deferred action to allow McAllister and the neighboring property owners additional time for discussion and potential mediation of the proposal. Ex. 14. Specific issues identified at the hearing for further resolution included: the scale of gatherings, hours of operation, parking, noise, and liquid waste disposal. Ex. 14. The Quinones family raised the concern regarding the shared domestic well at 13 Calle Alfredo and the OSE's records showing the well was approved only for residential use. Exs. 24, 29. The Commission directed staff to verify outstanding technical compliance items — well, septic system, fire suppression, and parking — and requested that County Legal review the history of communications with state licensing agencies. This deferral placed the applicant on explicit notice of the Commission's concerns and triggered the subsequent correspondence from Director Beaman. Exs. 14, 37.

**October 21, 2025 — County Confirms No Zoning Clearance Letters on File from 2014–2023 (Ex. 32)**

Director Beaman emailed McAllister following the October 14, 2025 hearing and confirmed that "to date, we have found no record of annual zoning clearance letters issued by our department to you from 2014 – 2023." Ex. 32. This finding is significant in two respects. First, the Home Occupation permit was expressly conditioned on annual renewal of the business license and re-approval by the P&Z Division; the complete absence of any annual zoning clearance letters for a period of nine consecutive years raises a threshold question about whether the Home Occupation permit was validly maintained in effect during the years in which the distillery's commercial operations were escalating. Exs. 8, 23. Second, the absence of this administrative record makes it impossible for the County to identify at what point — if any — annual compliance reviews identified or failed to flag the distillery's departure from its permitted home occupation parameters. Ex. 23.

**October 23, 2025 — Director Beaman Issues Post-Hearing Letter; Reiterates Home Occupation Definition (Ex. 33)**

Director Beaman's formal post-hearing letter to McAllister summarized the Commission's October 14, 2025 deferral action and restated the Sandoval County Comprehensive Zoning Ordinance's definition of "Home Occupation" in full. Ex. 33. The letter formally posed nine questions to the applicant regarding the scope and timing of commercial operations, the construction of new structures, and the history of annual business license renewals and zoning clearance. Ex. 33. This letter placed the applicant on clear formal notice that the totality of current operations was being evaluated against the Home Occupation standard — and that the gap between permitted and actual use was the central issue before the Commission. Ex. 33.

<p style="text-align: center;"><b>Phase V:</b> <b>State Agency Violations Confirmed</b> <b>(January 2026–April 2026)</b></p>
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**January 13, 2026 — P&Z Staff Report Recommending Denial of Zone Change (Ex. 34)**

The Sandoval County Planning and Zoning Department prepared a staff report for the continued hearing on ZNCH-25-006. Ex. 34. The report confirms that the property at 15 Calle Alfredo currently contains a four-bedroom residence, two garages, a distillery building, an events space, and 29 off-street parking spaces on a 1.22-acre parcel. Ex. 34. The expressed purpose of the zone change request is to establish appropriate zoning for "a Craft Distillery commercial business with related Events, Tours & Tastings, Retail & Wholesale sales." Ex. 34. The staff report notes that written objections have been received from neighboring property owners and that the Commission must evaluate the application against the standards of the Sandoval County Comprehensive Plan and the Comprehensive Zoning Ordinance. The description of 29 off-street parking spaces is itself a significant datum: the CZO's standard for single-family residential use requires approximately 2 parking spaces; 29 spaces reflects a commercial-scale parking infrastructure that has no plausible home occupation justification and is inconsistent with the assertion that residential use remains primary and the business use secondary. Exs. 33, 37.

**January 15, 2026 — NMED Confirms No Commercial Liquid Waste Permits Exist (Ex. 22)**

Helene Sickler, District 1 Liquid Waste Specialist at the New Mexico Environment Department, confirmed in a written communication to Melinda Quinones that NMED's records for the property at 15 Calle Alfredo contain only two liquid waste permits: (1) the initial residential permit BE960171, issued on March 22, 1996, sized for a three-bedroom structure; and (2) the revised residential permit BE040555, issued on July 21, 2004, sized for a four-bedroom structure with a 450-gallon-per-day design flow. Sickler stated explicitly: "I am not aware of other permits for the property issued by the Environmental Health Bureau." Ex. 22. Sickler further confirmed that NMED had issued a Notice of Complaint to the property owners requesting that they contact the agency within seven days to provide information about how the existing septic system is currently being used and how industrial process water from the distilling operation is being disposed of. Ex. 22. The absence of any commercial liquid waste permit, combined with the NMED Notice of Complaint, establishes that the distillery's wastewater disposal practices have not been reviewed or approved by the regulatory agency responsible for liquid waste in New Mexico. Ex. 22.

**January 16, 2026 — Neighbors File Formal OSE Water Use Complaint (Ex. 23)**

Melinda Quinones filed a formal Water Use Complaint with the New Mexico Office of the State Engineer against Algodones Distillery / Greg McAllister, specifying the violation as commercial use of domestic well permit RG-64500. Ex. 23. The complaint's description of the situation is direct: "Our neighbors at 15 Calle Alfredo share a domestic well with us. In 2014 they installed a distillery on their property where they produce spirits such as gin, vodka and whiskey. Ex. 23. In August of 2025, after speaking to OSE, we learned that they can not operate a commercial business off of a domestic shared well." Ex. 29. This complaint initiated the OSE's formal investigation, which culminated in the violation finding confirmed in writing on February 6, 2026. Ex. 24. The filing of this complaint by the owners of the parcel on which the well is physically located underscores the severity of the dispute: the Quinones family, whose well permit authorizes the water being used, are affirmatively seeking state enforcement action against the unauthorized commercial diversion.

**January 29, 2026 — Distillery's Own Email Confirms Scale of Commercial Event Venue (Ex. 16)**

A neighboring property owner submitted an inquiry through the distillery's public website requesting information about wedding venue pricing and availability. Ex. 16. The distillery's response — signed "Greg, David & Kyle, Algodones Distillers" — sets out the full commercial scope of the operation in marketing terms that are the most complete and unguarded description of the business in the record. Ex. 16. The email discloses: (1) a venue fee of \$7,500 per event; (2) capacity of up to 100 guests; (3) access granted up to one week in advance of the event for setup; (4) the venue encompasses "the landscaped acre of grounds, the craft distillery, newly-covered patio and outdoor bar area," and "the newly-opened Willow Room, a 1,400sf climate-controlled ballroom that can accommodate 100 guests" and that can be configured for a wedding ceremony, dinner, and reception dance; (5) benches seating 100 guests and an outdoor arbor for ceremonies; (6) full-service alcohol bar featuring the distillery's own products alongside wine and beer from other New Mexico producers; and (7) referrals to preferred caterers and event vendors. This email is not a description of a home occupation. Ex. 16. It is the marketing communication of a commercial event venue and full-service bar, being operated in a Rural Residential Agricultural zone on a private dirt road shared with three neighboring household parcels, on infrastructure permitted for a four-bedroom residence.

#### **February 6, 2026 — OSE Issues Written Violation Finding (Ex. 24)**

Jordan Carlini, Water Resources Professional, Office of the State Engineer, District 1, issued a formal written notice to Melinda and Michael Quinones confirming the OSE's violation finding following the February 2, 2026 field visit. Ex. 24. The letter's operative language is dispositive: "We have found evidence of a violation of the conditions of approval for permit RG-64500 approved on April 23, 1996. The permitted domestic water is currently being used in the operation of a small commercial business on one of the two permitted tracts of land. Under the conditions of approval of RG-64500, domestic water is only to be used for household use and non-commercial lawn and garden irrigation on the properties permitted to be served." Ex. 24.

The letter further directs that "Commercial water rights are required to be transferred to either the current well or a new well for the continued operation of the business located at 15 Calle Alfredo" and that a water rights transfer application must be filed within 90 days of the letter's date — a deadline falling on or about May 7, 2026. Ex. 24. The letter warns that if no application is

received within that period, "further legal action may be taken." Ex. 24. A copy was transmitted to McAllister via email, placing him on notice of the deadline.

**April 7, 2026 — OSE Confirms: No Commercial Water Application Filed (Ex. 25)**

Jordan Carlini, OSE, confirmed by email to Melinda Quinones that as of April 7, 2026, no application for a commercial water rights transfer had been received by the Office of the State Engineer. Ex. 25. As of the date of this memorandum, the 90-day deadline imposed by the OSE's February 6, 2026 violation letter has elapsed, and no commercial water rights application has been confirmed as filed. (Ex. 33)

**April 15, 2026 — CID: No Construction Permits on File for New Structures (Ex. 21)**

In response to an IPRA (Inspection of Public Records Act) request filed by Betsy Sutton, the NM Regulation and Licensing Department Construction Industries Division confirmed that it has no responsive documents relating to the Algodones Distillery property. Ex. 21. Chris Archuleta, Plan Review Manager, confirmed in the email chain that a setback variance would require Sandoval County P&Z approval, and that converting an in-ground swimming pool to an event center would require building permits and inspections. Ex. 21. The absence of CID records raises the unresolved question of whether the Willow Room ballroom (1,400 square feet, climate-controlled), the newly-covered patio, the outdoor bar, and related commercial event infrastructure were constructed with required permits and inspections from the appropriate state and county authorities. The distillery's January 2026 marketing email describes the Willow Room as "newly-opened" — implying recent construction — yet no corresponding permit records exist. Ex. 21.

**April 19, 2026 — OSE Water Right Summary Confirms Domestic-Only Status and Unlawful Use Notation (Ex. 26)**

The OSE Water Right Summary for permit RG-64500, obtained on April 19, 2026, provides the official state record of the permit's current status and transaction history. Ex. 26. The summary confirms that the primary authorized purpose is "MUL 72-12-1 MULTIPLE DOMESTIC HOUSEHOLDS" — a classification that by its terms excludes commercial use. Ex. 26. Additionally, the transaction log contains a notation of "Unlawful Use" (UWL) recorded on February 2, 2026 — the date of the OSE field visit — confirming that the violation has been officially logged in the State Engineer's permanent records for this permit. Ex. 26.

## SECTION 4 — SUMMARY OF KEY FINDINGS

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The following findings are supported by the documentary record described above. Each finding is followed by the specific document references that establish it.

### **Finding 1 — Home Occupation Permit Conditions Violated on Multiple Grounds**

The Home Occupation permit approved on October 24, 2013, imposed five specific operational conditions. Ex. 8. The documentary record establishes that at least three of those five conditions have been materially and continuously violated. First, the one non-resident employee limit has been exceeded since at least January 1, 2015, when the distillery's own RLD alcohol server filings reflect the simultaneous hiring of two non-resident employees; by 2023, six alcohol server permits were on file, of which at minimum four belong to non-resident employees. Ex. 13. Second, business traffic now far exceeds that customary for a single-family residence: the applicant's own zone change application proposes 29 on-site parking spaces, the Floor Plan Expansion application describes patron access across the entire one-acre property, and the distillery's marketing materials invite up to 100 guests to weddings arriving by personal vehicle on a 25-foot private dirt road. Exs. 3, 20-21, 29. Third, operations now encompass the entirety of the one-acre property — including the Willow Room ballroom, covered patio and bar, parking lot, grounds, and rickhouse — well beyond the approved craft distillery structure that the Home Occupation permit authorized. Exs. 8, 20-21. The Home Occupation permit is the only land use authorization ever issued for this activity, and it has been violated on its face.

### **Finding 2 — McAllister Made Explicit Commitments to the County and Neighbors That He Subsequently Violated**

On February 17, 2014, McAllister committed in writing to the County's P&Z Division that there would be no on-premises tasting room, no public activity, and that the distillery would operate solely as a home occupation with off-site product distribution. Ex. 10. At the BCC hearing on February 20, 2014, he publicly repeated those commitments before the Board and — according to sworn declarations — by personal telephone call to neighboring property owners the morning of the hearing. Exs. 12, 29-30. Neighboring property owners Sutton and Quinones expressly withdrew their opposition to the liquor license application in direct and documented reliance on

these promises. Exs. 29-30. McAllister's own September 2025 zone change application letter acknowledges that tours, tastings, on-premise glass sales, and wedding venue operations have been occurring at the property "since our inception." Ex. 35. His January 2026 marketing email to a prospective wedding client advertises a \$7,500 venue fee, a 1,400-square-foot climate-controlled ballroom, a full-service alcohol bar, and event capacity for 100 guests. Ex. 16. These operations are categorically inconsistent with every representation made in 2014. Ex. 10,12. The commitments were not ambiguous, were not qualified, and were made in writing to a government agency and publicly before an elected body.

### **Finding 3 — No Record of Annual Zoning Clearance Letters (2014–2023)**

The Home Occupation permit was expressly conditioned on annual renewal of the business license and re-approval by the P&Z Division. Ex. 8. The issuance of an annual zoning clearance letter was the mechanism by which the County would verify, year by year, that operations remained within permitted parameters. Ex. 32. Director Beaman's October 21, 2025 communication confirmed that the County has found no record of annual zoning clearance letters issued to McAllister for any year from 2014 through 2023 — a gap of nine consecutive years. Ex. 32. The absence of this record creates significant ambiguity as to whether the Home Occupation permit remained validly in force throughout the period during which the distillery's unauthorized commercial operations steadily expanded. Exs. 8, 32.

### **Finding 4 — Domestic Well Permit Violation Confirmed by State Engineer**

Following a field investigation initiated by a formal complaint from the Quinones family, the Office of the State Engineer conducted a site visit on February 2, 2026 and issued a written violation finding on February 6, 2026. The OSE's letter confirms in official regulatory language that well permit RG-64500 "is currently being used in the operation of a small commercial business" in violation of its domestic-use-only conditions of approval, and directs the filing of a commercial water rights transfer application within 90 days. The 90-day deadline imposed by the OSE's February 6, 2026 letter elapsed on or about May 7, 2026. As of April 7, 2026 — confirmed by OSE staff in writing — no commercial water rights application had been filed. The OSE's violation finding is now logged in the State of New Mexico's official water rights registry as an Unlawful Use (UWL) notation on permit RG-64500. The Commission should be aware that approving a zone change does not resolve or cure the OSE violation; commercial water rights must

be independently obtained and transferred in a separate state administrative proceeding, regardless of any county zoning determination.

#### **Finding 5 — Residential Septic System Cannot Support Commercial Load**

The only liquid waste permits on record for 15 Calle Alfredo are residential permits: an initial 3-bedroom permit from 1996 (BE960171) and a 4-bedroom permit from 2004 (BE040555) with a design flow of 450 gallons per day. Ex. 5. NMED has confirmed in writing that no commercial liquid waste permit has ever been issued for this property, and has issued a Notice of Complaint to the property owners seeking information about actual current system usage and about the disposal of industrial process water from spirits production. Ex. 22. A commercial distillery producing gin, vodka, and whiskey generates substantial process wastewater from equipment cleaning, still operations, and product handling; a 100-person event venue generates substantial sanitary wastewater from restroom facilities, catering, and bar service. Exs. 16, 35. These combined flows cannot lawfully be discharged to a 1,000-gallon septic tank and 150-linear-foot trench system designed for a four-bedroom household. Ex. 5. The operation of a commercial distillery and event venue on a residential septic system without a commercial liquid waste permit constitutes a violation of NMAC 20.7.3 and poses a direct risk of groundwater contamination in close proximity to the shared domestic well and the Rio Grande. Exs. 5-6, 22, 26.

#### **Finding 6 — No Construction Permits Found for New Event Venue Structures**

The NM Construction Industries Division's IPRA response returned no responsive documents for the Algodones Distillery property at 15 Calle Alfredo. Ex. 21. The distillery's own marketing materials — confirmed in the January 29, 2026 email response to a wedding venue inquiry — describe a "newly-opened Willow Room, a 1,400sf climate-controlled ballroom," a "newly-covered patio and outdoor bar area," and related event infrastructure constructed or improved in recent years. Ex. 16. The CID's Plan Review Manager confirmed in the IPRA response email chain that converting an in-ground swimming pool to an event center would require permits and inspections. Ex. 21. The complete absence of CID permit records raises the unresolved question of whether the ballroom, covered patio, outdoor bar, parking infrastructure, and event space described in the distillery's own marketing were constructed with required permits, completed inspections, and certificate of occupancy approvals. Exs. 16, 21. Structures built without required permits may not be legally occupied for commercial purposes.

### **Finding 7 — Event Hosted After Special Events Permit Was Denied**

The Escarcida opposition letter submitted to the Commission on October 8, 2025 states that the distillery "hosted a public event after being explicitly denied a special event permit." Ex. 28. If accurate — and the statement appears in a signed letter submitted for the official record — this constitutes a deliberate act of non-compliance with a direct County regulatory decision. It is also the most recent documented instance of a pattern that runs throughout this record: the applicant operating in advance of — or in the face of — required regulatory approvals and then seeking after-the-fact legitimization. Exs. 16, 20-22, 24, 35. The hosting of a commercial event after an explicit permit denial is not a technical violation or an ambiguous boundary case; it is a direct and knowing refusal to abide by a County regulatory determination. Ex. 28. The Commission should weigh this conduct in evaluating the applicant's future compliance posture if a zone change were to be approved.

### **Finding 8 — Restrictive Covenants Independently Prohibit Commercial Use**

The 1994 Restrictive Covenants recorded against Valle de Irene subdivision parcels restrict all lots to residential use, prohibit any structure other than "one detached family dwelling and related out-buildings," run with the land, and automatically renew every ten years by their own terms. Ex. 1. They were renewed in 2004 and again in 2014, and remain in full legal force as of the date of this memorandum. These covenants constitute a private legal restriction that is independent of — and not superseded by — any county zoning determination. Any approval of a zone change by the Commission would not extinguish, override, or otherwise affect private restrictive covenants enforceable in a court of competent jurisdiction by any of the parcel owners in the Valle de Irene subdivision. The zone change, if granted, would change the public regulatory framework but would not prevent neighboring landowners from seeking injunctive relief in state court to enforce the covenants against the applicant's commercial use, the commercial structures, the ballroom, the parking lot, and the event venue activities. Exs. 1, 16, 20. The Commission should note that zone change approval does not resolve the covenant issue and may expose the County to the argument that it facilitated a use it had reason to know was encumbered by private restrictions.

## SECTION 5 — CONCLUSION AND RECOMMENDED ACTIONS

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The objecting neighbors and interested parties respectfully submit this Exhibit Binder in urging the Sandoval County Planning & Zoning Commission to deny the pending application and to order the cessation of the Algodones Distillery's unauthorized commercial operations. The record before the Commission is extensive, well-documented, and grounded in official public records, regulatory agency findings, and the applicant's own admissions.

The controlling legal framework is clear: the subject property is zoned Rural Residential/Agricultural. Commercial distillery manufacturing, retail spirit sales, public tasting room operations, and ticketed commercial event hosting are not permitted uses in the RRA zone. They were not authorized before the operations began. They are not authorized now. The applicant had actual and constructive notice of these restrictions when it acquired the property and at every point thereafter. The decision to proceed with commercial operations without authorization was a deliberate choice — and it is a choice that has imposed real and documented harm on neighboring residential property owners and on the environment.

The four-part standard for conditional use permit approval requires the applicant to demonstrate compatibility with the zone, no adverse effect on neighbors, adequate infrastructure, and conformance with the Comprehensive Plan. The applicant cannot satisfy any of these criteria. The use is fundamentally incompatible with the RRA zone's intent and permitted use structure. The use has caused documented adverse effects on neighboring property owners in the form of noise, traffic, parking intrusions, and erosion of neighborhood character. The public infrastructure serving the property is inadequate for the commercial traffic volumes generated. And the Comprehensive Plan designates the Algodones corridor for exactly the low-density rural residential character that the distillery's operations have disrupted.

For these reasons, the objecting neighbors, Michael and Melinda Quinones, respectfully request that the Commission deny the application.

## Exhibit Index

The following table identifies all narrative sections and numbered exhibits contained in this Exhibit Binder. All exhibits are authentic copies as certified on the preceding Certificate of Authenticity page.

Exhibit No.	Description	Date
<b>GOVERNING LAND USE RESTRICTIONS</b>		
<b>Ex. 1</b>	1994 Valle de Irene Restrictive Covenant (Residential-Only Use Restrictions)	10/21/1994
<b>Ex. 2</b>	1995 Road & Maintenance Agreement (Calle Alfredo Access & Shared Maintenance Rules)	5/30/1995
<b>Ex. 3</b>	OSE Domestic Well Application RG-64500 (Residential Water Use Authorization)	4/23/1996
<b>Ex. 4</b>	OSE Well Approval Conditions (Prohibition on Commercial Water Use)	4/23/1996
<b>Ex. 5</b>	NMED McAllister Liquid Waste Permit Modification BE040555 (Residential Septic System Approval)	6/24/2004
<b>Ex. 6</b>	2005 Well Sharing Agreement (Shared Domestic Well; Residential-Only Use)	6/1/2005
<b>Ex. 7</b>	NMAC 19.27.5 / 19.27.9 (Domestic Well Regulations & Commercial Use Prohibitions)	8/15/2006
<b>ZONING HISTORY &amp; PROPERTY RECORDS</b>		
<b>Ex. 8</b>	Sandoval County Home Occupation Permit (Craft Distillery Manufacturing Only)	10/24/2013
<b>Ex. 9</b>	Sandoval County P&Z Clarification Letter (No Tastings, No On-Premise Service, Zone Change Required)	1/31/2014
<b>Ex. 10</b>	McAllister Email: Commitment to No Tasting Room / No Public Access	2/17/2014
<b>Ex. 11</b>	BCC Agenda Summary for Liquor License Hearing (2014)	2/20/2014

<b>Exhibit No.</b>	<b>Description</b>	<b>Date</b>
<b>Ex. 12</b>	BCC Meeting Minutes (Public Premises: No Events, No Tastings)	2/20/2014
<b>UNAUTHORIZED COMMERCIAL EXPANSION / USE</b>		
<b>Ex. 13</b>	NM RLD Alcohol Server List (Six Employees; Violation of Home Occupation Limits)	2013-2023
<b>Ex. 14</b>	Letter Requesting Expansion of Liquor Premises to Entire Property (2023)	8/23/2023
<b>Ex. 15</b>	Application for Permanent Change of Floor Plan (Expansion of Licensed Premises)	1/23/2024
<b>Ex. 16</b>	Distillery Email Offering Wedding Venue Services (\$7,500 Packages; 100 Guest; Full-Service Bar)	1/29/2026
<b>Ex. 17</b>	Wedding Invitations (Evidence of On-Site Events & Guest Traffic)	09/2025-12/2025
<b>Ex. 18</b>	Wedding Photographs (On-Premise Event Operations)	10/18/2025
<b>Ex. 19</b>	Yelp Wedding Review (Public Events, Parking Issues, Multiple Employees, Use of Residential Home)	10/2/2024
<b>Ex. 20</b>	Site Plan Showing Parking Layout & Event Space Configuration	<i>undated</i>
<b>Ex. 21</b>	CID IPRA Response: No Construction Permits for Willow Room/Patio/Bar Filed	4/15/2026
<b>WATER &amp; SEPTIC VIOLATIONS</b>		
<b>Ex. 22</b>	NMED Septic Permit Status Email (Residential System; No Commercial Permit Issued)	1/16/2026
<b>Ex. 23</b>	OSE Water Use Complaint (Alleged Commercial Use of Domestic Well)	1/16/2026
<b>Ex. 24</b>	OSE Violation Letter (Unlawful Commercial Use; Commercial Water Rights Required)	2/6/2026
<b>Ex. 25</b>	OSE Email Confirming No Commercial Water Rights Application Filed	4/7/2026
<b>Ex. 26</b>	Quinones Water Right Summary (Showing Use Status and Unlawful Use Notation from Site Visit)	4/19/2026

<b>Exhibit No.</b>	<b>Description</b>	<b>Date</b>
<b>NEIGHBOR IMPACT &amp; PUBLIC OPPOSITION</b>		
<b>Ex. 27</b>	Photographs of Cars Parked on Calle Alfred (Traffic & Safety Impacts) and Limited Road Access	9/28/2025
<b>Ex. 28</b>	Escarcida Opposition Letter (Incompatibility with Residential Area)	10/8/2025
<b>Ex. 29</b>	Quinones Opposition Letter (Broken Promises & Impacts)	10/10/2025
<b>Ex. 30</b>	Sutton Opposition Letter (2014 Promises & Subsequent Violations)	6/9/2025
<b>Ex. 31</b>	Petition Signed by 57 Residents Opposing Zone Change	10/10/2025
<b>STAFF REPORTS &amp; AGENCY RECOMMENDATIONS</b>		
<b>Ex. 32</b>	County Email: No Zoning Clearance Letters Issued (2014-2023)	10/21/2025
<b>Ex. 33</b>	Director Beaman Letter: Unresolved Issues & Compliance Concerns	10/23/2025
<b>Ex. 34</b>	P&Z Staff Report Recommending Denial of Zone Change	1/13/2026
<b>APPLICANT ADMISSIONS &amp; CORRESPONDENCE</b>		
<b>Ex. 35</b>	2025-09-18 McAllister Letter to P&Z Requesting Zone Change to Special Use to Continue Tours, Tastings & Events Held “Since Inception”	9/18/2025
<b>Ex. 36</b>	McAllister Response to Director Beaman Email: Disputing County’s Findings	11/10/2025
<b>Ex. 37</b>	Attorney Culbreath Email with Responses to County Questions	12/2/2026

RESTRICTIVE COVENANTS

## VALLE DE IRENE

SANDOVAL COUNTY, NEW MEXICO  
RESTRICTIVE COVENANTS, LOTS 1 TO 4 INCLUSIVE

KNOW ALL MEN BY THIS PRESENTS, that the undersigned owners and proprietors of a certain tracts of land in Sandoval County, New Mexico, lots 1 to 4, Lands of Alfred E. Sandoval, filed in the office of the County Clerk of Sandoval County, New Mexico, on the \_\_\_ day of 10/21 1994, do hereby declare the creation and existence of restrictive covenants in the said Acreage, which said restrictions are to follow, to-wit:

1. These Covenants are to run with the land and shall be binding on all parties and all persons claiming under these until August 2010, at which time said covenants shall be automatically extended for successive periods of ten years, unless by vote of a three-fourths majority of them, then the record owners of the land will agree to amend said covenants in whole or in part.
2. If the parties hereto, or any of them, or their heirs or assigns, shall violate, or attempt to violate, any of the covenants here in, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate, any such covenant and either enjoin him or them from so doing, or recover damages or other dues for such violation.
3. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.
4. All lots shall be known and described as residential lots. No structure shall be erected, altered, placed or permitted to remain on any residential lot, other than one detached family dwelling and related out-buildings. Except that this provision shall not prevent the combination of two adjoining lots for one such dwelling.
5. No building shall be located on any residential lot nearer than 75 feet to the center line of the road running along the front lot line, nor nearer than 75 feet to the center line of any side street. No building, except a detached garage or other out building located 75 feet or more from the center line of the road at the front lot line, shall be located nearer than 25 feet to any side lot line. Further, no building shall be located on any residential lot nearer than 50 feet to any building, conforming to these covenants, situated on any adjacent lot, except with the written consent of the record owner of the adjacent lot.
6. Livestock, household pets, riding horses, a limit of 13 chickens or small fowl, can be kept on the premises. In no case will a nuisance of any type be tolerated. Proper fencing will be required.
7. No residential structure shall be erected or placed on any residential lot, which has an area of less than 43,560 square feet (1 acres) or a width of less than 80 feet at the front building set back line.

8. No business, trade or offensive activity of any kind shall be carried on upon any residential lot, nor anything done on any lot which may be or become an annoyance or nuisance in the neighborhood.
9. No trailer, basement, tent, shack, garage or other out-building erected on any lot shall be at anytime used as a residence temporarily or permanently.
10. The ground floor area of the main structure on any residential lot, exclusive of porches and garages, shall be no less than 1600 square feet. The maximum building height shall be 22 feet, exclusive of chimneys, measured from the natural ground to the highest point adjacent to the building, except that higher structures will be permitted with the written consent of the record owners of all adjacent lots. Two story structures will be permitted.
11. All building are to be finished as to exterior within twelve (12) month from start of construction.
12. Outdoor privies are forbidden and said residence shall be provided with a method of sewage disposal meeting all requirements contained in chapter XI of the Federal Housing Administration Property Standards in effect at the time of construction, or meeting the recommended standards of the Bernalillo County Health Department (for Bernalillo and Sandoval Counties). Garbage and waste shall be stored in a covered metal container and shall be disposed of in a manner approved by the Bernalillo (Sandoval) County Health Department.
13. Natural vegetation will be left undisturbed, except for access to property, clearing of building sites, or establishment of lawns, flowers, shrubbery, and gardens.
14. All buildings on all residential lots shall be of good architectural design and the architectural style shall be a type which is typical of New Mexico. Permissible styles include Pueblo, Territorial, Northern New Mexico, and Adobe.
15. Access road to these lots will be as follows: the main entry road to be known as Calle Alfredo; all other access roads as shown on plat.
16. Easements for utilities installation and maintenance will be provided for.
17. Garages and out-buildings shall conform in construction and design to the construction and design of the main building.
18. Any building erected on any lot shall present a good appearance from all directions.
19. No commercial type windmill or wind chargers will be erected on any lot.
20. Butane tanks and water storage tanks must conform to state regulations and will be located as not to detract from the appearance of any lot.
21. **No residential lot may be subdivided to less than 1 acre nor any portion of any residential lot less than (1) acre be sold**

- 22. All lots shall enjoy the same irrigation rights, no lot owner can deny another the right of irrigation.
- 23. Irrigation ditch to be maintained by all owners of record

SIGNED Alfredo E. Sandoval  
Alfredo E. Sandoval

Signed Irene Sandoval  
Irene Sandoval

OFFICIAL SEAL  
IDA J. ESQUEBEL  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires 3/8/97

Ida J. Esquebel 10/21/94  
OFFICIAL SEAL  
IDA J. ESQUEBEL  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires 3/8/97  
Ida J. Esquebel 10/21/94

STATE OF NEW MEXICO } ss  
COUNTY OF SANDOVAL }  
This instrument was filed for record on  
AT: 2:00 **OCT 21 1994** AM  
P.M.  
Recorded in Vol. Misc 320  
of records of said county, folio 323  
Sally Padilla, Clerk & Recorder 335  
By: [Signature] Deputy [Signature]

335

ROAD AND MAINTENANCE AGREEMENT

Return to Tere Baca Oates-United Title Co.  
US10106E95

72590

ROAD AND MAINTENANCE AGREEMENT

THIS ROAD AND MAINTENANCE AGREEMENT is made this 30th day of  
May 1995

WHEREAS, ALFRED E. SANDOVAL AND IRENE SANDOVAL, his wife, hereinafter referred to as "Sandoval" and PETER DAVID PACHECO, a single man, hereinafter referred to as "PACHECO" are the owners of that certain real property known as Tract 73 of the Middle Rio Grande Conservancy District Map #5 situate in section 2, T, 13N, R4E, N.M.P.M. Sandoval County New Mexico. Which has been divided into four (4) smaller tracts known as 73-A, 73-B, 73-C and 73-D (hereinafter collectively referred to as the "Subdivision" and

WHEREAS, a twenty five (25) foot wide easement exists on the southern boundary of the Subdivision as shown on that certain plat filed for record in the office of the County Clerk of Sandoval County, New Mexico on January 27th, 1991 as document No. 60173 hereinafter referred to as the "Road" and

WHEREAS, all persons who purchase a tract of land within the Subdivision, shall be bound by this Road and Maintenance agreement with all other owners of said tracts to gravel and maintain said road easement, and

WHEREAS, the parties hereto desire to utilize the Road for access to all tracts within the Subdivision. and

WHEREAS, the parties hereto desire to enter into an agreement providing for joint maintenance of the Road by all owners of record, present and future. and

WHEREAS, joint maintenance shall be shared equally by all owners of record. and

WHEREAS, Sandoval has sold to Peter David Pacheco that certain real property described as Tract 73-A of the Subdivision, more particularly described on attached Exhibit

certification on filed this agency. These documents are routinely microfilmed as a necessary operation in the generation of an Invaluable document file.  
Josie PARRA  
-7-13-95

STATE OF NEW MEXICO } SS  
COUNTY OF SANDOVAL }  
This instrument was filed for record on  
AT:  
11:01 JUL 7 1995  
Recorded in Vol. Maps 333  
of records of said county, folio 918  
Sally Padilla, Clerk & Recorder  
By: \_\_\_\_\_ Deputy

documents in the possession of this agency as noted in the statement of document certification on file at this agency. These documents are routinely microfilmed as a necessary operation in the preparation of an Analytical document file.  
JOSIE PARZA  
-9-15-95

NOW, in consideration of the mutual agreements hereinbelow, Sandoval and Pacheco agree as follows;

1. The owner of a tract within the subdivision who first constructs a home on his or her tract shall grade the Road so that the Road is a usable private Road for the subdivision. The reasonable and necessary cost of grading the road shall be shared equally by the then owners of each tract within the subdivision. Each tract owner shall be responsible for one-fourth of the expenses. The owner who first constructs the road shall be reimbursed by the remaining tract owners.


2. The owners of each tract within the subdivision and their successors and assigns shall have equal responsibility for the maintenance and the cost to maintain, repair or improve the Road. No tract owner shall perform any repairs or improvements to the road, other than normal and necessary maintenance or emergency repairs, without the prior written consent of all owners of tracts within the subdivision.

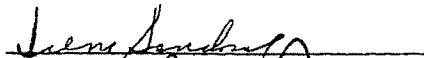
3. This agreement may be enforced by any tract owner against any tract owner who fails to fulfill his/her obligation.

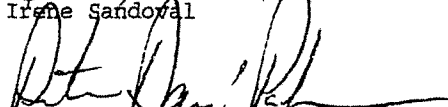
4. This agreement shall run with the land forever and shall be binding upon all successive owners of each and every tract within the subdivision.

5. This agreement may only be amended by a written document executed by all the then owners of all tracts within the subdivision, and recorded in the office of the County Clerk of Sandoval County, New Mexico.

In witness whereof, the parties hereto set their hands on the date first written above.

  
Alfred Sandoval

  
Irene Sandoval

  
Peter David Pacheco

Documents in the possession of this agency as noted in the statement of documents  
certification on file at this agency. These documents are routinely microfilmed  
as a necessary operation in the generation of an Involuntary document file.

Josie PARDA

-9-13-95

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO )

SS.

This instrument was acknowledged before me on May 31st, 1995 by ALFRED E. SANDOVAL and IRENE SANDOVAL

*Josie Parda*  
NOTARY PUBLIC

My commission expires  
12/3/98

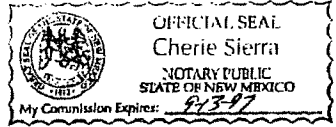
STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO )

SS.

This instrument was acknowledged before me on July 6, 1995, by PETER DAVID PACHECO

*Josie Parda*  
NOTARY PUBLIC

My commission expires:  
12/3/98 9-13-97



documents in the possession of this agency as noted in the statement of document certification on file with the agency. These documents are routinely microfilmed as a necessary operation in the generation of an inventory document file.

John P. ...

-9-13-95

LEGAL DESCRIPTION

A certain tract of land being designated as Tract 73-A of Plat of Middle Rio Grande Conservancy District Property Map No. 5, situate in Section 2, T. 13 N., R. 4 E., N.M.P.M., Sandoval County, New Mexico and being more particularly described as follows: BEGINNING at the most easterly corner of said Tract 73-A, whence the Southeast corner of said Section 2, T. 13 N., R. 4 E., N.M.P.M. bears S. 51 deg. 23' 03" E., 2925.23 feet distant; running thence S. 40 deg. 00' 00" W., 279.10 feet to the most southerly corner of said Tract 73-A; thence N. 49 deg. 31' 10" W., 108.74 feet to the most westerly corner of said Tract 73-A, also being a point on the easterly right-of-way line of Santa Ana Ditch; thence N. 14 deg. 54' 10" E., 149.70 feet to an angle point; thence N. 42 deg. 09' 50" E., 83.20 feet to an angle point; thence N. 32 deg. 24' 20" E., 60.00 feet to the most northerly corner of said Tract 73-A; thence S. 50 deg. 00' 00" E. 177.07 feet to the most easterly corner of said Tract 73-A and point of beginning.

APPLICATION TO APPROPRIATE UNDERGROUND WATERS IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES

1. Name and mailing address of applicant: File No. RG-64500
Jeff Revels
117 Carlito Road NW
Albuquerque, New Mexcio 87107
345-4630

2. Describe well location under one of the following subheadings:
a. SW 1/4 NW 1/4 SE 1/4 of Sec. 2 Twp. 13N Rge. 4E NMPM, in Sandoval County.
b. X = \_\_\_\_\_ feet, Y = \_\_\_\_\_ feet, New Mexico Coordinate System Zone in the \_\_\_\_\_ Grant.

3. Approximate depth (if known) 500 feet; outside diameter of casing NTE-7 inches.
Name of driller (if known) Rodgers

- 4. Use of water (check use applied for):
One household, non-commercial trees, lawn and garden not to exceed one acre.
Livestock watering.
XXX More than one household, non-commercial trees, lawns and gardens not to exceed a total of one acre.
Drill and test a well intended to be used for domestic, drinking and sanitary or stock water purposes in conjunction with the building or dwelling unit.
Drinking and sanitary purposes and the irrigation of non-commercial trees, shrubs and lawns in conjunction with a commercial operation.
Prospecting, mining or drilling operations to discover or develop natural resources.
Construction of public works, highways and roads.

5. Remarks: Well property address/location: 13 Calle Alfredo Algodones ,NM
Tract 73 B MRGCD Map 5
Well to belocted on Tract 73-B and shares with Tract 73-A

I, Jeff Revels, affirm that the foregoing statements are true to the best of my knowledge and belief and that development shall not commence until approval of the permit has been obtained.

By: [Signature] Applicant Date: April 23, 1996

ACTION OF STATE ENGINEER

This application is approved for the use indicated, subject to all general conditions and to specific conditions numbered 5(A) on the reverse side hereof. This permit will automatically expire unless this well is drilled or driven and the well record filed on or before April 15, 1997.

Thomas C. Turney, State Engineer
By: [Signature] Jess L. Ward, District I
Date: April 23, 1996

METER REQUIRED
SEE CONDITION OF APPROVAL # 5(A)

File No. RG-64500

Please refer to condition D, E, F on the reverse side of this permit.

STATE ENGINEER OFFICE
ALBUQUERQUE, NM
66 APR 23 AM 1:18

STATE ENGINEER OFFICE
ALBUQUERQUE, NM
66 APR 23 AM 9:47

607303

JLW

## GENERAL CONDITIONS OF APPROVAL

- A. The maximum amount of water that may be appropriated under this permit is 3 acre-feet in any year.
- B. The well shall be drilled by a driller licensed in the State of New Mexico in accordance with Section 72-12-12 New Mexico Statutes Annotated. A licensed driller shall not be required for the construction of a driven well; provided, that the casing shall not exceed two and three-eighths (2 3/8) inches outside diameter (Section 72-12-12).
- C. Driller's well record must be filed with the State Engineer within 10 days after the well is drilled or driven. Failure to file the well record within that time shall result in automatic cancellation of the permit. Well record forms will be provided by the State Engineer upon request.
- D. The casing shall not exceed 7 inches outside diameter except under specific conditions in which reasons satisfactory to the State Engineer are shown.
- E. If the well under this permit is used at any time to serve more than one household or livestock in a commercial feed lot operation, or for drinking and sanitation purposes in conjunction with a commercial operation, the permittee shall comply with Specific Conditions of Approval number 5(b).
- F. In the event this well is combined with other wells permitted under Section 72-12-1 New Mexico Statutes Annotated, the total outdoor use shall not exceed the irrigation of one acre of non-commercial trees, lawn, and garden, or the equivalent outside consumptive use, and the total appropriation for household and outdoor use from the entire water distribution system shall not exceed 3 acre-feet in any year.
- G. If artesian water is encountered, all rules and regulations pertaining to the drilling and casing of artesian wells shall be complied with.

## SPECIFIC CONDITIONS OF APPROVAL

(Applicable only when so indicated on the other side of this form.)

1. Depth of the well shall not exceed the thickness of the (a) valley fill or (b) Ogallala formation.
2. The well shall be constructed to artesian well specifications and the State Engineer shall be notified before casing is landed or cemented.
3. Appropriation and use of water under this permit shall not exceed a period of one year from the date of approval.
4. Use shall be limited to household, non-commercial trees, lawn and garden not to exceed one acre and/or stock use.
5. A totalizing meter shall be installed before the first branch of the discharge line from the well and the installation shall be acceptable to the State Engineer; the Engineer shall be advised of the make, model, serial number, date of installation, and initial reading of the meter prior to appropriation of water; pumping records shall be submitted to the District Supervisor: (a) for each calendar month, on or before the 10th day of the following month (b) on or before the 10th of January, April, July and October of each year for the three preceding calendar months (c) for each calendar year on or before the 10th day of January of the following year.
6. The well shall be plugged upon completion of the permitted use, and a plugging report shall be filed with the State Engineer within 10 days.
7. Final approval for the use of the well shall be dependent upon a leakage test made by the State Engineer.
8. Use shall be limited strictly to household, drinking and sanitary purposes; water shall be conveyed from the well to the place of use in closed conduit and the effluent returned to the underground so that it will not appear on the surface. No irrigation of lawns, gardens, trees or use in any type of pool or pond is authorized under this permit.
9. No water shall be used from this well unless and until a permit has been issued to an applicant who intends to use the water for any of the purposes described in § 72-12-1.

## INSTRUCTIONS

The application shall be made in the name of the actual user of the well for the purpose specified in the application.

The application shall be filed in triplicate and forwarded with a \$5.00 filing fee to the State Engineer.

A separate application must be filed for each well to be drilled or used.

If well to be used is an existing well, an explanation (and the file number, if possible) should be given under Remarks (Item 5).

Applications for appropriation, well records and requests for information in the following basins should be addressed to the State Engineer at the location indicated.

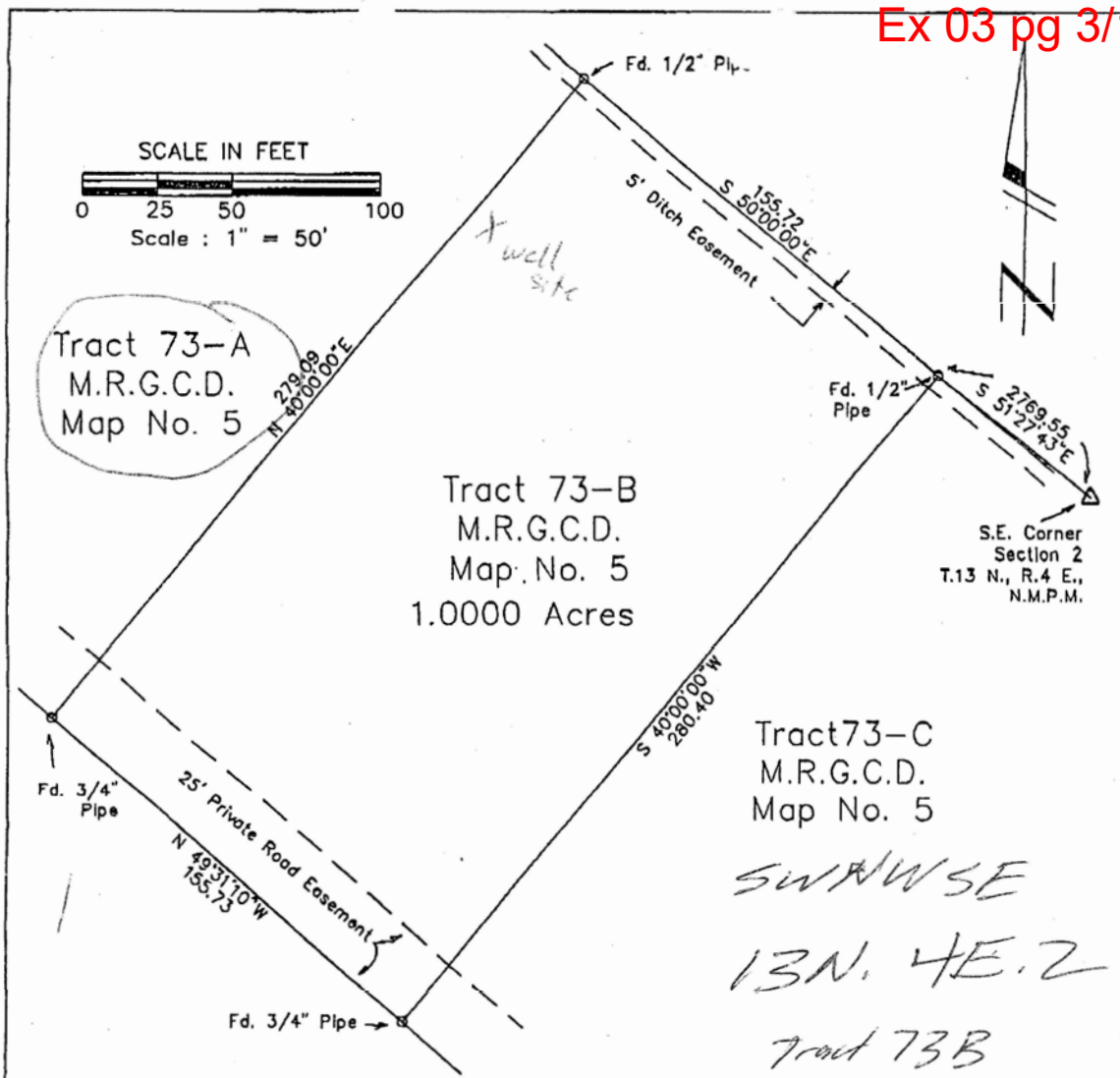
Bluewater, Estancia, Rio Grande, Sandia, Gallup and San Juan Basins  
District No. 1, 3311 Candelaria, NE, Suite A, Albuquerque, NM 87107

Capitan, Carlsbad, Curry County, Fort Sumner, Hondo, Jal, Lea County, Penasco, Portales, Roswell, Tucumcari and Upper Pecos Basins District No. 2, 1900 West Second Street, Roswell, NM 88201

Animas, Gila-San Francisco, Lordsburg, Mimbres, Nutt-Hockett, Playas, San Simon and Virden Valley Basins  
District No. 3, P.O. Box 844, Deming, NM 88031

Lower Rio Grande, Tularosa, Hueco, Las Animas Creek and Hot Springs Basins  
District No. 4, 133 Wyatt Drive, Suite 3, Las Cruces, NM 88005

Canadian River Basin  
State Engineer Office, P.O. Box 25102, Santa Fe, NM 87504-5102



Tract 73-A  
M.R.G.C.D.  
Map No. 5

Tract 73-B  
M.R.G.C.D.  
Map No. 5  
1.0000 Acres

Tract 73-C  
M.R.G.C.D.  
Map No. 5

*SUNWSE*  
*13N. 4E. 2*  
*Tract 73B*  
*MAP 5*

LEGAL DESCRIPTION

A certain tract of land, being designated as Tract 73-B of Plot of Middle Rio Grande Conservancy District Property Map No. 5 situate in Section 2, T.13 N., R.4 E., N.M.P.M., Sandoval County, New Mexico and being more particularly described by metes and bounds as follows:

BEGINNING at the most easterly corner of said Tract 73-B, whence the Southeast corner of said Section 2, T.13 N., R.4 E., N.M.P.M. bears S.51°27'43"E., 2769.55 feet distant; running thence S.40°00'00"W., 280.40 feet to the most southerly corner of said Tract 73-B; thence N.49°31'10"W., 155.73 feet to the most westerly corner of said Tract 73-B; thence N.40°00'00"E., 279.09 feet to the most northerly corner of said Tract 73-B; thence S.50°00'00"E., 155.72 feet to the most easterly corner of said Tract 73-B and point of BEGINNING. Containing 1.0000 Acres more or less.

I, Leonard G. Martinez, do hereby certify that I am a Registered Land Surveyor under the laws of the State of New Mexico, that the Map as shown hereon was prepared from field notes of actual surveys, done by me or under my supervision; that it meets the Standards for Land Surveying in New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Professional Surveyors, and that it is true and correct to the best of my knowledge and belief.

*Leonard G. Martinez*

Leonard G. Martinez, N.M.L.S. No. 9801



## Cover Page

# DERIVED COORDINATE POINT LOCATION DOCUMENTATION

Abstractor note: POD Research was conducted in accordance with D1 Domestic POD Location Research (Policy 2014-002). The legal description provided on the permit or any other document filed with the permit was used to conduct in-depth research to identify a POD location. Possible sources of information used for historical research include 1) NMWRRS, 2) MRGCD maps, 3) County websites, 4) Bernalillo County Zone Atlas, and 5) the Water Rights Locator Tool.

See Water Rights Locator Tool Report for research results.

**Locator Tool Report****General Information:**

Application ID: 35                      Date: 05-16-2017                      Time: 13:57:52

WR File Number: RG-64500  
Purpose: POINT OF DIVERSIONApplicant First Name:  
Applicant Last Name: REVELSGW Basin: RIO GRANDE  
County: SANDOVALCritical Management Area Name(s): WATERS USE ONLY: SUBBASIN - MRG  
Special Condition Area Name(s): MRG ADMINISTRATIVE AREA  
Land Grant Name: ANGOSTURA/SAN FELIPE PUEBLO**PLSS Description (New Mexico Principal Meridian):**

SW 1/4 of NE 1/4 of NW 1/4 of SE 1/4 of Section 02, Township 13N, Range 04E.

**Coordinate System Details:****Geographic Coordinates:**Latitude:        35 Degrees 22 Minutes 53.5 Seconds N  
Longitude:     106 Degrees 29 Minutes 8.2 Seconds W**Universal Transverse Mercator Zone: 13N**

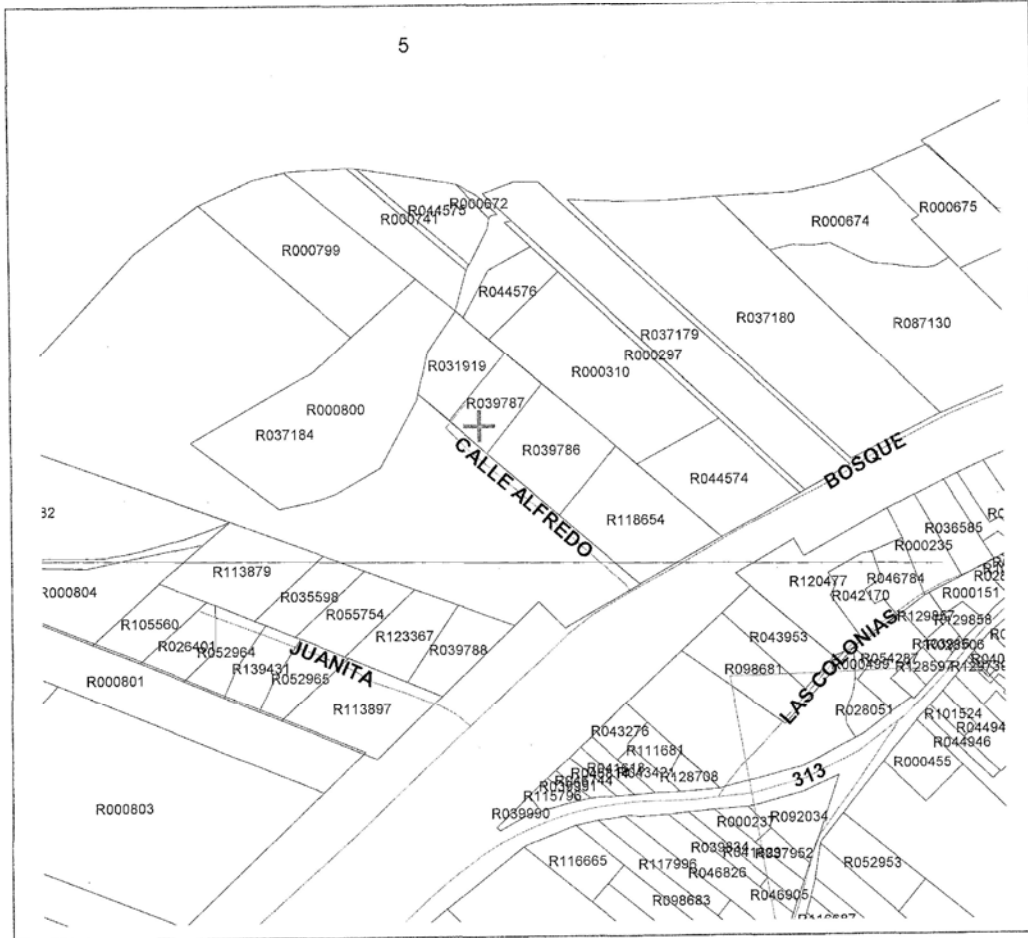
NAD 1983(92) (Meters)	N: 3,916,366	E: 365,063
NAD 1983(92) (Survey Feet)	N: 12,848,944	E: 1,197,711
NAD 1927 (Meters)	N: 3,916,162	E: 365,113
NAD 1927 (Survey Feet)	N: 12,848,276	E: 1,197,874

**State Plane Coordinate System Zone: New Mexico Central**

NAD 1983(92) (Meters)	N: 485,922	E: 478,594
NAD 1983(92) (Survey Feet)	N: 1,594,230	E: 1,570,188
NAD 1927 (Meters)	N: 485,903	E: 131,047
NAD 1927 (Survey Feet)	N: 1,594,167	E: 429,943

**NEW MEXICO OFFICE OF STATE ENGINEER**

**Locator Tool Report**



WR File Number: RG-64500

Scale: 1:5,769

Northing/Easting: UTM83(92) (Meter): N: 3,916,366

E: 365,063

Northing/Easting: SPCS83(92) (Feet): N: 1,594,230

E: 1,570,188

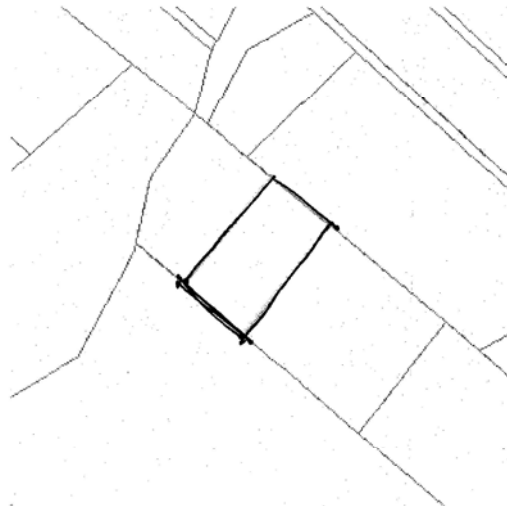
GW Basin: Rio Grande

**This page can be printed using your internet browser or by CTL + P  
Account: R039787**

<u>Location</u>	<u>Owner Information</u>	<u>Assessment History</u>															
<b>Parcel Number</b> 1-023-078-307-180 <b>Tax Area</b> 802RHE_R - 802RHE_R <b>Situs Address</b> 13 CALLE ALFREDO <b>Legal Summary</b> Legal: S: 2 T: 13N R: 4E Subd: MAP 5 Tract: 73B	<b>Owner Name</b> QUINONES, MELINDA L AND MICHAEL D <b>Owner Address</b> 13 CALLE ALFREDO ALGODONES, NM 87001 United States of America	<b>Actual Value</b> (2017 - Residential Cap applied) <b>Primary Taxable</b> <b>Exemption Adjustments:</b> Head of Household Exemption <b>Adjusted Taxable Total</b> Tax Area: 802RHE_R Mill Levy: 32.079 <table border="1"> <thead> <tr> <th>Type</th> <th>Actual</th> <th>Assessed Acres</th> <th>SQFT</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Residential Land</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Residential Improvement</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Type	Actual	Assessed Acres	SQFT	Units	Residential Land					Residential Improvement				
Type	Actual	Assessed Acres	SQFT	Units													
Residential Land																	
Residential Improvement																	

<u>Transfers</u>	<u>Sale Date</u>	<u>Doc Description</u>
	<a href="#">08/16/2005</a>	<a href="#">UNASSIGNED WARRANTY DEED</a>
	<a href="#">06/16/2005</a>	<a href="#">UNASSIGNED</a>

<u>Tax Year</u>	<u>Taxes</u>	<u>Images</u>
*2017		<ul style="list-style-type: none"> <li><a href="#">Map</a></li> <li><a href="#">Photo</a></li> <li><a href="#">Sketch</a></li> <li><a href="#">GIS</a></li> </ul>
2016		
* Estimated		



John R. D Antonio, Jr., P.E.  
State Engineer



Albuquerque Office  
121 TIJERAS NE, SUITE 2000  
ALBUQUERQUE, NM 87102

**STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER**

File Nbr: RG 64500  
Well File Nbr: RG 64500

Nov. 25, 2008

JEFF REVELS  
13 CALLE AFREDO  
ALGODONES, NM 87001

Greetings:

The Conditions of Approval of your permit require that your well(s) be metered and that meter readings be submitted to this office in writing monthly. Our records indicate that no meter readings have been submitted for the last reading period.

Failure to comply with the Rules and Regulations of the State Engineer may result in the cancellation of your permit.

A form is enclosed for your convenience for submittal of meter readings. Please make copies of this form for your use. If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Palmer".

Charles Palmer  
(505)764-3888

CP:cp  
Enclosure

mtrrem

John R. D Antonio, Jr., P.E.  
State Engineer



Albuquerque Office  
121 TIJERAS NE, SUITE 2000  
ALBUQUERQUE, NM 87102

**STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER**

File Nbr: RG 64500  
Well File Nbr: RG 64500

May. 19, 2005

JEFF REVELS  
117 CARLITO ROAD NW  
ALBUQUERQUE, NM 87107

Greetings:

The Conditions of Approval of your permit require that your well(s) be metered and that meter readings be submitted to this office in writing monthly. Our records indicate that no meter readings have been submitted for the last reading period.

Failure to comply with the Rules and Regulations of the State Engineer may result in the cancellation of your permit.

A form is enclosed for your convenience for submittal of meter readings. Please make copies of this form for your use. If you have any questions, please feel free to contact us.

Sincerely,

  
Charles Palmer  
(505) 764-3888

CP:cp  
Enclosure  
cc: Santa Fe Office

mtrrem

STATE ENGINEER OFFICE, DISTRICT 1  
Thomas C. Turney, P.E.  
NEW MEXICO STATE ENGINEER

97 FEB 12 PM 2 41

M E M O R A N D U M

STATE ENGINEER OFFICE  
SANTA FE NEW MEXICO

DATE: February 11, 1997

FILE: RG-64500

TO: Wayne G. Canon, Water Resource Specialist III *WGC*

FROM: Robbin Hulette, Water Resource Aide *RH*

RE: Field Check

PERMITTEE: Jeff Revels-13 Calle Alfredo, Agodones, NM 87001

HISTORY: A field investigation was conducted on February 4, 1997 by District 1 personnel David I. Miller and Robbin Hulette, as to the meter readings of said well. The following information was recorded:

MRGCD Map.....	5 Tract 73B
Location.....	T13N R4E Section 2. 413
Meter Installed.....	New Meter 7/31/96
Make.....	Hays
Serial Number.....	2941170
Unit of Measure.....	Gallons
Multiplier.....	X1000
Reading.....	57000
Previous Reading.....	52000
Date of Previous Reading.....	12/1/96
Usage in Acre-feet.....	0.02
Permitted Diversion.....	3.0
Required Readings.....	Monthly

CURRENT STATUS: Subject domestic well and well house are located toward the northwest corner of Tract 73B on MRGCD map 5. The house on Tract 73B shares the well with a house located on Tract 73A. No apparent irrigation.

DIRECTIONS: Travel north on I-25 to the Algodones Exit. Go west on the exit road until it reaches HWY-85. Travel south on HWY-85 about one mile, going past the rail road overpass. About 25 feet beyond the overpass turn right onto a dirt road. Travel northeast on the dirt road approximately 0.4 mile (2500 feet). Turn west onto Calle Alfredo and travel west to the end of the road. The well is located on the second to the last tract.

RH:rh  
cc: Santa Fe, SEO/WRD



**STATE OF NEW MEXICO  
STATE ENGINEER OFFICE**

Thomas C. Turney, P.E.

**ALBUQUERQUE**

STATE ENGINEER

DISTRICT 1  
3311 CANDELARIA, N.E. SUITE A  
ALBUQUERQUE, NM 87107

September 12, 1996

FILE: RG-64500

Jeff Revels  
117 Carlito Road NW  
Albuquerque, N. M. 87107

Greetings:

The well driller's record of your well, numbered above, has been received in this office indicating your well has been completed.

Your permit was granted with the condition that a meter be installed and meter readings submitted to this office. A copy of your permit with the meter requirement highlighted is enclosed for your information.

Per Condition 5, please advise this office in writing of the make, model, serial number, date of installation, and initial reading of the meter prior to appropriation of water. Thereafter, pumping records shall be submitted to the District Supervisor for each calendar month, on or before the 10th day of the following month as per condition 5a. Please include the above file number on all correspondence.

You will be reminded only once to file your meter readings. Otherwise your permit will be cancelled.

If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Robbin Huletto".

Robbin Huletto  
Water Resource Aide  
(505) 841-9480

RH/imd  
Enclosure  
cc: SEO Santa Fe

## GENERAL CONDITIONS OF APPROVAL

- A. The maximum amount of water that may be appropriated under this permit is 3 acre-feet in any year.
- B. The well shall be drilled by a driller licensed in the State of New Mexico in accordance with Section 72-12-12 New Mexico Statutes Annotated. A licensed driller shall not be required for the construction of a driven well; provided, that the casing shall not exceed two and three-eighths (2 3/8) inches outside diameter (Section 72-12-12).
- C. Driller's well record must be filed with the State Engineer within 10 days after the well is drilled or driven. Failure to file the well record within that time shall result in automatic cancellation of the permit. Well record forms will be provided by the State Engineer upon request.
- D. The casing shall not exceed 7 inches outside diameter except under specific conditions in which reasons satisfactory to the State Engineer are shown.
- E. If the well under this permit is used at any time to serve more than one household or livestock in a commercial feed lot operation, or for drinking and sanitation purposes in conjunction with a commercial operation, the permittee shall comply with Specific Conditions of Approval number 5(b).
- F. In the event this well is combined with other wells permitted under Section 72-12-1 New Mexico Statutes Annotated, the total outdoor use shall not exceed the irrigation of one acre of non-commercial trees, lawn, and garden, or the equivalent outside consumptive use, and the total appropriation for household and outdoor use from the entire water distribution system shall not exceed 3 acre-feet in any year.
- G. If artesian water is encountered, all rules and regulations pertaining to the drilling and casing of artesian wells shall be complied with.

## SPECIFIC CONDITIONS OF APPROVAL

(Applicable only when so indicated on the other side of this form.)

1. Depth of the well shall not exceed the thickness of the (a) valley fill or (b) Ogallala formation.
2. The well shall be constructed to artesian well specifications and the State Engineer shall be notified before casing is landed or cemented.
3. Appropriation and use of water under this permit shall not exceed a period of one year from the date of approval.
4. Use shall be limited to household, non-commercial trees, lawn and garden not to exceed one acre and/or stock use.
5. A totalizing meter shall be installed before the first branch of the discharge line from the well and the installation shall be acceptable to the State Engineer; the Engineer shall be advised of the make, model, serial number, date of installation, and initial reading of the meter prior to appropriation of water; pumping records shall be submitted to the District Supervisor: (a) for each calendar month, on or before the 10th day of the following month (b) on or before the 10th of January, April, July and October of each year for the three preceding calendar months (c) for each calendar year on or before the 10th day of January of the following year.
6. The well shall be plugged upon completion of the permitted use, and a plugging report shall be filed with the State Engineer within 10 days.
7. Final approval for the use of the well shall be dependent upon a leakage test made by the State Engineer.
8. Use shall be limited strictly to household, drinking and sanitary purposes; water shall be conveyed from the well to the place of use in closed conduit and the effluent returned to the underground so that it will not appear on the surface. No irrigation of lawns, gardens, trees or use in any type of pool or pond is authorized under this permit.
9. No water shall be used from this well unless and until a permit has been issued to an applicant who intends to use the water for any of the purposes described in § 72-12-1.

## INSTRUCTIONS

The application shall be made in the name of the actual user of the well for the purpose specified in the application.

The application shall be filed in triplicate and forwarded with a \$5.00 filing fee to the State Engineer. A separate application must be filed for each well to be drilled or used.

If well to be used is an existing well, an explanation (and the file number, if possible) should be given under Remarks (Item 5).

Applications for appropriation, well records and requests for information in the following basins should be addressed to the State Engineer at the location indicated.

Bluewater, Estancia, Rio Grande, Sandia, Gallup and San Juan Basins  
District No. 1, 3311 Candelaria, NE, Suite A, Albuquerque, NM 87107

Capitan, Carlsbad, Curry County, Fort Sumner, Hondo, Jal, Lea County, Penasco, Portales, Roswell, Tucumcari and Upper Pecos Basins District No. 2, 1900 West Second Street, Roswell, NM 88201

Animas, Gila-San Francisco, Lordsburg, Mimbres, Nutt-Hockett, Playas, San Simon and Virden Valley Basins  
District No. 3, P.O. Box 844, Deming, NM 88031

Lower Rio Grande, Tularosa, Hueco, Las Animas Creek and Hot Springs Basins  
District No. 4, 133 Wyatt Drive, Suite 3, Las Cruces, NM 88005

Canadian River Basin  
State Engineer Office, P.O. Box 25102, Santa Fe, NM 87504-5102





APPLICATION FOR A LIQUID WASTE PERMIT

BE040555

Staff Report pg 58/71

NMED Inspection Required No Yes, Call 8724483

for Appointment                      Date NMED Received:                     

SYSTEM OWNER'S NAME: Last, First, MI. Home Phone: Business Phone:

MPCALISTER GREGORY 86720476                     

MAILING ADDRESS: Street/PO Box, City, State, Zip Code

20 BOX 534 Becanillo N.M. 87004

SYSTEM LOCATION: Street Address/Location - give directions to site

15 Calle Alfredo Algodones Saadolla  
Tract #1 A Replat of Tract 1023078294184

SUBDIVISION, BLOCK, LOT, UNIFORM PROPERTY CODE

T-3N 3E2 1020378294184

TOWNSHIP, RANGE, SECTION, QTR, QTR, LATITUDE, LONGITUDE

Unknown                                                                                                                              

INSTALLER'S NAME & FIRM: PHONE:

RESEPTIC                     

MAILING ADDRESS: Street/PO Box, City, State, Zip Code

131 Bowlers Rd. SW AIB NM 87105

CID License No./ Certification, MM-1, MS-1, MS-3, Homeowner

87567 MS-3                     

I. PERMIT APPLICATION (Instructions on back of pink copy)

- A. Proposed Liquid Waste System is for:                      New construction
- Replacement of an existing system                      Modification to an existing system
- B. Manufactured Housing (mobile)                      Yes                      No
- C. Proposed System is:                      Conventional                      Mound                      Holding Tank
- Evapotranspiration                      Other, Describe:

II. WASTEWATER SOURCES & DESIGN FLOWS IN GALLONS PER DAY (gpd)

- A. Proposed liquid waste system use and design flow:
  - Single family residence with 4 no. of bedrooms 450 gpd
  - Multiple family units;                      no. of units;                      no. bedrooms per unit                      gpd
  - Other (type)                      Flow sizing units                      gpd
- B. Are there other sewage sources on this property?                      Yes                      No                      gpd

TOTAL WASTEWATER FLOW ON PROPERTY -

CHANGED FR 3 Bedroom to

ALL SITE INFORMATION 4/11/11 Date of Record:                      (Plot Date or Subdivision Date)

- B. Depth from Ground Surface to:
  - Seasonal High Water Table 6 1/2 feet
  - Bedrock, Caliche, Tight Clay 15 feet
  - Gravel, Cobble, Highly permeable soil 15 feet
- C. Soil Description: (NMED may require both texture description and percolation rate)
  - Texture:
  - Coarse sand or gravel; (give percolation rate below)
  - Sand; (give percolation rate below)                       Fine Sand
  - Sandy Loam;                      Loam;                      Silty Loam;
  - Clay Loam;                      Clay.
  - Other; (describe)

- Soil Percolation Rate:                      min/inch (attach percolation test record)
- D. Domestic Water Source:                      On-site                      Off-site
- Private                      Public                      Shared
- Irrigation Well or Flood Irrigated Area on the lot:                      Yes                      No

IV. SYSTEM DESIGN

- A. Treatment Unit:
  - Septic Tank Capacity 1000 Gallons
  - Manufacturer: APPA Certification No.: Existing tank
  - Other (specify):

- B. Disposal System:  Trench                      Bed                      Mound
- Evapotranspiration                      Other, specify:
- Materials:  Pipe and gravel                      Gravelless (specify)
- C. Minimum required absorption area 451.5 square feet
- Trench or Bed width 3 ft. Gravel depth below distribution pipe
- Total Trench or Bed length 150 ft. Number of trenches:
- Number of gravelless units

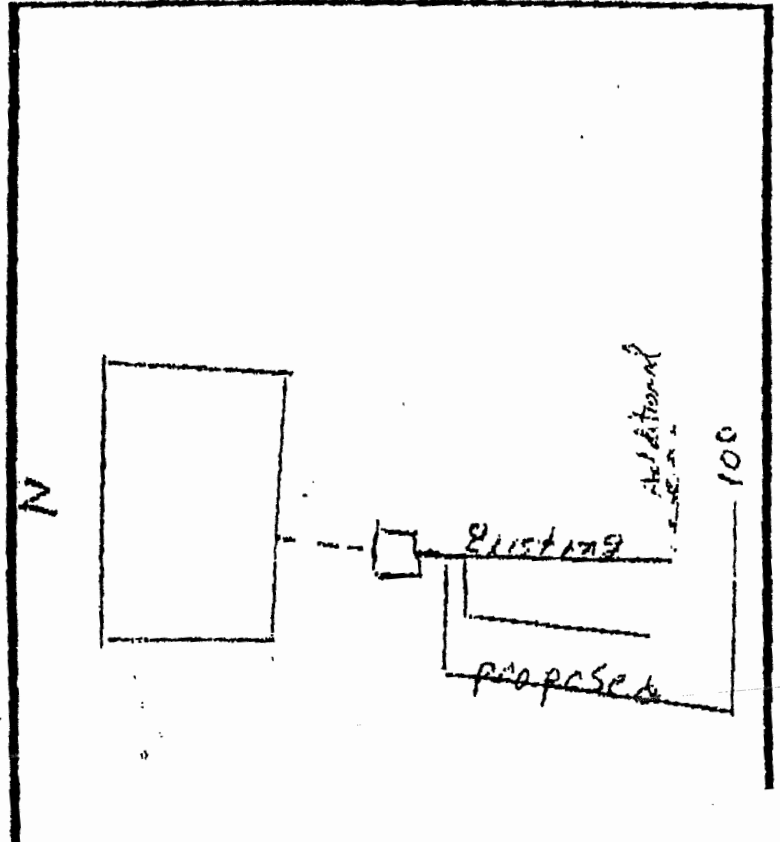
- D. Depth from ground surface to bottom of absorption area 30 ft.

Ex 05 pg 1/2

VI. SITE PLAN: Diagram the lot and liquid waste system. Show setbacks to the objects listed below within 200 feet of system and the direction of groundwater flow. Give distances from:

Treatment Unit to:	Disposal System to:
40 ft. Property line	70 ft.
30 ft. Property line	ft.
40 ft. Buildings	40 ft.
40 ft. Structures	40 ft.
100 ft. Wells	100 ft.
10 ft. Irrigation	30 ft.
NP ft. Arroyos	NA ft.
ft. Surface water	ft.

PR040555



VI The foregoing information is correct and true to the best of my knowledge and understanding that the issuing of this permit does not relieve me from the responsibility of complying with all applicable provisions of the New Mexico PI and the New Mexico Liquid Waste Disposal Regulations. Obtaining this permit does not relieve me from the responsibility of obtaining any permit required by state, city or county regulation or ordinance or other requirements of state or federal law.

Signature: Rogers Landa Date: 6-23-04

Owner:  Contractor:  Other:

VII. NMED PERMIT A permit for construction of the liquid waste disposal system described herein is hereby:

Granted  Conditions  Reasons for Denial:  Denied

Sections 204 and 408 California Inspector's License  
prior to installing

Signature: Chuck Morgan Date: 06/24/04  
NMED Representative

NOTE: This permit may be canceled for failure to meet any condition specified, failure to complete the system within one year, for providing inaccurate or incomplete information; or for failure to notify NMED that the system is completed. If you have questions call:

NMED Inspection History: \_\_\_\_\_ NMED Representative: \_\_\_\_\_ Date: \_\_\_\_\_

VIII. NMED FINAL APPROVAL:

The system described above was  was not inspected

NMED Representative: \_\_\_\_\_ Date: \_\_\_\_\_

**WELL SHARING AGREEMENT**

SANDOVAL COUNTY  
200519365  
Book- 408 Page- 19365  
1 of 3  
06/01/2005 09:33:03 AM

This Agreement is made by and between Peter David Pacheco and Gregory R. McAllister, property owners of 15 Calle Alfredo, Algodones, New Mexico and Julie Grey, property owner of 13 Calle Alfredo, Algodones, New Mexico.

The purpose of this agreement is to describe the terms and conditions of a joint well agreement for the use and maintenance of a common well to be shared by the property owners. The owners of the well agree that the mutual sharing of expenses for the placement and maintenance of a common water well is valuable consideration in support of this agreement. The parties to this agreement further agree that this WELL SHARING AGREEMENT inures to the benefit of both property owners and agree to bind themselves, their heirs, successors and assigns to the terms as set forth below.

The agreement is adopted by the parties above as of February 1996 and the terms of this agreement have been in effect since that time governing the shared well located on 13 Calle Alfredo.

The terms are described as follows:

**1. LOCATION AND ACCESS**

The well will be drilled in the vicinity of the common boundary line between the two properties described above but located within the boundaries of the 13 Calle Alfredo property (Grey property) in such location as designated to be of greatest convenience to all owners and judged appropriate by the well drilling contractor.

Accompanying the well will be the construction of a small pump-house to be constructed of frame and stucco with a concrete floor conforming to the architectural standards as set forth in the Covenants governing construction in the Valle de Irene/ Calle Alfredo subdivision.

The property owner of 13 Calle Alfredo grants reasonable access to the property owner of 15 Calle Alfredo for the purposes of accessing the well and its equipment.

**2. SHARING OF EXPENSE OF DRILLING AND EQUIPMENT**

The cost of drilling the well and the cost of all equipment necessary for provision of water to both properties will be split equally between both property owners, as outlined in the proposed contract by Rodgers & Company, Inc. Further, maintenance of the well and associated equipment will be a shared expense of both property owners.

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District 1

The cost of pump-house construction and maintenance will be the sole responsibility of the owners of the 13 Calle Alfredo property.

3. OPERATING EXPENSES

The owners of the 15 Calle Alfredo property agree to a monthly payment of \$5.00, payable to the owner of 13 Calle Alfredo, whose electrical service is extended to the shared well, to cover the cost of the electrical operation of the well pump, or in the alternative a yearly electrical fee of \$60. Any additional operating expenses will be governed by the provisions of Section 2, above.

4. FUTURE SALE OF PROPERTY

This agreement is intended to cover the present and future water needs of the owners of the 13 and 15 Calle Alfredo properties and it is the intent of the parties to this agreement that this agreement remain in force for the mutual benefit of the respective owners even though a transfer of property results in a change of original ownership. Therefore, this well agreement shall remain in force unless or until there is a failure of the well to produce or this agreement is nullified by the buyout provision set forth in Section 5, below.

5. BUYOUT

Should the owner of 15 Calle Alfredo decide to drill their own well, the then-current owner of record of 13 Calle Alfredo will be obligated to buy out the one half interest of 15 Calle Alfredo in the shared 13 Calle Alfredo well. The value of this interest is to be determined by the cost to drill a substantially similar well to the one located on 13 Calle Alfredo, divided by 2, as specified in the Rodgers & Company Proposal Contract dated 02.13.96, and in no case shall be less than \$2176.00. A copy of the original well proposal contract is attached.

6. ITEMS NOT COVERED BY THIS AGREEMENT

All pipe and fittings necessary to bring water to each house and the maintenance of these lines will be the sole responsibility of each property owner served by the common well.

7. AMENDMENTS TO THE AGREEMENT

Amendments to this agreement will be allowed, when deemed appropriate by consent of both property owners.

Signed this date, May 10, 2005

By the owners of:

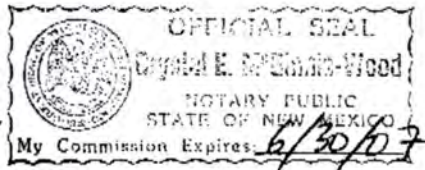
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NM Office of the State Engineer  
District I

*Crystal E. McElmoo-Wood*  
Notary Public



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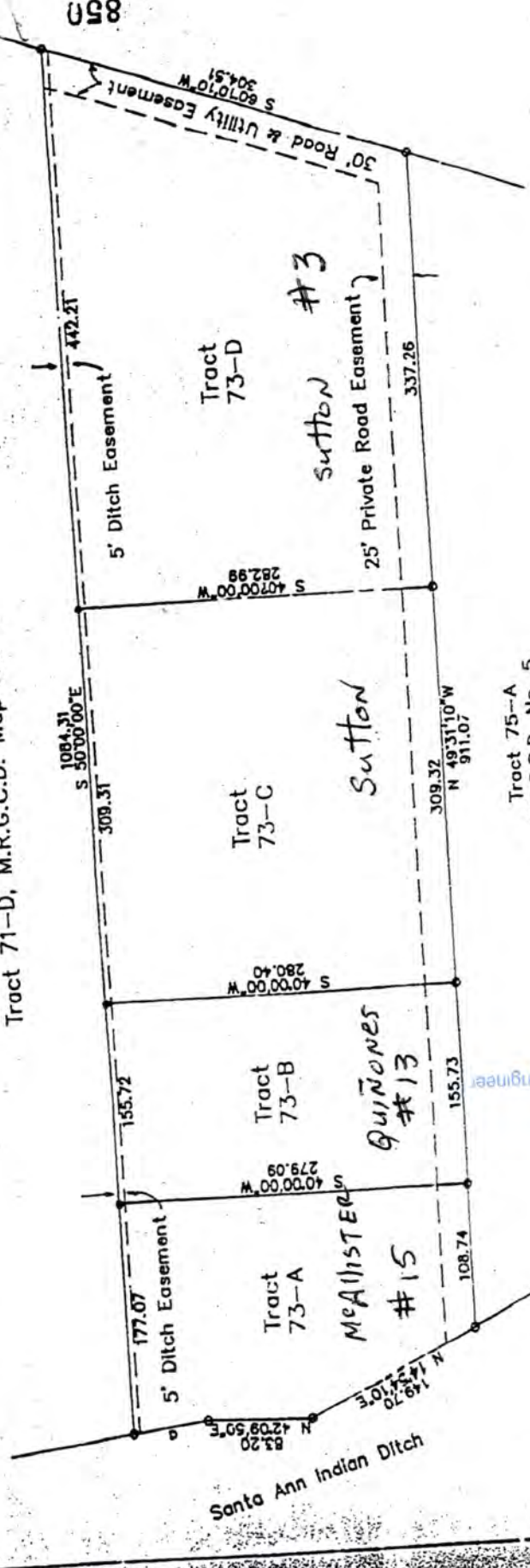
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NM Office of the State Engineer  
District I

Tract 71-D, M.R.G.C.D. Map No. 5

850



Tract 75-A  
M.R.G.C.D. No. 5

SURVEYOR'S CERTIFICATION

I, Leonard G. Martinez, New Mexico Professional Land Surveyor No. 9801, certify that this map was prepared from field notes of actual surveys made by me or under my supervision, and that it is true and correct to the best of my knowledge and belief.

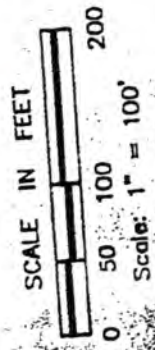
*Leonard G. Martinez*  
1-27-05

Leonard G. Martinez, N.M.L.S. No. 9801

LINE TABLE

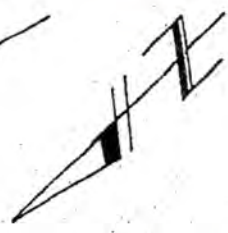
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a	N 32°24'20"E	80.00

EXHIBIT "A"



NM Office of the State Engineer District 1

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**TITLE 19 NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 27 UNDERGROUND WATER**  
**PART 5 THE USE OF PUBLIC UNDERGROUND WATERS FOR HOUSEHOLD OR OTHER DOMESTIC USE IN ACCORDANCE WITH SECTION 72-12-1.1 NMSA**

**19.27.5.1 ISSUING AGENCY:** State Engineer.  
 [19.27.5.1 NMAC - N, 8-15-2006]

**19.27.5.2 SCOPE:** The requirements for the use of public underground waters in accordance with Section 72-12-1.1 NMSA.  
 [19.27.5.2 NMAC - N, 8-15-2006]

**19.27.5.3 STATUTORY AUTHORITY:** Section 72-12-1 NMSA provides that the water of underground streams, channels, artesian basins, reservoirs or lakes, having reasonably ascertainable boundaries, is declared to belong to the public and to be subject to appropriation for beneficial use. Section 72-12-1 NMSA further provides for the limited use of relatively small amounts of public underground waters in the irrigation of not to exceed one acre of noncommercial trees, lawn or garden, and for household or other domestic use. Section 72-12-1.1 NMSA sets out the requirements for the filing of applications and the issuance of permits for the use of public underground waters for the irrigation of not to exceed one acre of noncommercial trees, lawn or garden, and for household or other domestic use. Section 72-2-8 NMSA gives the state engineer authority to adopt regulations to implement and enforce any provision of any law administered by him.  
 [19.27.5.3 NMAC - N, 8-15-2006]

**19.27.5.4 DURATION:** Permanent.  
 [19.27.5.4 NMAC - N, 8-15-2006]

**19.27.5.5 EFFECTIVE DATE:** August 15, 2006, unless a later date is cited at the end of a section.  
 [19.27.5.5 NMAC - N, 8-15-2006]

**19.27.5.6 OBJECTIVE:** To update the existing regulations and establish new regulations for the use of public underground waters for household or other domestic use in accordance with Section 72-12-1.1 NMSA.  
 [19.27.5.6 NMAC - N, 8-15-2006]

**19.27.5.7 DEFINITIONS:** Unless defined below or in a specific section of these regulations, all other words used herein shall be given their customary and accepted meaning.

**A. 72-12-1.1 domestic well permit:** A permit issued for domestic use in accordance with Section 72-12-1.1 NMSA or its predecessor statutes. Included in this definition are 72-12-1.1 domestic well permits that have been adjudicated.

**B. 72-12-1.1 domestic well:** The point of diversion authorized under a 72-12-1.1 domestic well permit.

**C. Administrative guidelines:** A compilation of policies and procedures intended to provide guidance to office of the state engineer personnel for processing pending and future water rights applications in a specifically defined geographic area. The administrative guidelines shall not limit the state engineer's authority to take alternative or additional actions relating to the management of the water resources of the specifically defined geographic area as provided by New Mexico statutes, orders of the court, or the written rules and regulations of the state engineer.

**D. Association:** A water users association established under the Sanitary Projects Act (Section 3-29-2(B) NMSA).

**E. Consumptive use:** The quantity of water consumed during the application of water to beneficial use. The quantity of water beneficially consumed depends on the requirements of a particular enterprise and how it applies and consumes the water. The authorized diversion of water that is not beneficially consumed in the course of water use is not part of the allowable consumptive use allocation of the water right. The consumptive use of water by a crop (evapotranspiration) does not include depletions such as evaporation

from canals, ditches or irrigated fields during surface application, transpiration by vegetation along ditches, evaporation or leakage from irrigation water pipes, evaporation of sprinkler spray and drift losses, and evaporation of runoff and seepage from irrigated fields.

**F. Domestic use:** The use of water for household purposes or for the irrigation of not to exceed one acre of noncommercial trees, lawn, garden, or landscaping. Drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or non-profit facility are included in this definition. This definition does not include the use of underground water from a well used primarily for livestock watering as provided for under Section 72-12-1.2 NMSA.

**G. Domestic well management area:** A bounded area overlying a stream-connected aquifer, specifically described by section, township and range, or by other land survey descriptions, that requires special water resource protection as determined by the state engineer.

**H. Household:** A single-family residence including outbuildings such as guesthouses, barns, and sheds.

**I. Hydrologic unit:** A physically definable, continuous and interconnected surface water or groundwater system. A hydrologic unit may consist of an aquifer, a group of interconnected aquifers, and any hydrologically connected springs, streams, rivers, lakes or other surface water bodies.

**J. Infrastructure capacity area:** An area defined by an association, based on factors determining the capacity to provide water, including, but not limited to, the location of existing lines, adequacy of existing infrastructure, the availability of water and water rights, and as reviewed by and then filed with the state engineer.

[19.27.5.7 NMAC - N, 8-15-2006; A, 10-31-2011]

**19.27.5.8 FEE SCHEDULE:** An application for permit shall be accompanied by one of the following filing fees:

**A.** \$125 for an application for a 72-12-1.1 domestic well permit.

**B.** \$75 for an application for permit for replacement 72-12-1.1 domestic well.

**C.** \$125 for an application for permit for supplemental 72-12-1.1 domestic well.

**D.** \$75 for an application for permit to repair or deepen a 72-12-1.1 domestic well.

**E.** \$75 for an application for permit to amend the type of domestic use authorized under a 72-12-1.1 domestic well permit.

**F.** \$200 for an application for permit to transfer a valid, existing water right into a 72-12-1.1 domestic well permit pursuant to 19.27.5.10 NMAC.

[19.27.5.8 NMAC - N, 8-15-2006]

**19.27.5.9 APPLICATION FOR A 72-12-1.1 DOMESTIC WELL PERMIT:** The following requirements apply to applications filed for 72-12-1.1 domestic well permits. In addition to the requirements listed in this section and part, the drilling of a 72-12-1.1 domestic well and the amount and uses of water permitted are subject to such additional or more restrictive limitations imposed by a court, or by lawful municipal or county ordinance.

**A. Form - content:** An application for a 72-12-1.1 domestic well permit shall be prepared on a form prescribed by the state engineer. An application shall include the following information: the name and mailing address of the applicant, the type of domestic use being applied for, the number of households to be served, the location of the proposed well, the name of the owner of the land on which the well is to be drilled, the name and license number of the well driller (if known), the proposed depth of the well, the outside diameter of the well casing, and other information the state engineer deems necessary. The state engineer may require an application to be accompanied by a deed or purchase contract and plat of survey on file with the appropriate county.

**B. Well location:** The well location shall be described using universal transverse mercator (NAD 83), latitude and longitude, or the New Mexico state plane coordinate system. In addition, the well location shall be described by the lot and block number of the lot where the well is to be located (if applicable). An application to drill a well on land owned by another person, the state of New Mexico, the federal government, or another entity shall be accompanied by written consent of the landowner.

**C. Multiple use well:** A 72-12-1.1 domestic well permit may be conditioned to allow the diversion of water from an existing well previously permitted for livestock, irrigation, or any other beneficial

purpose of use other than domestic use. The diversion of water from a multiple use well made pursuant to a 72-12-1.1 domestic well permit shall be separately metered.

**D. Amount of water:** The drilling of a 72-12-1.1 domestic well and the amount and uses of water permitted are subject to such additional or more restrictive limitations imposed by a court, or by lawful municipal or county ordinance. The maximum permitted diversion of water from a 72-12-1.1 domestic well that is not subject to additional or more restrictive limitations shall be as follows:

**(1) Single household:** The maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve one household shall be 1.0 acre-foot per annum, except in hydrologic units where applicant can demonstrate to the satisfaction of the state engineer that the combined diversion from domestic wells will not impair existing water rights, then the maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve one household shall be 3.0 acre-foot per annum.

**(2) Multiple households:** The maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve more than one household shall not exceed 1.0 acre-foot per annum per household served. The maximum combined diversion from a 72-12-1.1 domestic well serving three or more households shall not exceed 3.0 acre-feet per annum. For a 72-12-1.1 domestic well serving multiple households, the permit holder shall file documentation with the state engineer listing the number of households being served by the well, the owner's contact information for each household being served, and a description of the legal lot of record for each household being served. A copy of a well share agreement may be filed to support the claim that the 72-12-1.1 domestic well is serving more than one household.

**(3) Drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or non-profit facility:** The maximum permitted diversion of water from a 72-12-1.1 domestic well permitted for drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or non-profit facility shall not exceed 1.0 acre-foot per annum. The state engineer shall not issue a permit for this use unless the applicant demonstrates that no alternative water supply is reasonably accessible or available. Water may not be used under this type of 72-12-1.1 domestic well permit for any commercial use such as the manufacture of a product, car wash, water bottling, concrete batching, or the irrigation of crops grown for commercial sale.

**(4) Transfer of a valid, existing water right into a 72-12-1.1 domestic well permit:** The applicant for or the owner of a 72-12-1.1 domestic well permit may apply to transfer a valid, existing consumptive use water right into the 72-12-1.1 domestic well permit in accordance with Sections 72-5-23, 72-5-24, 72-12-3, and 72-12-7 NMSA, as applicable, for the purpose of increasing the permitted diversion from the 72-12-1.1 domestic well.

**E. Multiple 72-12-1.1 domestic well permits on a legal lot of record:** An application for a new 72-12-1.1 domestic well permit where the proposed point of diversion is to be located on the same legal lot of record as an operational 72-12-1.1 domestic well shall be treated as an application for a supplemental well pursuant to Subsection B of 19.27.5.11 NMAC. A legal lot of record is a parcel of land that is created in a manner consistent with the zoning and planning laws in place at the time the parcel is created.

**F. 72-12-1.1 domestic well permit to accompany a house or other dwelling constructed for sale:** A person or other entity planning to construct and sell a house or other dwelling may apply for a 72-12-1.1 domestic well permit to provide water to the dwelling. The permit holder may use water under a 72-12-1.1 domestic well permit for activities directly related to the construction of the dwelling only if the 72-12-1.1 domestic well permit is specifically conditioned to allow such use of water from the well. Upon sale of the house or dwelling, the permit holder shall provide the new owner notice in writing of the requirement to file a change of ownership with the state engineer for the 72-12-1.1 domestic well permit. A copy of the notice shall be filed at the office of the state engineer along with a copy of the deed or other instrument of conveyance which conveyed the land upon which the 72-12-1.1 domestic well is located. At any one time, a person or other entity may not hold more than ten 72-12-1.1 domestic well permits for a well to accompany a house or other dwelling constructed for sale. If a person or other entity holds ten or more such 72-12-1.1 domestic well permits, additional 72-12-1.1 domestic well permits will be issued as written notices are filed on existing permits that reduce the number of such permits held by the person or entity to less than ten.

[19.27.5.9 NMAC - N, 8-15-2006; A, 10-31-2011]

**19.27.5.10** [RESERVED]

[19.27.5.10 NMAC - N, 8-15-2006; A, 10-31-2011]

**19.27.5.11 OTHER 72-12-1.1 DOMESTIC WELL PERMIT APPLICATIONS:** Other 72-12-1.1 domestic well permit applications may be made only as specifically provided for in this section. Permit applications made in accordance with this section require an existing 72-12-1.1 domestic well permit in good standing. Applications shall be prepared on a form prescribed by the state engineer and the applicant shall be the owner of record of the 72-12-1.1 domestic well permit. The description of the well location shall be made in accordance with Subsection B of 19.27.5.9 NMAC. The publication of a legal notice is not required for a permit application made in accordance with Subsection A, B, C, or D of this section. A permit issued pursuant to Subsections A, B, or C of this section for an existing 72-12-1.1 domestic well permit in good standing will not affect the maximum authorized diversion amount from the 72-12-1.1 domestic well. No change may be made to the point of diversion, place of use, or purpose of use authorized under a 72-12-1.1 domestic well permit except as provided for in Subsection E of this section.

**A. Application for permit to replace a 72-12-1.1 domestic well:** A permit from the state engineer is required to drill a replacement 72-12-1.1 domestic well. The state engineer shall require the well being replaced to be plugged or capped in accordance with the regulations of the office of the state engineer. The replacement well shall be permitted by the state engineer to serve the same authorized legal lot(s) of record and to serve the same type of domestic use as the 72-12-1.1 domestic well being replaced. An application shall include the file number of the well to be replaced, the name and mailing address of the applicant, the type of domestic use, the location of the existing well, the proposed location of the replacement well, the name of the owner of the land on which the replacement well is to be drilled, the name and license number of the well driller (if known), the proposed depth of the replacement well, the outside diameter of the replacement well casing, the reason for replacing the well, and other information the state engineer deems necessary. The state engineer may require a meter on a replacement 72-12-1.1 domestic well as a condition of the new permit.

**B. Application for permit for supplemental 72-12-1.1 domestic well:** A permit from the state engineer is required to drill a supplemental 72-12-1.1 domestic well. The total combined diversion from the 72-12-1.1 domestic well and the supplemental well shall not exceed the maximum diversion amount authorized under the 72-12-1.1 domestic well permit. An application shall include the name and mailing address of the applicant, the type of domestic use, the state engineer file number, the location of the existing well, the authorized maximum diversion amount of the domestic well to be supplemented, the existing capacity of the well to be supplemented, the proposed location of the supplemental well, the name of the owner of the land on which the supplemental well is to be drilled, the name and license number of the well driller (if known), the proposed depth of the supplemental well, the outside diameter of the supplemental well casing, and other information the state engineer deems necessary. The state engineer shall require the installation of a meter on both the supplemental well and the 72-12-1.1 domestic well being supplemented as a condition of the new permit.

**C. Application for permit to repair or deepen a 72-12-1.1 domestic well:** A permit from the state engineer is required to repair or deepen a 72-12-1.1 domestic well. A permit to repair a 72-12-1.1 domestic well is required for any type of repair work involving the use of a drill rig. A permit is not required for work on pumping equipment. An application shall include the state engineer file number of the 72-12-1.1 domestic well to be deepened or repaired, the name and mailing address of the permit holder, the location of the well, the name and license number of the well driller (if known), a description of the work to be performed, the proposed depth (if the application is for deepening the well), and other information the state engineer deems necessary. The state engineer may require a meter on a 72-12-1.1 domestic well to be repaired or deepened as a condition of the new permit.

**D. Application for permit to amend the type of domestic use of a 72-12-1.1 domestic well permit:** A permit from the state engineer is required to amend the type of domestic use between single household, multiple household, or drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or non-profit facility. An application shall include the state engineer file number of the 72-12-1.1 domestic well permit, the name and mailing address of the applicant, the current authorized type of domestic use, the proposed type of domestic use, and other information deemed necessary by the state engineer. The state engineer may require a meter on a 72-12-1.1 domestic well as a condition of the new permit when the type of domestic use is changed.

**E. Change in point of diversion or alternate point of diversion:** The point of diversion of a permitted, declared, or adjudicated 72-12-1.1 domestic well may be changed only:

(1) pursuant to a water rights settlement approved by the state engineer and a court, for those wells drilled prior to a date specified and in a manner specifically authorized by the settlement, where such settlement requires the plugging of each 72-12-1.1 domestic well for which the point of diversion is changed and prohibits the drilling of new 72-12-1.1 domestic wells within the specifically described exclusive service area; or

(2) pursuant to 72-12-7 NMSA by an owner of a 72-12-1.1 domestic well located within the infrastructure capacity area of an association, to change the point of diversion into a well owned and operated by an association in accordance with the following provisions:

(a) the change in point of diversion shall be made upon application to the state engineer and upon a showing that the change will not impair existing rights and will not be contrary to conservation of water within the state and will not be detrimental to the public welfare of the state; the application may be granted only after notice and opportunity for hearing are provided as prescribed by Subsection D of Section 72-12-3 NMSA;

(b) an association that allows the point of diversion of a domestic well to be changed to that of an association's well shall file with the state engineer at the time of application a map depicting the boundaries of the association's infrastructure capacity area and updated maps of any expansion of the boundaries of the association's infrastructure capacity area, if not already on file;

(c) only domestic wells located within the boundaries of the infrastructure capacity area of the association that were permitted prior to the time the association files its infrastructure capacity area boundaries or an update of those boundaries with the state engineer may have their points of diversion changed to the association's point of diversion;

(d) once the association files its infrastructure capacity area map or updated map with the state engineer, the state engineer shall issue permits only for new domestic wells to be located on property from which no domestic well point of diversion has been previously changed; exceptions will be considered only if necessitated by public health, safety and welfare concerns;

(e) an association shall be listed as co-applicant on the application.

[19.27.5.11 NMAC - N, 8-15-2006; A, 10-31-2011]

**19.27.5.12 CHANGE OF OWNERSHIP:** In the event of any change of ownership of a 72-12-1.1 domestic well permit the new owner shall file a change of ownership form with the state engineer in accordance with Section 72-1-2.1 NMSA. If the new owner fails to file a change of ownership in a timely manner the state engineer may cancel the 72-12-1.1 domestic well permit. The state engineer may provide written notice to a new owner of a 72-12-1.1 domestic well permit of the requirement to file change of ownership.

[19.27.5.12 NMAC - N, 8-15-2006]

**19.27.5.13 ACTION OF THE STATE ENGINEER:** The state engineer shall act on all applications that are properly filed.

**A. Rejection of application:** The state engineer may reject an application for a 72-12-1.1 domestic well permit when the proposed 72-12-1.1 domestic well is to be located in an area where a restriction on the use of water or the drilling of new wells has been imposed by a court. The state engineer may reject an application for a 72-12-1.1 domestic well permit when the proposed 72-12-1.1 domestic well is to be located in an area of water quality concern where a prohibition on or a recommendation against the drilling of new wells has been established by a government entity.

**B. Approval of application - conditions of approval:** The state engineer may set forth conditions of approval for a 72-12-1.1 domestic well permit, which may include any of the following:

(1) The casing shall not exceed 7 inches outside diameter except under specific conditions in which reasons satisfactory to the state engineer are shown.

(2) The well shall be set back a minimum of 50 feet from any existing well of other ownership.

(3) If artesian water is encountered, all rules and regulations pertaining to the drilling and casing of artesian wells shall be complied with except under specific conditions in which reasons satisfactory to the state engineer are shown.

(4) The well shall be constructed by a driller licensed in the state of New Mexico. A licensed driller shall not be required for the construction of a driven well when the outside diameter of the casing does not exceed two and three-eighths ( $2\frac{3}{8}$ ) inches.

(5) Pursuant to Section 72-8-1 NMSA, the permittee shall allow the state engineer and his representatives entry upon private property for the performance of their respective duties, including access to the

well for meter reading and water level measurement.

(6) The drilling of the well and amount and uses of water permitted are subject to such limitations as may be imposed by the courts or by lawful municipal and county ordinances which are more restrictive than the conditions of this permit and applicable state engineer regulations.

(7) This permit authorizes the drilling of a well to accompany a house or other dwelling being constructed for sale. Water may only be diverted for activities directly related to the construction of the dwelling that the well will serve. Upon sale of the house or dwelling, the permit holder shall provide the new owner notice in writing of the requirement to file a change of ownership with the state engineer for the 72-12-1.1 domestic well permit. A copy of the notice shall be filed at the office of the state engineer along with a copy of the deed or other instrument of conveyance which conveyed the land upon which the 72-12-1.1 domestic well is located. This condition shall automatically expire when the office of the state engineer accepts a change of ownership for filing in the name of the new owner intending to divert water from the well. No water may be diverted from the 72-12-1.1 domestic well by the new owner until a change of ownership has been recorded at the office of the state engineer.

(8) The permit holder shall ensure that a well record has been filed with the state engineer no later than twenty days after the completion of the well drilling.

(9) Any diversion of water made in excess of the authorized maximum diversion amount in any calendar year shall be repaid with twice the amount of the over-diversion during the following calendar year. Repayment shall be made by either: (a) reducing the diversion during the following calendar year from the 72-12-1.1 domestic well that is the source of the over-diversion; or (b) acquiring or leasing a valid, existing consumptive use water right in an amount equal to the repayment amount and submitting to the state engineer for his approval a plan for the proposed repayment during the following calendar year. The plan for the proposed repayment shall be on a form prescribed by the state engineer.

(10) The permit is subject to cancellation for non-compliance with the conditions of approval or if otherwise not exercised in accordance with the terms of the permit.

(11) The right to divert water under this permit is subject to curtailment by priority administration as implemented by the state engineer or a court.

(12) A 72-12-1.1 domestic well permit shall automatically expire unless the well is completed and the well record is filed with the state engineer within one year of the date of issuance of the permit.

**C. Metering requirements:** When a metering device is required by the state engineer on a 72-12-1.1 domestic well, the totalizing meter shall be installed before the first branch of the discharge line from the well. The meter installation shall be in accordance with the specifications adopted by the state engineer. The holder of the 72-12-1.1 domestic well permit shall file a meter installation and inspection report with the office of the state engineer, documenting the make, model, serial number, date of installation, and initial reading of the meter prior to diversion of water. Pumping records for the 3 preceding calendar months shall be submitted to the appropriate state engineer district office on or before the 10<sup>th</sup> of January, April, July, and October of each year unless a different reporting period has been established in the conditions of approval of the permit.

(1) The state engineer shall require a meter on each new 72-12-1.1 domestic well permitted:

- (a) within a domestic well management area;
- (b) when a metering requirement is imposed by the courts;
- (c) for drinking and sanitary domestic use that is incidental to the operations of a governmental, commercial, or non-profit facility;
- (d) for multiple households domestic use;
- (e) as a supplemental 72-12-1.1 well; the 72-12-1.1 domestic well being supplemented shall also require a meter; and
- (f) as a multiple use well such that the diversion of water for domestic use is separately metered.

(2) The state engineer may require a meter on a new 72-12-1.1 domestic well:

- (a) permitted for single household domestic use;
- (b) permitted to accompany a residence or other dwelling constructed for sale;
- (c) as a condition of a permit to repair or deepen a 72-12-1.1 domestic well;
- (d) as a condition of a permit to amend the type of domestic use of a 72-12-1.1 domestic well permit; or

(e) as a condition of a permit to transfer a valid, existing water right to a 72-12-1.1 domestic well permit in accordance with subsection E of 19.27.5.14 NMAC.

**D. Well setbacks:** All new 72-12-1.1 domestic wells shall be set back a minimum of 50 feet from an existing well of other ownership unless a variance has been granted by the state engineer. The state engineer may grant a variance for a replacement well or to allow for maximum spacing of the well from a source of groundwater contamination. All 72-12-1.1 domestic wells shall be set back from potential sources of contamination in accordance with the rules and regulations of the New Mexico environment department.

**E. Well identification tag:** The state engineer may require that a 72-12-1.1 domestic well be tagged with a well identification tag. If a well tag is required, the tag shall be affixed in plain view and the permit holder shall be responsible for maintaining the well identification tag.

**F. Permit expiration:** Each 72-12-1.1 domestic well permit shall be conditioned by the state engineer to require the 72-12-1.1 domestic well be completed and a well record be filed with the state engineer within one year of the date of issuance of the permit. A 72-12-1.1 domestic well permit shall automatically expire unless the well is completed and the well record is filed with the state engineer within one year of the date of issuance of the permit. No extension of time shall be granted by the state engineer, and if a 72-12-1.1 domestic well permit expires, a new permit shall be obtained and the appropriate fee paid.

**G. Well record:** The well driller shall keep a record of each well drilled as the work progresses. The well driller shall file a complete well record with the state engineer and the permit holder no later than twenty (20) days after completion of the well drilling. A well log shall be filed for each hole drilled, including a drill hole that does not encounter water. It is the responsibility of the permit holder to ensure that the well record for the 72-12-1.1 domestic well has been properly filed with the state engineer.

[19.27.5.13 NMAC - N, 8-15-2006; A, 10-31-2011]

**19.27.5.14 DOMESTIC WELL MANAGEMENT AREA:** As hydrologic conditions require, the state engineer may declare all or part of a stream connected aquifer as a domestic well management area to prevent impairment to valid, existing surface water rights. The additional protection of mined aquifers is managed by the state engineer through the declaration of a critical management area and the development of administrative guidelines for the critical management area.

**A. Administrative guidelines:** The state engineer shall develop administrative guidelines for each declared domestic well management area. The administrative guidelines will be based on the hydrologic conditions of the domestic well management area and the valid, existing water rights located therein. The administrative guidelines shall set forth the maximum diversion amounts and other additional restrictions that will be conditioned on new 72-12-1.1 domestic well permits issued within the management area. Administrative guidelines for a domestic well management area and accompanying maps shall be available at each district office of the state engineer. The administrative guidelines shall also be posted on the office of the state engineer website ([www.ose.state.nm.us](http://www.ose.state.nm.us)).

**B. Declaration of domestic well management area:** The state engineer shall hold a public meeting within the geographic area of a proposed domestic well management area before he declares the area and adopts the administrative guidelines. Notice of the public meeting and a copy of the draft administrative guidelines for the domestic well management area shall be posted at the appropriate district office a minimum of 30 days prior to the date of the meeting. Notice of the public meeting and of the draft administrative guidelines will be published in a newspaper of general circulation in the area being declared once a week for three consecutive weeks, with final publication occurring not less than 10 days before the date of the public meeting. Persons who are or may be affected by the proposed declaration of the domestic well management area may appear and comment. Written public comments on the proposed domestic well management area and the administrative guidelines shall be filed with the office of the state engineer on or before the date of the public meeting. The additional restrictions and maximum diversion amounts established for new 72-12-1.1 domestic well permits in the draft administrative guidelines shall be adopted by the state engineer on an interim basis. The interim period shall start on the day the draft administrative guidelines are posted for public inspection and shall end on the day the state engineer adopts the administrative guidelines or otherwise signs an order canceling the interim period. Any changes made to the administrative guidelines during the interim period, including a change in the geographic area of a domestic well management area, shall be applied retroactively to each new 72-12-1.1 domestic well permit issued within the domestic well management area during the interim period.

**C. Amount of water:** Except as otherwise provided or restricted in Paragraph (2) of Subsection C, and Subsections D and E of this section, the maximum diversion of water from a new 72-12-1.1 domestic well within a domestic well management area shall not exceed 0.25 acre-foot per annum. The state engineer may establish a maximum diversion amount for a new 72-12-1.1 domestic well in a domestic well management area that is less than 0.25 acre-foot per annum.

**(1) Single household:** The maximum permitted diversion of water from a new 72-12-1.1 domestic well permitted to serve one household shall not exceed 0.25 acre-foot per annum.

**(2) Multiple household:** The maximum permitted diversion of water from a 72-12-1.1 domestic well permitted to serve more than one household shall not exceed 0.25 acre-foot per annum per household served. The maximum combined diversion from such a 72-12-1.1 domestic well shall not exceed 3.0 acre-feet per annum. For a 72-12-1.1 domestic well serving multiple households, the permit holder shall file documentation with the state engineer listing the number of households being served by the well, the owner's contact information for each household being served, and a description of the legal lot of record for each household being served. A copy of a well share agreement may be filed to support the claim that the 72-12-1.1 domestic well is serving more than one household.

**(3) Drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or non-profit facility:** The maximum permitted diversion of water from a 72-12-1.1 domestic well permitted for drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or non-profit facility shall not exceed 0.25 acre-foot per annum. The state engineer shall not issue a permit for this use unless the applicant demonstrates that no alternative water supply is reasonably accessible or available. Water may not be used under this type of permit for any commercial use such as the manufacture of a product, car wash, water bottling, concrete batching, or irrigation of crops grown for commercial sale.

**D. Transfer of a valid, existing water right to a 72-12-1.1 domestic well permit:** The applicant for a new 72-12-1.1 domestic well permit or the holder of an existing 72-12-1.1 domestic well permit may apply to transfer a valid, existing consumptive use water right into the 72-12-1.1 domestic well permit in accordance with Subsection E of 19.27.5.14 NMAC. Only a valid, existing, consumptive use water right located within the domestic well management area may be transferred.

**E. Application for permit to transfer a valid, existing water right into a 72-12-1.1 domestic well permit - maximum diversion of water from the 72-12-1.1 domestic well not to exceed one acre-foot per annum:** The applicant for or the owner of a 72-12-1.1 domestic well permit may apply to transfer a valid, existing consumptive use water right into the 72-12-1.1 domestic well permit for the purpose of increasing the maximum diversion of underground water up to an amount of water not to exceed one acre-foot per annum. The water right to be transferred shall be from the same hydrologic unit that will be impacted by the diversion of water from the 72-12-1.1 domestic well. The determination of whether a proposed transfer of a water right is occurring within the same hydrologic unit shall be made by the office of the state engineer. For a 72-12-1.1 domestic well permit located within a domestic well management area or other geographic area specifically defined in a state engineer order or administrative guidelines, only a valid, existing consumptive use water right located within the domestic well management area or other specifically defined geographic area may be transferred.

**(1) Form - content:** Applications shall be prepared on a form prescribed by the state engineer. An application shall include the following information: the name and address of applicant, the pertinent state engineer file number(s), the source of water supply for the move-from point of diversion, the source of water supply for the move-to point of diversion, the priority date of the water right, the diversion amount to be retired, the consumptive use amount to be transferred, the move-from purpose of use, the legal description of the move-from place of use, the location of the move-from point of diversion, the location of move-to point of diversion, and other information the state engineer deems necessary. An application for a change in point of diversion or place or purpose of use of a water right into or out of an acequia or community ditch subject to Sections 73-2-1 through 73-2-68 NMSA or Sections 73-3-1 through 73-3-11 NMSA shall include the documentary evidence of the applicant's compliance with the requirements of Section 72-5-24.1 NMSA.

**(2) Well location:** The description of the well location shall be made in accordance with Subsection B of 19.27.5.9 NMAC.

**(3) Transfer process:** Consistent with the issuance of a 72-12-1.1 domestic well permit pursuant to Section 72-12-1.1 NMSA, public notice is not required nor protest allowed for an application for permit to transfer a valid, existing consumptive use water right into a 72-12-1.1 domestic well permit for the purpose of

increasing the maximum diversion of underground water up to an amount of water not to exceed one acre-foot per annum. However, with such transfer applications, documentation shall be provided by the applicant, pursuant to Section 72-5-24.1 NMSA. In all other respects, the application for such a transfer shall be processed in a manner consistent with Section 72-12-3 NMSA and no change may be made to the point of diversion, place of use, or purpose of use authorized under such a permit except as provided for in Subsection E of 19.27.5.11 NMAC.

[19.27.5.14 NMAC - N, 8-15-2006; A, 10-31-2011]

**19.27.5.15 ENFORCEMENT:** The holder of a 72-12-1.1 domestic well permit is subject to possible fines and remedial action including cancellation of the permit for any failure to comply with the terms and conditions of the 72-12-1.1 domestic well permit or any applicable provision of 19.27.5 NMAC or Chapter 72 NMSA.

**A. Diversion of water in excess of the authorized maximum diversion amount:** The holder of a 72-12-1.1 domestic well permit who diverts water in excess of the authorized maximum diversion amount in any calendar year shall repay twice the amount of the over-diversion during the following calendar year. Repayment shall be made by either:

(1) reducing diversions during the following calendar year from the 72-12-1.1 domestic well that is the source of the over-diversion; or

(2) acquiring or leasing a valid, existing consumptive use water right in an amount equal to the repayment amount and submitting to the state engineer for his approval a plan for the proposed repayment during the following calendar year on a form prescribed by the state engineer; such repayment water shall be derived from either:

(a) reduction of the consumptive use associated with the actual average historic use of a valid, existing water right with an irrigation purpose of use, by fallowing of a specific tract of land that has been consistently historically irrigated; or

(b) reduction of the diversion and associated historical average consumptive use of a valid water right with a purpose of use other than irrigation.

**B. Active water resource management:** In any water district or subdistrict declared by the state engineer in accordance with Section 72-3-2 NMSA, and for which district or subdistrict the state engineer has adopted final district specific regulations in accordance with 19.25.13.10 and 19.25.13.23 NMAC, the water master shall have authority to curtail out-of-priority outdoor domestic uses consistent with the district or subdistrict specific rules.

**C. Cancellation of permit:** The state engineer may cancel a 72-12-1.1 domestic well permit upon failure of a permit holder to comply with any permit condition of approval or any applicable provision of 19.27.5 NMAC or Chapter 72 NMSA. The state engineer may cancel a 72-12-1.1 domestic well permit and proceed with enforcement action if a permit holder diverts water in excess of the authorized maximum amount and fails to repay the over-diversion in a time and manner acceptable to the state engineer.

[19.27.5.15 NMAC - N, 8-15-2006; A, 10-31-2011]

**19.27.5.16 APPEAL PROCESS:** In accordance with Section 72-2-16 NMSA, if, without holding a hearing, the state engineer enters a decision, any person aggrieved by the decision is entitled to a hearing, if a request for a hearing is made in writing within thirty days of receipt of notice of the decision from the state engineer. Hearings shall be held before the state engineer or his appointed examiner pursuant to 19.25.2 NMAC. No appeal shall be taken to the district court until the state engineer has held a hearing and entered his decision in the hearing.

[19.27.5.16 NMAC - N, 8-15-2006]

**19.27.5.17 LIBERAL CONSTRUCTION:** This part shall be liberally construed to carry out its purpose.

[19.27.5.17 NMAC - N, 8-15-2006]

**19.27.5.18 SEVERABILITY:** If any portion of 19.27.5 NMAC is found to be invalid, the remaining portion of 19.27.5 NMAC shall remain in force and not be affected.

[19.27.5.18 NMAC - N, 8-15-2006]

**HISTORY OF 19.27.5 NMAC:**

**Pre NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives.

SE-66-1, Rules and Regulations Governing Drilling of Wells and Appropriation and Use of Ground Water in New Mexico, Article 1-15, Applications Not Requiring Publication and Notice - Domestic and Livestock Use - Amount; Article 1-16, Retention of Old Well for Domestic Use - Requirements, originally filed with the Supreme Court Law Library 11/1/66. Filed with the State Records Center 6/27/91.

Amendment 21 to SE-66-1, Article 1-15, Applications Not Requiring Publication of Notice; 1-15.1, Qualified Applicant; 1-15.2, Amount of Water; 1-15.3, Purpose of Use; 1-15.4, Multiple Residential Use; 1-15.5, Well to be Drilled for Buildings or Dwelling Units Constructed For Sale; 1-15.7, Permits Requiring Installation of a Meter; 1-15.8, Limitations Under Court Decrees; Article 1-16, Retention of Old Well for Domestic Use - Requirements; filed with the State Records Center 7/29/83.

**History of Repealed Material:**

SE-66-1, Rules and Regulations Governing Drilling of Wells and Appropriation and Use of Ground Water in New Mexico, Article 1-15, Applications Not Requiring Publication of a Notice; 1-15.1, Qualified Applicant; 1-15.2, Amount of Water; 1-15.3, Purpose of Use; 1-15.4, Multiple Residential Use; 1-15.5, Well to be Drilled for Buildings or Dwelling Units Constructed For Sale; 1-15.7, Permits Requiring Installation of a Meter; 1-15.8, Limitations Under Court Decrees; Article 1-16, Retention of Old Well for Domestic Use - Requirements, filed 7/29/83 - Repealed 8/15/2006.



SANDOVAL COUNTY ADMINISTRATIVE OFFICES

BOARD OF COUNTY COMMISSIONERS

- DARRYL F. MADALENA  
District 5, Chair
- NORA SCHERZINGER  
District 2, Vice Chair
- ORLANDO J. LUCERO  
District 1
- DON G. CHAPMAN  
District 3
- GLENN WALTERS  
District 4

PHILLIP RIOS  
County Manager

October 24, 2013

Mr. Greg R. McAllister  
Algodones Distillery, LLC  
15 Calle Alfredo  
Algodones, NM 87001



Dear Mr. McAllister,

Your application for a Home Occupation permit has been reviewed and approved by the Sandoval County Planning and Zoning Division for a Craft Distillery. The proposed structure for the Craft Distillery has been approved for Accessory Use setback and height regulations in the Rural Residential Agricultural (RRA) zone, and has a design for fire suppression that has been approved by the Sandoval County Fire Marshall.

The requirements for a Home Occupation permit are that your business is operated only from the approved Craft Distillery structure, with minimal business-related traffic and no more than one (1) non-resident employee on the premises at any given time of business operation. Also, for your business, you are limited to one (1) non-illuminated sign of not more than four (4) square feet in face area.

For the purpose of alcoholic beverages, the Sandoval County Comprehensive Zoning Ordinance does not name alcoholic service, consumption, and/or production as a land use. Approval of this activity will be addressed in your licensing with the New Mexico Department of Alcohol and Gaming. The use is not specifically prohibited in the RRA zone.

Your approval for a Home Occupation permit is effective only for the length of time of an approved Business License from the Sandoval County Office of the County Clerk. Upon expiration of the County Clerk's business license, you must seek and gain a new approval from this office for renewal of your Home Occupation permit, which will require renewal of your Business License.

If you have any questions on these or related matters, please contact me at the Sandoval County Planning and Zoning Division at 867-7656.

Best Regards,

Makita Hill  
Long Range Senior Planner, Sandoval County Planning and Zoning Division

CC: Mike Springfield, Director, Sandoval County Planning and Zoning Division



SANDOVAL COUNTY ADMINISTRATIVE OFFICES

BOARD OF COUNTY COMMISSIONERS

DARRYL F. MADALENA  
District 5, Chair

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District 2, Vice Chair

ORLANDO J. LUCERO  
District 1

DON G. CHAPMAN  
District 3

GLENN WALTERS  
District 4

PHILLIP RIOS  
County Manager

January 31, 2014

Mr. Greg R. McAllister  
Algodones Distillery, LLC  
15 Calle Alfredo  
Algodones, NM 87001

Dear Mr. McAllister,

The Sandoval County Planning and Zoning Division has received notice that you have applied for a Liquor License from the State of New Mexico Department of Alcohol and Gaming. This letter is sent to you to clarify the allowances you have been granted under your approved Home Occupation Permit.

As mentioned in the letter sent to you dated October 24, 2013, the requirements for your Home Occupation Permit are that your activity is operated only from the approved Craft Distillery structure, with minimal business-related traffic and no more than one (1) non-resident employee on the premises at any given time of business operation. Also, for your distillery, you are limited to one (1) non-illuminated sign of not more than four (4) square feet in face area.

To clarify, this allowance means that you are not permitted to make direct sales of alcoholic beverages from your distillery, but you may have delivery vehicles pick up beverages from your facility and take the beverages to other locations for sales. Also, the Home Occupation Permit does not allow service of the beverages you manufacture within your distillery anywhere on your property. While the alcoholic service activity itself is not named as a land use in the Sandoval County Comprehensive Zoning Ordinance, the on-premise service and sale of beverages manufactured in your distillery is considered a retail business activity which requires a zone change of your property.

If you have any questions on these or related matters, please contact me at the Sandoval County Planning and Zoning Division at 867-7656.

Best Regards,

Makita Hill  
Long Range Senior Planner, Sandoval County Planning and Zoning Division

CC: Mike Springfield, Director, Sandoval County Planning and Zoning Division  
Patrick Trujillo, Sandoval County Attorney

RE: Algodones Distilley project

Staff Report pg 32/71  
Ex 10 pg 1/1

From: Makita Hill (mhill@sandovalcountynm.gov)

To: drgregmcdsd@aol.com

Cc: MSpringfield@sandovalcountynm.gov

Date: Monday, February 17, 2014, 08:19 AM MST

Exhibit 10

Hello Greg,

Thank you for your message. I believe this approach is consistent with your Home Occupation allowances and will also avoid the potential for conflict in your neighborhood. In my staff report on the liquor license application to the County Commission, I recommended that special events should be handled under a Special Events Permit as established in our Zoning Ordinance. This is something we can discuss, however, it is important to have a point of departure with your home business that establishes a level of comfort for everyone involved, and we can work on other things from there.

Best Regards,  
Makita

Makita Hill  
Long Range Senior Planner  
Sandoval County Planning and Zoning  
1500 Idalia Rd Bldg D  
Bernalillo NM 87004  
(505) 867-7656  
mhill@sandovalcountynm.gov

**From:** drgregmcdsd@aol.com [mailto:drgregmcdsd@aol.com]  
**Sent:** Monday, February 17, 2014 7:44 AM  
**To:** Makita Hill  
**Subject:** Re: Algodones Distilley project

Hi Makita,

I just wanted to update you in advance of our hearing this Thursday. After consultation with my partner David and our immediate neighbors, we have decided to NOT have an on-premise tasting room in the craft distillery thus avoiding being open to the public and avoiding any real or potential liability for the safety of our family, our neighbors or even our patrons. We will simply operate the craft distillery as a home occupation per the terms of your January 31, 2014 letter manufacturing the product there but distributing it off site. Since the NM Domestic Winery, Small Brewery and Craft Distillery Act permits but does not require a tasting room, and since we are only approved as a home occupation we want to operate within those parameters while honoring the community.

Please contact me with any thoughts or questions.

Best regards,  
Greg

Click [here](#) to report this email as spam.

**Sandoval County Board of County Commissioners  
Agenda Item Summary**

AGENDA ITEM # 2-20-14.8A

**1. REQUESTED MOTION**

**ACTION REQUESTED:**

Approve Application for a Non-Dispensor Liquor License for Mr. Greg McAllister, on Behalf of Algodones Distillery LLC, 15 Calle Alfredo, Algodones NM, Non-Dispensor License Application No. 891502

**WHY ACTION IS NECESSARY (Summary):**

NM Statutory laws require review of the application for a Liquor License by the Sandoval County Board of County Commissioners. (continued on next page)

**2. REQUESTOR**

COMMISSIONER SPONSORED:  YES  NO

DISTRICT: < SELECT DISTRICT >

DIRECTOR / ELECTED: Michael Springfield

DIVISION: Planning and Zoning

ELECTED OFFICE:

ATTACHMENTS:  YES  NO

**3. MEETING DATE**

February 20, 2014

**4. AGENDA (To be completed by County Manager)**

- PROCLAMATION
- PRESENTATION
- CONSENT
- REGULAR
- APPEAL

**5. RECOMMENDATIONS**

Planning and Zoning Division staff recommends approval of the Non-Dispensor Liquor License application.

**6. FISCAL IMPACT**

**7. RECOMMENDED APPROVAL (Initials & Date)**

Department Director/Elected Official	Human Resources	Purchasing	County Attorney	Finance Budget	County Manager	Other
MRS 2/11/14	_____	_____	PFT 2/13/14	_____	PPR 2/13/14	_____

**8. COMMISSION ACTION**

Approved       Denied       Deferred       Other



WHY ACTION IS NECESSARY (Summary) continued:

NM Regulations and Licensing Department, in accordance with Section 60-6B-4 NMSA of the Liquor Control Act, requires the governing body of Sandoval County to hold a public hearing in regards to the above-referenced liquor license application to determine whether the Department should approve the proposed issuance or transfer.

The subject site under consideration for the Non-Dispenser Liquor License is zoned Rural Residential Agricultural (RRA) zone district. The applicant was granted a Home Occupation permit for a Craft Distillery by the Planning and Zoning Division on October 24, 2013, after staff review of on-site plans and proposals for business activity. The requirements for a Home Occupation Permit (Section 6, Definitions, Sandoval County Comprehensive Zoning Ordinance, Subsection 37. "Home Occupation") are that the business is operated only from the approved Craft Distillery structure, with minimal business-related traffic and no more than one (1) non-resident employee on the premises at any given time of business operation. The business is also limited to one (1) non-illuminated sign of not more than four (4) square feet in face area. The activity space was reviewed and approved by the Sandoval County Fire Chief for fire suppression requirements for the activity.

State Statutes 60-6A-21 through 60-6A-28 NMSA 1978 recognize Craft Distilleries as a legitimate Non-Dispenser liquor production and distribution business. The applicant has expressed an interest in holding periodic events on the subject site for the purpose of beverage tasting and sales. The Home Occupation permit does not allow for these events. For such events, the applicant will be required to apply for a Special Events Permit as established in Section 21, Special Events Permit, Sandoval County Comprehensive Zoning Ordinance. This permit would address number of events per year, event conditions such as attendant parking and other safety issues, and outdoor-related activities.

Attachments:

- NMRLD Letter & Liquor License Application No. 891502
- Copy of Home Occupation Permit letters to Mr. Greg McAllister dated October 24, 2013 and January 31, 2014.
- Copy of email from Mr. Greg McAllister to Planning and Zoning Division staff dated February 9, 2014.

**SANDOVAL COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
COMMISSION CHAMBERS  
FEBRUARY 20, 2014 – 6 P.M.**

1. CALL TO ORDER  
The meeting was called to order at 6:12 p.m.  
Present were Chair Madalena, Vice Chair Lucero, Commissioner Scherzinger, and Commissioner Chapman. Commissioner Walters was present via telephone until he arrived at 7p.m.
2. PLEDGE OF ALLEGIANCE  
Pledge of allegiance was led by Clay Holderman.
3. INTRODUCTIONS & ANNOUNCEMENTS  
Commissioner Scherzinger welcomed Jim Fahey, Village of Corrales Councilor. Commissioner Chapman recognized Dr. Richard Larson, Vice President for Research at UNM Sandoval Regional Medical Center and Charles Thomas, SSCAFCA Executive Engineer. Commissioner Chapman also recognized Jim Fahey as the Director of SSCAFCA. Commissioner Walters announced the 2014 Legislative session has ended.
4. PRESENTATIONS
  - Proclamation Designating “Jemez Valley Warriors Day”  
(Chair Madalena) *Postponed from 2/6/14 Mtg.  
Postponed until next meeting*
  - Sandoval County Community Hero - Steve Gachupin  
(Chair Madalena) *Postponed from 2/6/14 Mtg.  
Postponed until next meeting*
  - Workforce Development at UNM Sandoval Regional Medical Center  
(Jamie Silva-Steele, Interim President and CEO; Dr. Richard Larson)  
Jamie Silva-Steele, Interim President and CEO and Dr. Richard Larson updated the Commissioners on activities occurring within UNM SRMC. She presented data on patient activity, growth and improvements at SRMC. They are beginning an outreach program to increase the number of patients with medical coverage. She also briefed the Commission on the economic impact of SRMC. Dr. Richard Larson discussed strategies on dealing with New Mexico’s health provider shortages. He also announced the National Institutes of Health chose SRMC for the 16<sup>th</sup> Annual National Small Business Innovation in Research Conference. The conference will be held in Albuquerque on October 21-23, 2014 and will notify the Commission of the exact location when it is determined.

- Rust Medical Center Update  
(Jeff McBee, Administrator)  
Jeff McBee, Administrator for Rust Medical Center and Clay Holderman, Chief Operations Officer of the Central Delivery System briefed the Commission on patient volume in 2013. Also they announced the expansion of the Rust Medical Center; they will be adding a second patient tower and described their plans for their new six story tower. Also they announced in the fall of 2014 they will further expand and open a Primary Care Clinic that will serve the Bernalillo area. The Commissioners expressed their excitement and their thanks to both the UNM SRMC and the Rust Medical Center executives and staff.
- 2014 Summer Youth Employment Program  
(Patricia Miller, Human Resources & Risk Management Director)  
Patricia Miller, HR Director discussed the 2014 Summer Youth Employment Program. This year the program will run from June 2<sup>nd</sup> - July 25<sup>th</sup>. This program provides 100 youth with experience in both the hiring process and various jobs throughout the county.

5. APPROVAL OF AGENDA

Commissioner Chapman motion to approve, second by Vice Chair Lucero. Motion passed. Vote was unanimous.

6. CONSENT AGENDA

A. Approval of Minutes from the Regular Meeting of February 6, 2014

B. Approval of the following Budget Resolution:

(1) No. 2-20-14.6B(1) / Volunteer Program Budget / Increase Budget to Reflect Funding Received from the Campaign for National & Community Services / \$1,500

C. Approval to Surplus Obsolete/Failed Equipment (Printers, Monitors/CRT's, PC's/Laptops, Hard Drives) for Disposal

Commissioner Walters motion to approve, second by Commissioner Scherzinger. Motion passed. Vote was unanimous.

7. DIVISION OF COMMUNITY SERVICES

(Peggy Cote, Director)

A. Request for a Motion to Adopt Resolution No. 2-20-14.7A Authorizing the Submission of an Application for \$150,000 to the NM Department of Finance and Administration, Local Government Division, to Participate in the Alcohol Detoxification Grant Program for FY 2014-2015

Vice Chair Lucero motion to approve, second by Commissioner Walters. Motion passed. Vote was unanimous.

B. Request for a Motion to Adopt Resolution No. 2-20-14.7B Authorizing the Submission of an Application for \$770,216.15 to the NM Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant Program and Distribution Program for FY 2014-2015

Commissioner Chapman motion to approve, second by Vice Chair Lucero. Motion passed. Vote was unanimous.

8. DIVISION OF PLANNING AND ZONING

(Michael Springfield, Director)

- A. Request for a Motion to Approve Application for a Non-Dispensor Liquor License for Mr. Greg McAllister, on behalf of Algodones Distillery LLC, 15 Calle Alfredo, Algodones, NM, Non-Dispensor License Application No. 891502

Mike Quinones an Algodones resident asked whether or not special events would be allowed. Director Springfield assured the Commission that this issue has been addressed. Special events will not be approved by the staff and would have to go before the Planning and Zoning Commission.

Commissioner Scherzinger motion to approve, second by Vice Chair Lucero. Commissioner Scherzinger, Vice Chair Lucero, Commissioner Walters and Chair Madalena voted Yes. Commissioner Chapman voted No. Motion passed.

- B. Request for a Motion to Adopt Resolution No. 2-20-14.8B Approving the June 2013 DRAFT Rio Rancho Estates Area Plan

Director Springfield presented the 2013 DRAFT Rio Rancho Estates Area Plan. Commissioner Walters requested hearing public comment on Item 8B prior to the Commission discussion and decision.

Jim Fahey, a Corrales resident and SSCAFCA Director spoke in favor of the plan. Vice Chair Lucero asked about preservation of cultural or historical sites in this area. He also asked about the residents in this area. Commissioner Walters commented on certain parts of the plan that stood out. He requested a workshop to discuss the plan with local officials and members of the County. The Commissioners were in agreement that a workshop would be appropriate and agreed April 2014 would be the best time to hold a workshop, in order to include newly elected officials, tribal leaders and several other members of the County. The Commissioners thanked Director Springfield and staff for their hard work. Commissioner Walters motion to defer, second by Vice Chair Lucero. Motion passed. Vote was unanimous.

9. COMMENTS FROM THE PUBLIC

Dick Almer, Placitas resident and President of the Anasazi HOA, spoke about his concerns with the Lafarge gravel mining operation. Scott Stevens a Placitas resident spoke about his concerns with the I-25 and Hwy 165 intersection. Ed Mika a Placitas resident spoke about his concerns with Fisher Sand and Gravel. Bob Gorrell, ES-CA President spoke on behalf of several concerned residents, regarding concerns with the Lafarge and Fisher gravel mining operations.

10. COMMENTS FROM THE COMMISSIONERS

Commissioner Chapman thanked Phil Rios, County Manager for his efforts on the Economic Development initiative. Manager Rios announced the midyear budget workshop next Tuesday, February 25<sup>th</sup> at 6 p.m. Commissioner Walters requested a congratulatory letter to go out to Steve Kopelman and staff for their efforts during 2014 Legislature on the Sole Provider Bill. Manager Rios also thanked Larry Horan, Lobbyist, Peggy Cote, Director and Senator Brandt for their efforts on the Sole Provider Bill. Commissioner Walters also recognized Representative Harper for his efforts on the Lottery Scholarship Program Bill. Chair Madalena mentioned the

newly formed, All Pueblo Council of Governors elected Governor Torres from Isleta as their Chairman , Governor Arlen Quetawki from Zuni as Vice Chairman and Governor Terry Aguilar from San Idefonso as Secretary. Chair Madalena expressed his disappointment that the Minimum Wage Bill did not pass.

11. ADJOURN

Commissioner Chapman motion to adjourn at 9:03 p.m, second by Vice Chair Lucero. Motion passed. Vote was unanimous.

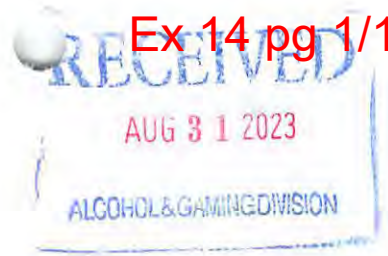
DONE IN BERNALILLO, NEW MEXICO, COUNTY OF SANDOVAL, THIS 6 DAY OF March, 2014

Eileen Garbago  
COUNTY CLERK

APPROVED AS TO FORM:  
[Signature]  
COUNTY ATTORNEY

[Signature]  
CHAIRMAN  
[Signature]  
VICE CHAIRMAN  
[Signature]  
MEMBER  
[Signature]  
MEMBER  
[Signature]  
MEMBER





To: Sandoval County Manager / *ABCD*  
From: Greg McAllister, Co-Owner of Algodones Distillery, LLC  
Date: 08.23.2023  
Re: Application for Expansion of Liquor Premises at Algodones Distillery

Attached, please find our application for Expansion of Liquor Premises for Algodones Distillery, LLC located at 15 Calle Alfredo, Algodones, NM 87001. The application requires the approval and signature of the local option district before it can be sent to the state for final review and approval.

Algodones Distillery has been in operation since 2013 in compliance with all federal, state and local requirements for a craft distillery without incident or violation.

Per the application and supporting documentation we are seeking to officially expand our licensed premises to include our boiler room, patio and rickhouse (storage) as well as to the entire boundary of the property to be in compliance with more recent state legislative changes which allow for such expansions and to permit operations to meet our current and future needs which are mechanical, storage and visitation such that patrons can have full use of the property while on site. The site is zoned rural residential/agricultural and includes our primary residence and is gated and enclosed by a 5' pipe rail fence segregating it from neighboring properties.



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AUG 31 2023

ALCOHOL & GAMING DIVISION

Ex 15 pg 1/4

**Permanent Change of Floor Plan or Expansion of a Liquor Licensed Premise Application**

**\$75.00 Fee:** all fees non-refundable | NMAC 15.10.32.12 | NMAC 15.10.32.13 | NMAC 15.10.32.14

- The licensee may not serve or sell alcohol in the proposed new area until written approval and a new approved floor plan is received. A licensee must show proof the entire enclosure for any proposed outdoor areas and any expansion. A site inspection may be required before approval is granted.
- Licensee must obtain written approval and receive a new stamped approved floor plan issued by ABC's staff to begin sales or service of alcohol in the changed or expanded areas.

**Application to Change or Expand the licensed premises shall be submitted with the following Required Documentation:**

1. Application and \$75.00 fee
2. A copy of your existing Approved Floor Plan (must include the approval stamp with signature and date)
3. A Proposed Detailed Floor Plan, on an 8 1/2 x 11" sheet, that includes the existing approved premises and any proposed change or expansion - Label all areas and include all entrances, exits, walls or enclosures as well as dimensions for any expansion.  
**For Expansions Only must also include,**
4. Proof of Tenancy for the expansion area
5. Photos of expansion, showing all areas including the enclosure if a patio and *Allsides inside of boiler room + rickhouse*
6. Local Option District "LOD" review and approval (the section below must be completed)

Liquor License Number: 63008 *Craft Distiller* Licensee Email: greg@algodonesdistillery.com

Owner Name: Gregory R. McAllister *Algodones Distillery, LLC* Lessee: -

Business Name (DBA): Algodones Distillery, LLC Phone No.: 505-301-9992

License Location: 15 Calle Alfredo, Algodones, NM 87001

Mailing Address: same

Square Footage: Current 900 Adding/Changing: 764.42 plus grounds Total: (add both) 1,664.42

Reason for Request: boiler room addition (404.42sf), rickhouse storage (360sf), grounds/property (~1 acre)

Will the Proposed Expansion bring the licensed premises within 300 feet of a church or school? Yes  No   
Has there been any change in the Ownership or Operation of the Licensee? Yes  No  If yes, please explain: -

**If the change or expansion of the licensed premises is twenty-five (25%) or more of the total existing square footage of the licensed premises, the Director may require the licensee to file an application for a Transfer of Location.**

I (print name) Gregory R. McAllister, Licensee for Liquor License No. 63008 hereby attest that the requested change meets the definition of "licensed premises" in NMSA 1978 §60-3A-3 (O), which states in part "licensed premises" means the contiguous areas of the structure and the grounds that are under the direct control of the licensee..."

**Must sign in the presence of a Notary Public:** Submitted by: (print name) Gregory R. McAllister

Signature: [Signature] Title: Managing Member Date: 08.08.2023

Notary Public Use Only: (State of New Mexico, County of Doña Ana)  
SUBSCRIBED AND SWORN TO before me this August 8th day of August, 2023  
By: Gregory R. McAllister Notary Public: Carole A. Mansell  
Date my Commission Expires: 9-4-2023 Commission No. 1078520

Required for Expansions only | Local Option District review 2023000164 September 4, 2023

Local Governing Body of: Sandoval County Village, County, City Check one:  Approved  Disapproved  
Signature and Title of Village/County/City Official: [Signature] Deputy County Manager Date: 8/24/2023

**For Alcoholic Beverage Control Division Use Only:** Application Fee \$ 75- Received on: 8-31-23 Receipt No. \_\_\_\_\_

Decision by Director, if required  Approved  Disapproved Signed by Director: [Signature] Date: 11/11/24

Processed by: Desirae Griego  Approved  Disapproved, Date: \_\_\_\_\_  
By Director

15.11.2.10 FLOOR PLAN: All licensees and their employees shall have access on the licensed premises to a hard copy of the current floor plan approved by the division.

**Griego, Desirae, RLD**

---

**From:** Griego, Desirae, RLD  
**Sent:** Tuesday, January 23, 2024 10:26 AM  
**To:** greg algodonesdistillery.com  
**Subject:** Approved Floor Plan for Algodones Distillery, LLC -Craft Distiller #63008  
**Attachments:** Approved Floor Plan #63008.pdf

Good morning Gregory McAllister,

The application to expand the Craft Distiller Liquor license #63008 has been approved. Attached is a copy of the new approved floor plan on record. You will notice the area highlighted in blue is excluded from the licensed premises. Please remember it is the responsibility of the licensee to print and keep a copy on the licensed premise. You may also save this email with the attachment for a quick accessible digital copy for future use.

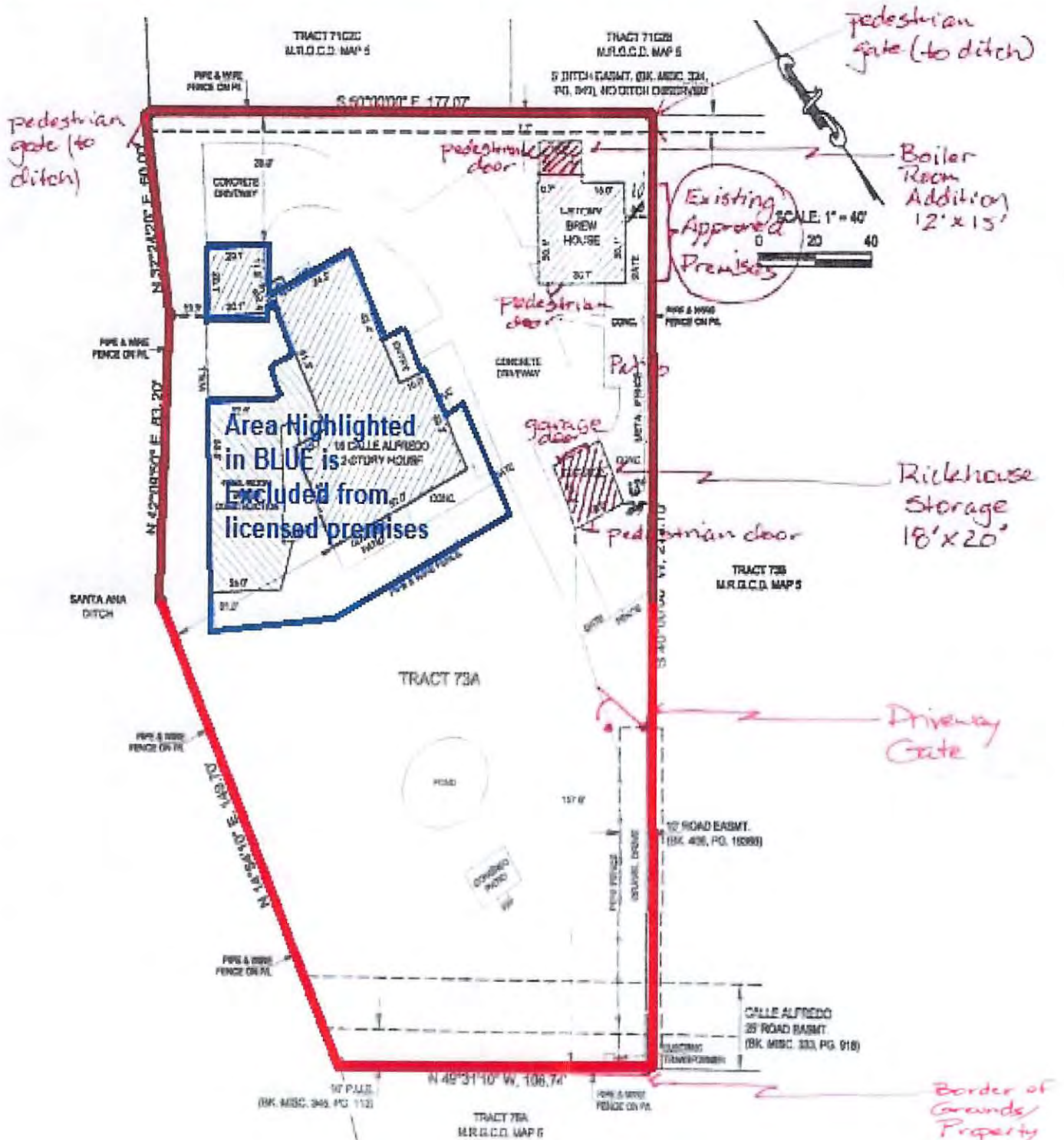
Thank you,



**Desirae Griego | Admin Law Judge / Hearing Officer**  
Alcoholic Beverage Control Division  
2550 Cerrillos Road | Santa Fe, NM 87505  
P.O. Box 25101 | Santa Fe, NM 87504  
[Desirae.Griego@rld.nm.gov](mailto:Desirae.Griego@rld.nm.gov) | [www.rld.nm.gov/abc/](http://www.rld.nm.gov/abc/)  
(505) 476-4552  
(505) 795-4091

SERVICE | DEDICATION | INTEGRITY

Proposed Expansion of Premises Detailed Floor Plan/Plat

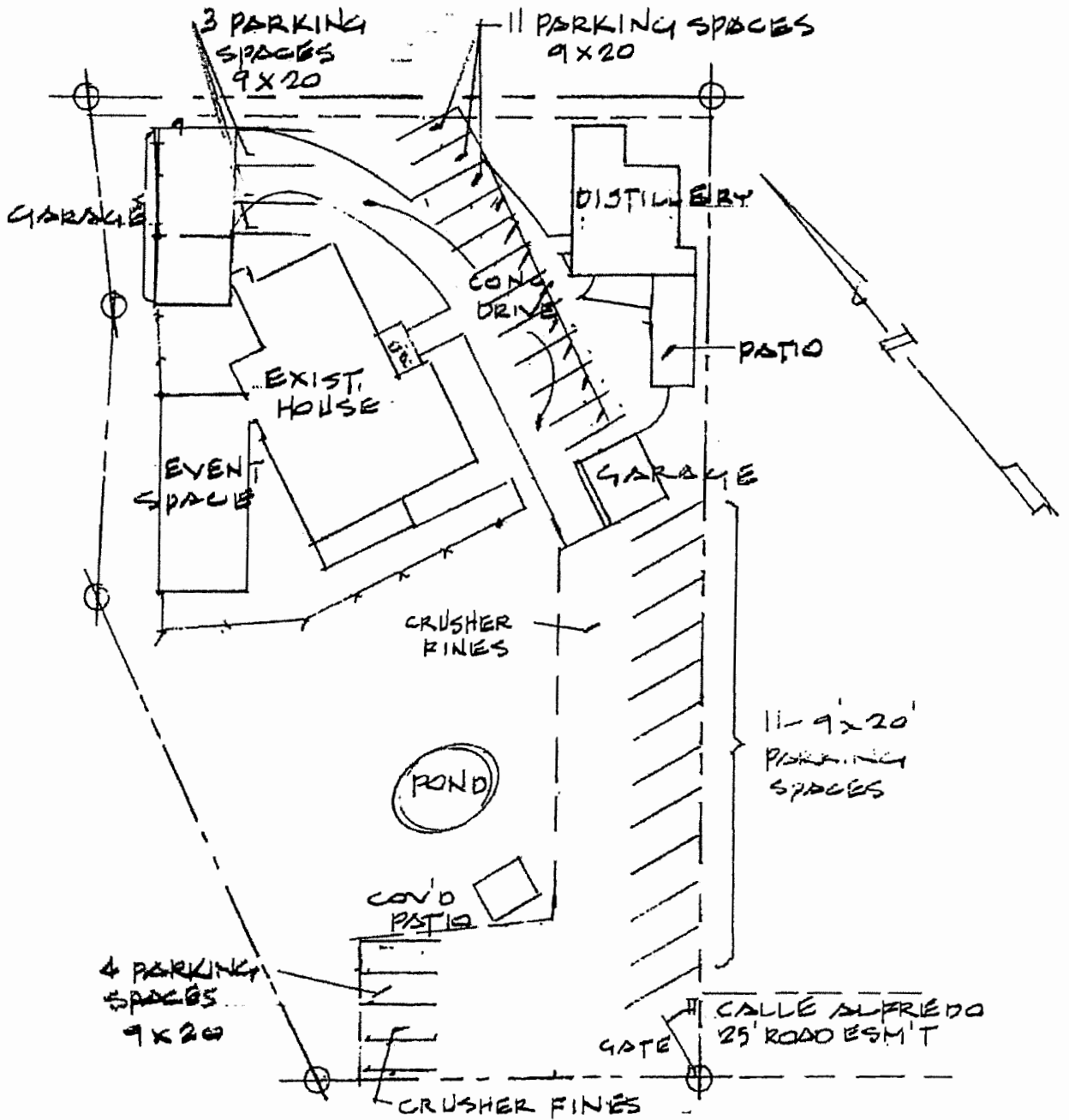


**FLOOR PLAN APPROVAL**  
 By Nesirae Griego  
 Date January 23, 2024

**Alcoholic Beverage Control Division**  
**Craft Distiller Liquor License #63008**  
**Owner: Algodones Distillery, LLC**  
**DBA: Algodones Distillery, LLC**  
**Location: 15 Calle Alfredo, Algodones, NM 87001**  
**Total Square Footage: property 1 acre**

**Primary residence is excluded from the licensed premises.**

*Border of Gravel Property (1 ac.), gated as shown and fenced w/5' horse fence*



PARKING LOT LAYOUT - DETAIL  
1"=40'

29 PARKING SPACES PROVIDED  
4RB4 @ ALCOODONESDISTILLERY.COM



Guy W. Bluff &lt;guywbluff@gmail.com&gt;

---

**email to Distillery ref. wedding**

1 message

---

**michael.quinones swtcnm.com** <michael.quinones@swtcnm.com>  
To: "Guy W. Bluff" <guywbluff@gmail.com>

Sat, Feb 21, 2026 at 10:52 AM

---

**From:** justdad13 <justdad13@yahoo.com>  
**Sent:** Thursday, January 29, 2026 9:23 AM  
**To:** michael.quinones swtcnm.com <michael.quinones@swtcnm.com>  
**Subject:** FW: Re: Form Submission - New Form

Sent via the Samsung Galaxy S23 Ultra 5G, an AT&T 5G smartphone

----- Original message -----

**From:** "info algodonesdistillery.com" <info@algodonesdistillery.com>  
**Date:** 1/29/26 7:50 AM (GMT-08:00)  
**To:** Justdad13@yahoo.com  
**Subject:** Re: Form Submission - New Form

Hi Rich,

Thank you for your inquiry about our wedding venue. Here's some information for your consideration:

The venue fee is \$7,500 and the property can accommodate up to 100 guests. The fee covers the day of the event and access to the property up to a week in advance for deliveries and set-up and for clean/pick-up the day afterward.

The venue consists of the landscaped acre of grounds, the craft distillery, newly-covered patio and outdoor bar area - which is great for an after-ceremony cocktail reception - as well as the first floor of the home on the property which provides restrooms, bedrooms/changing rooms, the kitchen and various seating areas for smaller gatherings.

Also included is the newly-opened Willow Room, a 1,400sf climate-controlled ballroom that can accommodate 100 guests and, as a flex space, can be configured for the wedding ceremony (in case of inclement weather not allowing for an outdoor ceremony), the wedding meal and reception dance. We also have benches (again for seating 100 guests) and an arbor for setting up an outdoor wedding ceremony.

We require a \$500 deposit to secure your preferred date and we open the calendar at least a year in advance. Do you have a date in mind?

With our liquor license we can provide alcohol service, if desired, and a full-service bar with our products for cocktails as well as products from New Mexico craft breweries for beer and Casa Rondeña Winery and Gruet for wine/sparkling wine. There are a number of caterers/vendors we've worked with and we can help you with referrals, etc.

Please let us know if you have any other questions or would like to set up a site visit.

Cheers!

Greg, David & Kyle,  
Algodones Distillers  
[15 Calle Alfredo](#)  
Algodones, NM 87001

505.301.9992

---

**From:** Squarespace <[form-submission@squarespace.info](mailto:form-submission@squarespace.info)>  
**Sent:** Wednesday, January 28, 2026 6:12 PM  
**To:** info [algodonesdistillery.com](mailto:info@algodonesdistillery.com) <[info@algodonesdistillery.com](mailto:info@algodonesdistillery.com)>  
**Subject:** Form Submission - New Form

Sent via form submission from [Algodones Distillery](#)

**Name:** Rich Jones

**Email Address:** [Justdad13@yahoo.com](mailto:Justdad13@yahoo.com)

**Phone:** (702) 290-7578

**Message:** Just wanted to inquire about your venue. My fiance and I live in Las Vegas but would like a secret hideaway type wedding. Looking through your website and we are excited to say we might have found your venue to be the perfect place for our new family to start off with the best memories of all, our wedding. Could you please provide pricing as well as what extras are available. Thank you for your time..

[Manage Submissions](#)

Does this submission look like spam? [Report it here](#).

2:33



theknot.com

KNOW BEFORE YOU GO!

AJ &amp; ELYSIA

SEPTEMBER 20, 2025 • ALGODONES,  
NM

## GETTING TO THE VENUE

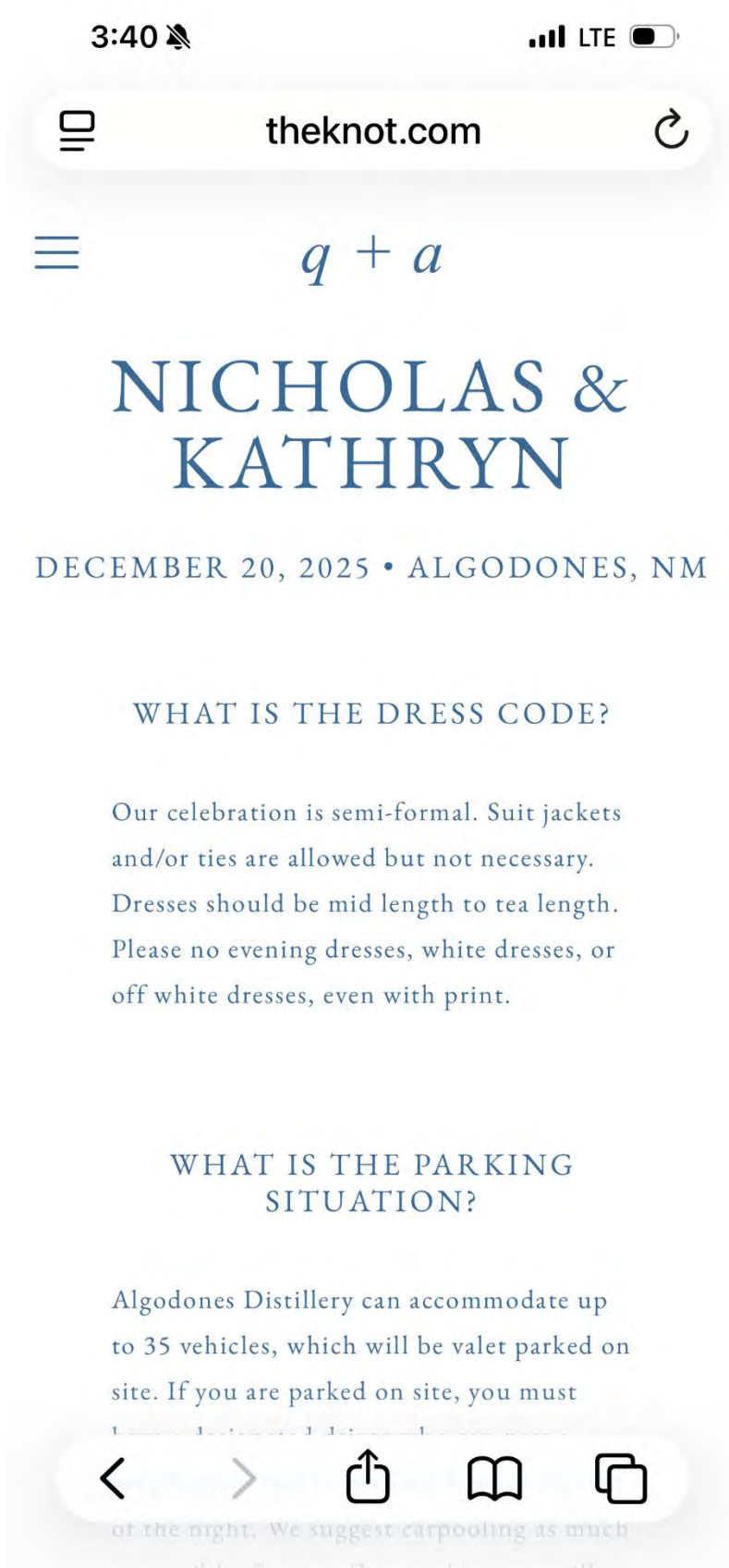
We are getting married at the Algodones Distillery, a beautiful property along the Rio Grande in Algodones, NM.

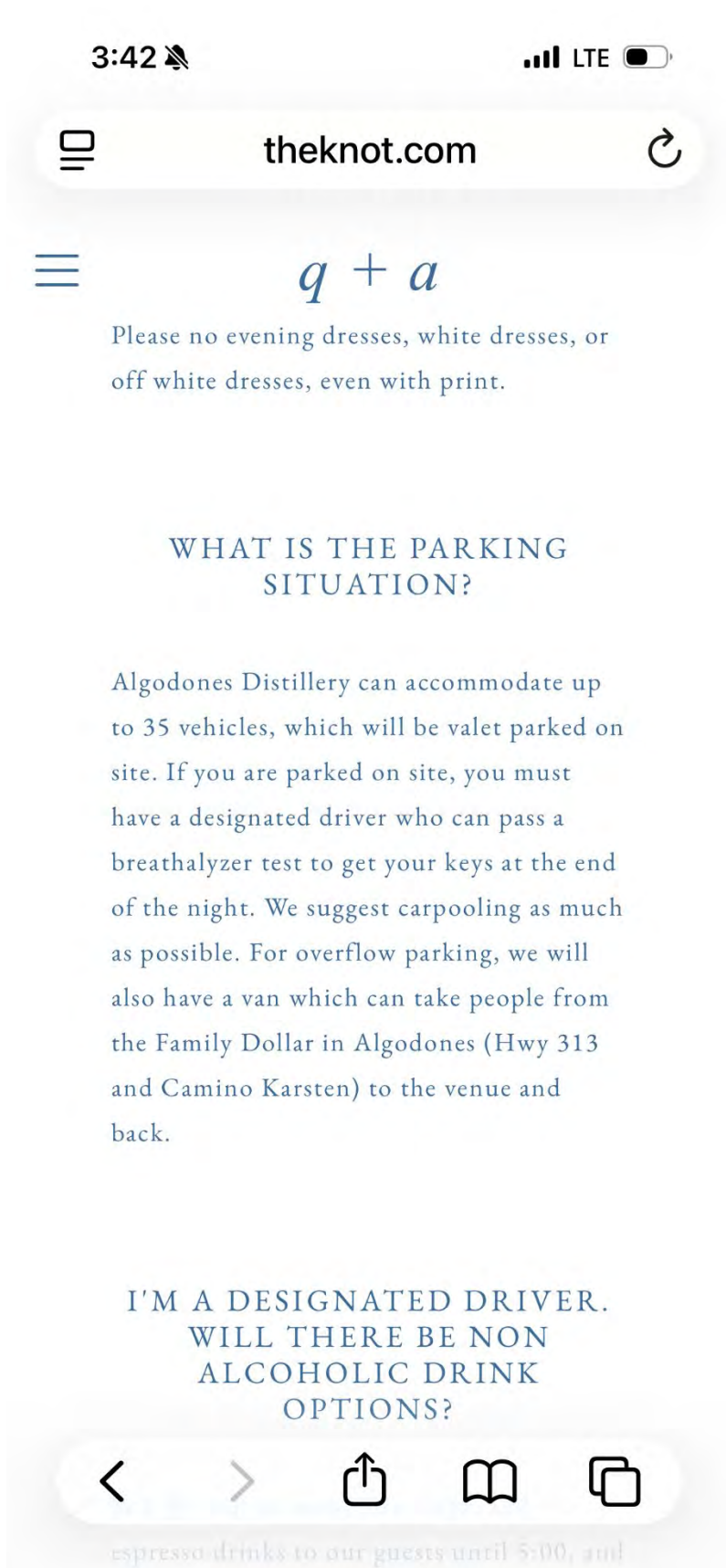
Because this property has very little parking, we are kindly requesting **as few cars as possible**. Please consider carpooling or using a rideshare service\*, like Lyft or Uber!

If you choose to drive yourself to the venue, the Algodones Distillery team will be on hand to help you park in their designated area.

*\*Approximate cost for a rideshare from Albuquerque to Algodones is \$30 for a standard vehicle or \$60*

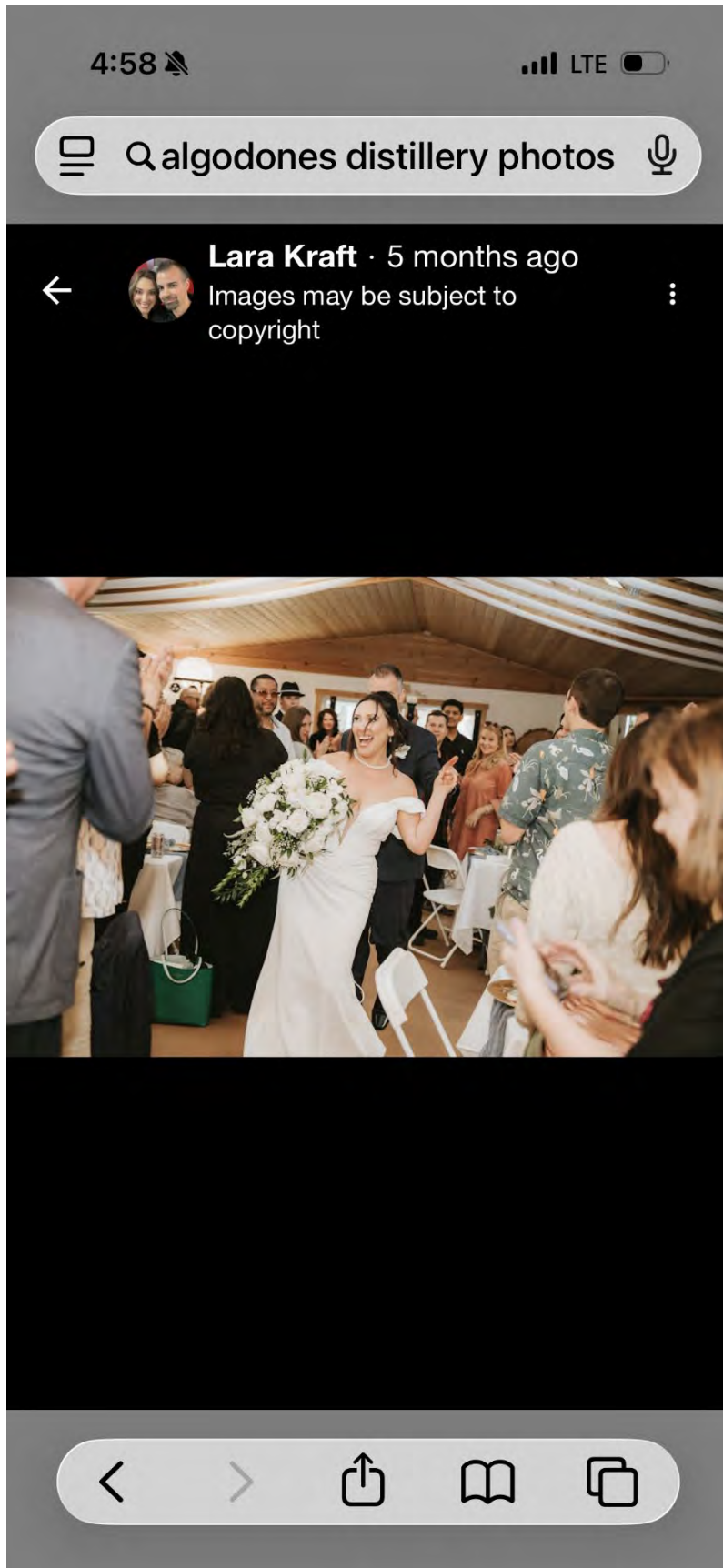




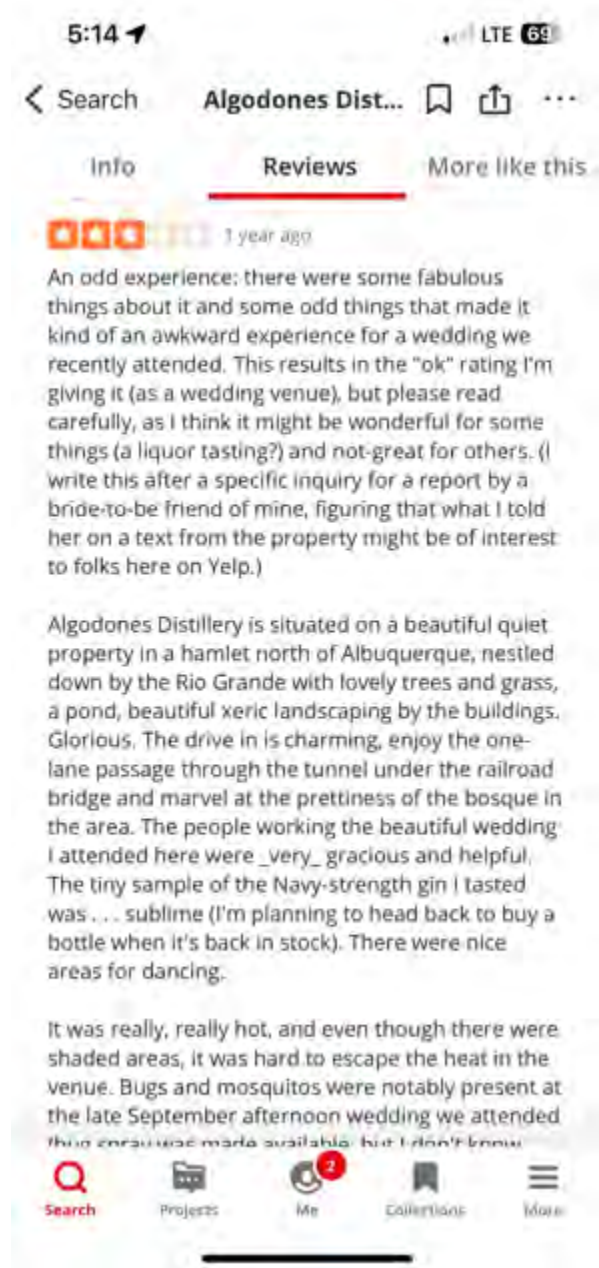


Wedding Photos –

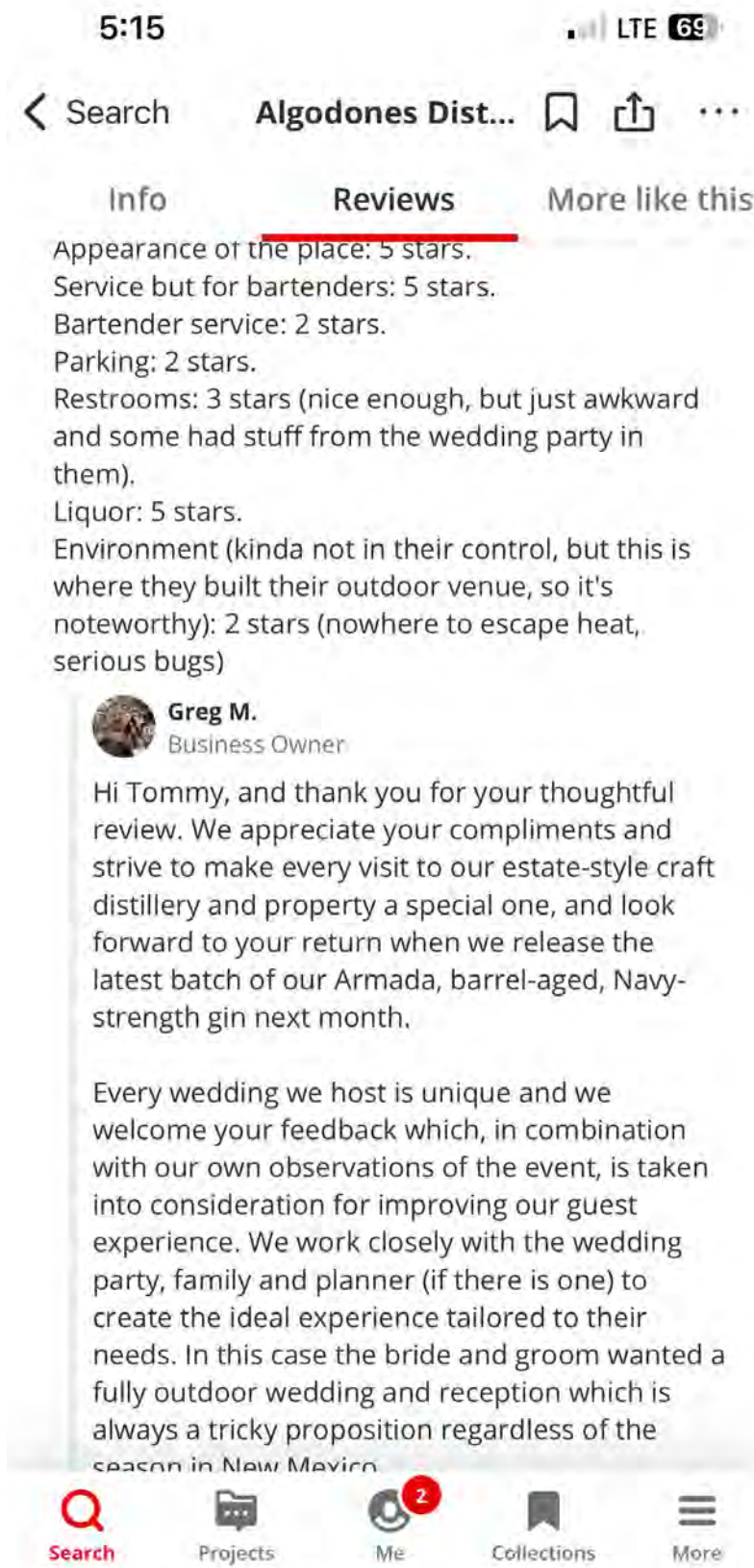


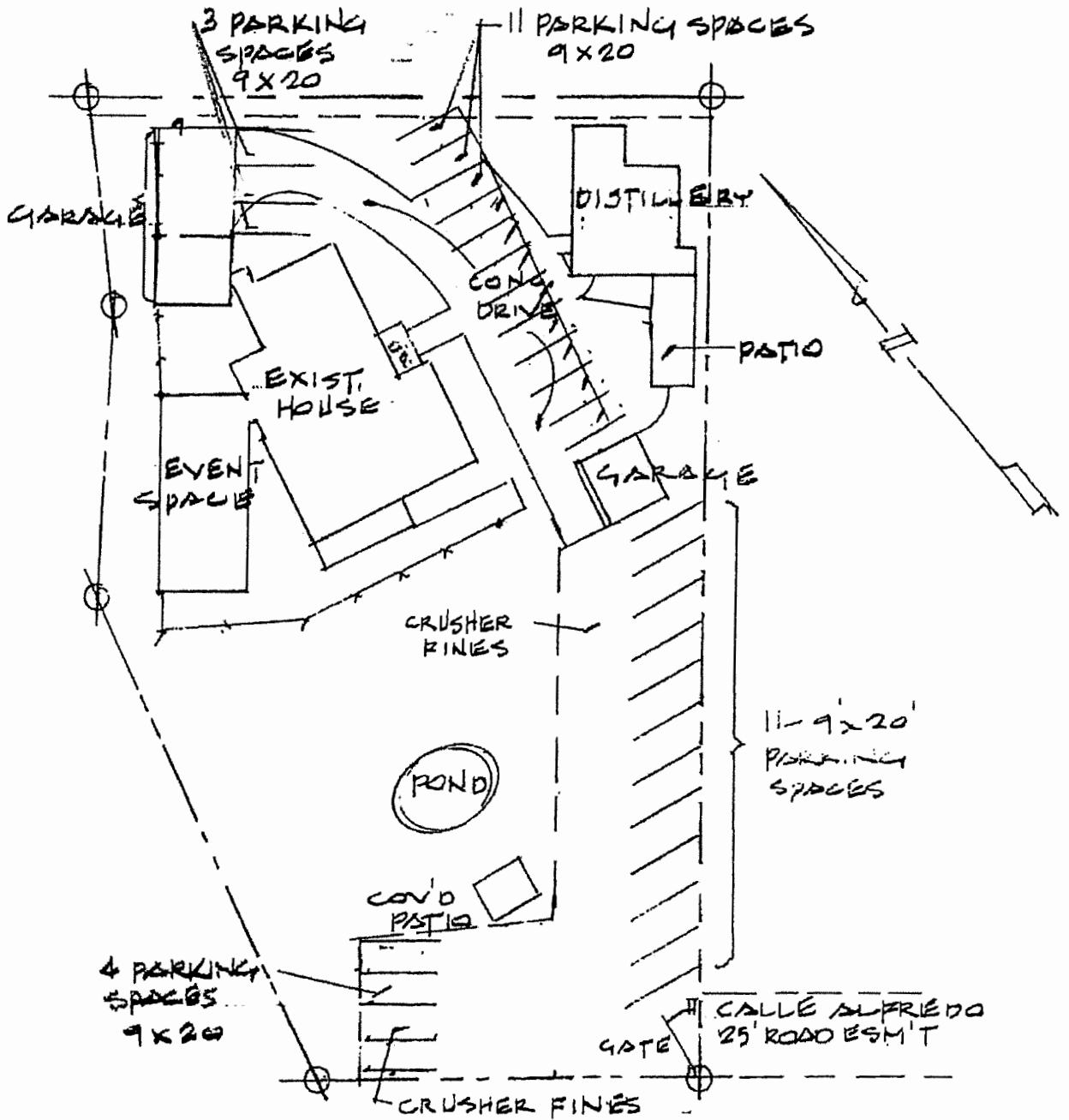


## Yelp Reviews









PARKING LOT LAYOUT - DETAIL  
1"=40'

29 PARKING SPACES PROVIDED  
4RB4 @ ALCOODONESDISTILLERY.COM



Guy W. Bluff <guywbluff@gmail.com>

**Fw: [EXTERNAL] Re: COMPLETED No Responsive Documents for IPRA request rec'd 04/08/26**

1 message

**Betsy Sutton** <nmbetsy@hotmail.com>  
To: "guywbluff@gmail.com" <guywbluff@gmail.com>

Sun, Apr 19, 2026 at 3:40 PM

This is info I got from CID.

Get [Outlook for iOS](#)

**From:** Archuleta, Chris., RLD <Chris.Archuleta@rld.nm.gov>  
**Sent:** Wednesday, April 15, 2026 9:19:32 AM  
**To:** Casados, Eliza, RLD <Eliza.Casados@rld.nm.gov>  
**Cc:** Betsy Sutton <nmbetsy@hotmail.com>  
**Subject:** RE: [EXTERNAL] Re: COMPLETED No Responsive Documents for IPRA request rec'd 04/08/26

Yes set back variance request would have to be approved by the local zoning office.

Converting an inground swimming pool to an event center would require permits and inspections.

Is it possible this location in concern is with in the city limit of Rio Rancho?



**Chris Archuleta, Plan Review Manager**  
Construction Industries Division  
5500 San Antonio Dr. NE | Albuquerque, NM 87109  
Chris.Archuleta@rld.nm.gov | www.rld.nm.gov  
(505) 660-3752

SERVICE | DEDICATION | INTEGRITY

**From:** Casados, Eliza, RLD <Eliza.Casados@rld.nm.gov>  
**Sent:** Tuesday, April 14, 2026 3:41 PM  
**To:** Archuleta, Chris., RLD <Chris.Archuleta@rld.nm.gov>  
**Subject:** FW: [EXTERNAL] Re: COMPLETED No Responsive Documents for IPRA request rec'd 04/08/26

Chris can you please answer Betsy's question below.

Thank you,



**Eliza Casados | Executive Assistant**

Construction Industries Division

5500 San Antonio Dr. NE | Albuquerque, NM 87109

[Eliza.casados@rld.nm.gov](mailto:Eliza.casados@rld.nm.gov) | [www.rld.nm.gov](http://www.rld.nm.gov)

(505) 629-3835

SERVICE | DEDICATION | INTEGRITY

**From:** Betsy Sutton <[nmbetsy@hotmail.com](mailto:nmbetsy@hotmail.com)>

**Sent:** Tuesday, April 14, 2026 2:12 PM

**To:** IPRA, RLD, RLD <[RLD.IPRA@rld.nm.gov](mailto:RLD.IPRA@rld.nm.gov)>

**Cc:** cidiprerequests, RLD <[CID.IPRA@rld.nm.gov](mailto:CID.IPRA@rld.nm.gov)>; Casados, Eliza, RLD <[Eliza.Casados@rld.nm.gov](mailto:Eliza.Casados@rld.nm.gov)>; Garcia, Felicia, RLD <[felicia.garcia@rld.nm.gov](mailto:felicia.garcia@rld.nm.gov)>

**Subject:** [EXTERNAL] Re: COMPLETED No Responsive Documents for IPRA request rec'd 04/08/26

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Thank you for your quick response. I have a few follow up questions.

Would a setback variance require approval from Sandoval county P and Z or another entity?

Would converting an in ground swimming pool to an event center require a permit or inspection to ensure it is safe for event attendees?

Is there any other entity, government or otherwise that may have some of the records I am seeking?

Thank you,

Betsy

**From:** IPRA, RLD, RLD <[RLD.IPRA@rld.nm.gov](mailto:RLD.IPRA@rld.nm.gov)>  
**Sent:** Tuesday, April 14, 2026 1:43:30 PM  
**To:** [ymbetsy@hotmail.com](mailto:ymbetsy@hotmail.com) <[ymbetsy@hotmail.com](mailto:ymbetsy@hotmail.com)>  
**Cc:** cidiprarequests, RLD <[CID.IPRA@rld.nm.gov](mailto:CID.IPRA@rld.nm.gov)>; Casados, Eliza, RLD <[Eliza.Casados@rld.nm.gov](mailto:Eliza.Casados@rld.nm.gov)>; Garcia, Felicia, RLD <[felicia.garcia@rld.nm.gov](mailto:felicia.garcia@rld.nm.gov)>  
**Subject:** COMPLETED No Responsive Documents for IPRA request rec'd 04/08/26

Dear Betsy Sutton:

The New Mexico Regulation and Licensing Department ("RLD") is in receipt of your request for records pursuant to the Inspection of Public Records Act, Sections 14-2-1 through 14-2-12, NMSA 1978 ("IPRA"), dated April 8, 2026, where you have requested:

*"I am requesting records related to structures built on my neighbor's property. The address is 15 Calle Alfredo in Algodones, NM. Their residence was built in 1996-1997 and an addition was built in 2000 or so. The structures I am requesting records for other buildings on the far west side and east side of their property. Both buildings appear to violate setback standards for Sandoval county. In addition, on structure used to house an indoor pool and has been converted to an event center in the last few years. I would like information on whether any of these were permitted and if they obtained permission to violate setback requirements. The indoor pool was filled in and some type of flooring was put over it so they space could be used as an event center for 100 people. I would like information on whether this was ever permitted or inspected."*

The Construction Industries Division (CID) states "no records found in epic system for this address or homeowner name. A search was conducted on this request in the Construction Industries Division's (CID) permitting system as of October 2021 there were no permits or inspections found. Due to change in permitting systems and a compromise to RLD network permits and inspection prior to October of 2021 cannot be searched."

If you should have any questions, please feel free to contact Eliza Casados at [CID.IPRA@state.nm.us](mailto:CID.IPRA@state.nm.us).

By disclosing this information, the New Mexico Regulation and Licensing Department has complied with its obligations under the Inspection of Public Records Act and now considers your request fulfilled and closed.

Thank you,

Heather Sanchez Martinez

Office of the Superintendent

[2550 Cerrillos Road | Santa Fe, NM](#)

---

**From:** IPRA, RLD, RLD  
**Sent:** Wednesday, April 8, 2026 4:37 PM  
**To:** 'nmbetsy@hotmail.com' <nmbetsy@hotmail.com>  
**Subject:** Initial Response to IPRA request rec'd 04/08/2026

Dear Betsy Sutton,

The New Mexico Regulation and Licensing Department (RLD) is in receipt of your Inspection of Public Records Act (IPRA) request.

We need additional time to ensure that the RLD complies with all the information you have requested.

Please expect a response on, or before **04/23/2026**.

If you should have any questions, please contact me at [rld.ipra@rld.nm.gov](mailto:rld.ipra@rld.nm.gov) or by telephone phone at (505) 695-3567.

Thank you,

Heather Sanchez Martinez  
Office of the Superintendent  
[2550 Cerrillos Road | Santa Fe, NM](#)  
<https://www.rld.nm.gov/>

---

**From:** BetsySutton <[mailservices@sk.com](mailto:mailservices@sk.com)>  
**Sent:** Wednesday, April 8, 2026 3:13 PM  
**To:** IPRA, RLD, RLD <[RLD.IPRA@rld.nm.gov](mailto:RLD.IPRA@rld.nm.gov)>  
**Subject:** [EXTERNAL] Inspection of Public Records Request

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

**DATE:**

04/08/2026

**NMRLD DIVISION:**

CID

**REQUESTOR INFORMATION (please print)**

**Name:**

Betsy Sutton

**Address:**

[03 Calle Alfredo](#)  
Algodones, New Mexico 87001  
United States  
[Map It](#)

**Phone:**

(505) 250-6605

**Email Address:**

[nmbetsy@hotmail.com](mailto:nmbetsy@hotmail.com)

**Please check the appropriate box and be as specific as possible on documents:**

OBTAIN COPIES

**Please identify the records sought with reasonable particularity:**

I am requesting records related to structures built on my neighbor's property. The address is [15 Calle Alfredo](#) in Algodones, NM. Their residence was built in 1996-1997 and an addition was built in 2000 or so. The structures I am requesting records for other buildings on the far west side and east side of their property. Both buildings appear to violate setback standards for Sandoval county. In addition, on structure used to house an indoor pool and has been converted to an event center in the last few years. I would like information on whether any of these were permitted and if they obtained permission to violate setback requirements. The indoor pool was filled in and some type of flooring was put over it so they space could be used as an event center for 100 people. I would like information on whether this was ever permitted or inspected.

**I would like to receive the requested documents via:**

EMAIL

---

**Print Name of Requestor**

Betsy  
Sutton

**Signature of Requestor**

Betsy  
Sutton

**Fwd: [EXTERNAL] Liquid Waste Permit**

1 message

**MELINDA QUINONES** <mmquinones@msn.com>  
To: "Guy W. Bluff" <guywbluff@gmail.com>

Sun, Apr 19, 2026 at 5:26 PM

Sent from my iPhone

Begin forwarded message:

**From:** MELINDA QUINONES <mmquinones@msn.com>  
**Date:** January 15, 2026 at 5:33:31 PM MST  
**To:** Betsy Sutton <nmbetsy@hotmail.com>  
**Subject:** Fwd: [EXTERNAL] Liquid Waste Permit

Sent from my iPhone

Begin forwarded message:

**From:** "Sickler, Helene, ENV" <helene.sickler@env.nm.gov>  
**Date:** January 15, 2026 at 5:23:33 PM MST  
**To:** MELINDA QUINONES <mmquinones@msn.com>, "Martinez, Hiromi, ENV" <hiromi.martinez@env.nm.gov>  
**Cc:** "Powell, Michael, ENV" <Michael.Powell@env.nm.gov>  
**Subject:** RE: [EXTERNAL] Liquid Waste Permit

Good afternoon, Ms. Quinones,

Thank you for your inquiry regarding the permit status at the Algodones Distillery.

I wanted to let you know that our office sent a **Notice of Complaint** yesterday to the legal owners of the property, requesting they contact us within 7 days of receipt of the letter. This will assist us in gaining a better understanding of how the septic system is currently being used, and how they dispose of their industrial process water. Once we establish the current usage of the septic system, we will be able to determine if they are using the septic system within the parameters set forth for this type of system.

To my knowledge we have records of 2 liquid waste permits on the property; the initial permit BE960171 was issued on 03/22/1996 for a 3-bedroom residential structure. This permit was later amended to be for a 4-bedroom residential structure, and the disposal area size was increased accordingly. The revised permit was issued on 07/21/2004 and has permit number BE040555.

I am not aware of other permits for the property issued by the Environmental Health Bureau. Once the permit request has been completed you will receive all information on file related to the property.

Respectfully,

**Helene Sickler**

District 1 Liquid Waste Specialist

New Mexico Environment Department

Environmental Health Bureau

4359 Jager Drive NE, Suite B

Rio Rancho, NM 87144

C: (505) 362-8860



RECEIVED

JAN 16 2026

NM Office of the State Engineer  
District I

New Mexico Office of the State Engineer  
Water Rights Division

**FILE A WATER USE/WELL DRILLER COMPLAINT**

Mail or fax the completed form to the District Office serving your area listed on the back page.  
Incomplete claims or unsigned forms will not be investigated.

Name of Complainant: Melinda Quinones

Address: 13 Calle Alfredo

City: Algodones State: NM Zip Code: 87001

Phone: 505-980-2074 Email: mmquinones@msn.com

Name of Alleged Violator: Algodones Distillery/Greg McAllister Phone: \_\_\_\_\_

- Water right(s) affected (if known), include file number: (see OSE records for your water right numbers.)  
#RG64500 Algodones Distillery is operating off of a domestic well
- Source of water: shared domestic well  
(Well, USGS named stream, unnamed tributary to a USGS named stream, spring, or name of acequia or ditch)
- Location of your diversion or use: (Attach a map or photo showing the location of your diversion or use if applicable)
  - 1/4 1/4 1/4 Section 2 Township T13N N  S  Range R4E E  W
  - Longitude \_\_\_\_\_ Latitude \_\_\_\_\_ County Sandoval
- Location of the alleged violators diversion or use: (Attach a map or photo showing the location of the alleged violators diversion or use if applicable)
  - 1/4 1/4 1/4 Section \_\_\_\_\_ Township \_\_\_\_\_ N  S  Range \_\_\_\_\_ E  W
  - Longitude \_\_\_\_\_ Latitude \_\_\_\_\_ County \_\_\_\_\_
  - Physical location/address: 15 Calle Alfredo Algodones, NM 87001
- Describe the alleged violation (Attach additional pages if necessary):

#3 above is the location of the shared well that is on our property: 13 Calle Alfredo.

Our neighbors at 15 Calle Alfredo share a domestic well with us. In 2014 they installed a distillery on their property where they produce spirits such as gin, vodka and whiskey. In August of 2025, after speaking to OSE, we learned that they can not operate a commercial business off of a domestic shared well.

FOR OSE INTERNAL USE		Page 1 of 2	Complaint Form Rev 12/30/2021
File No.: <u>RG-64500</u>	Trn. No.:		
Trans Description (optional):			Sub-Basin:

6. Are you on an Acequia or Community Ditch?  Yes  No  
 a. (name) Middle Rio Grand Conservancy District/Santa Ana Pueblo  
 b. If yes, have you contacted the Mayordomo or Ditch Rider?  Yes  No  
 Name and phone number Tony 505-264-3540 (works for Santa Ana Pueblo). MRGG

7. Have you contacted the alleged violator?  Yes  No

8. If you have contacted a Mayordomo or alleged violator, what was their response?  
 (Or attach a copy of your written correspondence)

We are currently disputing this along with other violations through Sandoval County Planning and Zoning Office.

+

9. To your knowledge, has this been reported previously?  Yes  No  
 If yes, provide date: \_\_\_\_\_

10. Do you have any suggestion for a mediated resolution?

The owners of the distillery are in clear violation of state statute and also of our shared well agreement. They need to pursue different avenues to acquire a different water source for their distillery.

11. Signature of Complainant:  Date: 1/16/26

**WATER RIGHTS DISTRICT OFFICES**

**DISTRICT - ALBUQUERQUE**  
 5550 San Antonio Dr NE  
 Albuquerque, NM 87109-4127  
 Phone: (505) 383-4000  
 Fax: (505) 383-4030

**DISTRICT 2 - ROSWELL**  
 1900 West Second St.  
 Roswell, NM 88201  
 Phone: (575) 622-6521  
 Fax: (575) 623-8559

**DISTRICT 3 - DEMING**  
 321 West Spruce Street  
 Deming, NM 88031  
 Phone: (575) 546-2851  
 Fax: (575) 546-2290

**DISTRICT 4 - LAS CRUCES**  
 1680 Hickory Loop, Suite J  
 Las Cruces, NM 88005-6598  
 Phone: (575) 524-6161  
 Fax: (575) 524-6160

**DISTRICT 5 - AZTEC**  
 100 Gossett Drive, Suite A  
 Aztec, NM 87410  
 Phone: (505) 383-4571

**DISTRICT 6 - SANTA FE**  
 407 Galisteo St. Suite #102  
 Bataan Memorial Bldg.  
 PO Box 25102  
 Santa Fe, NM 87504-5102  
 Phone: (505) 827-6120  
 Fax: (505) 827-6682

**DISTRICT 7 - CIMARRON**  
 PO Box 481  
 301 East 9th Street  
 Cimarron, NM 87714  
 Phone: (575) 376-2918  
 Fax: (575) 376-4565

RECEIVED

JAN 16 2026

NM Office of the State Engineer  
 District I

Feel free to attach additional documentation to help us understand your complaint

FOR OSE INTERNAL USE

Page 2 of 2

Complaint Form Rev 12/30/2021

File No.:	Tm. No.:	
Trans Description (optional):		Sub-Basin:



Albuquerque Office  
5550 SAN ANTONIO DR., NE  
ALBUQUERQUE, NM 87109

STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER

File Nbr: RG 64500  
Well File Nbr: RG 64500 POD1

RECEIVED

JAN 16 2026

MICHAEL D QUINONES  
13 CALLE ALFREDO  
ALGODONES, NM 87001

NM Office of the State Engineer  
District 1

1. WATER METER INFORMATION:

Well File Nbr: RG 64500 POD1  
Serial Number: ~~2941170~~ 251596728  
Number of Dials: 5 - see attached  
Unit of Measure: GALS photo

Meter Rec Nbr: 8662  
Meter Make: HAYS BADGER  
Multiplier: 1000.0000

2. METER READING INFORMATION:

Meter Reading: \_\_\_\_\_

Meter Reading Date: \_\_\_\_\_

3. COMMENTS:

We installed two new meters. This meter goes to  
15 Calle Alfredo, NM.

Submitted by: Melinda Quinones

Instructions:

Meter readings shall be submitted to the District at the above address on or before the 10th of January, April, July, and October of each year for the 3 preceeding calendar months.

- Section 1. If meter has been replaced, complete all items in Section 1 for the new meter.
- Section 2. Please enter meter reading and the date of the reading;
- Section 3. Under comments, give any pertinent information concerning repair of meter and dates out of service, meter change out, etc.

\*\* Please make copies of this form for submitting your meter readings.

mtrread



Albuquerque Office  
5550 SAN ANTONIO DR., NE  
ALBUQUERQUE, NM 87109

STATE OF NEW MEXICO

File Nbr: RG 64500 OFFICE OF THE STATE ENGINEER  
Well File Nbr: RG 64500 POD1

RECEIVED

JAN 16 2026

MELINDA L QUINONES  
13 CALLE ALFREDO  
ALGODONES, NM 87001

NM Office of the State Engineer  
District I

1. WATER METER INFORMATION:

Well File Nbr:	RG 64500 POD1	Meter Rec Nbr:	8662
Serial Number:	<del>2941170</del> 251595726	Meter Make:	HAYS BADGER
Number of Dials:	5	Multiplier:	1000.0000
Unit of Measure:	GALS <i>see attached photo</i>		

2. METER READING INFORMATION:

Meter Reading: \_\_\_\_\_ Meter Reading Date: \_\_\_\_\_

3. COMMENTS:

*We installed <sup>2</sup> new meters ~~read~~. This meter goes to  
13 Calle Alfredo, Algodones, NM*

Submitted by: *Melinda Quinones*

Instructions:

Meter readings shall be submitted to the District at the above address on or before the 10th of January, April, July, and October of each year for the 3 preceeding calendar months.

- Section 1. If meter has been replaced, complete all items in Section 1 for the new meter.
- Section 2. Please enter meter reading and the date of the reading;
- Section 3. Under comments, give any pertinent information concerning repair of meter and dates out of service, meter change out, etc.

\*\* Please make copies of this form for submitting your meter readings.



Calle Alfredo

15 Calle Alfredo





STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
DISTRICT 1

Elizabeth K. Anderson, P.E.  
State Engineer

5550 San Antonio Dr., NE  
Albuquerque NM 87109-4127  
(505) 383-4000

February 6, 2026

Melinda & Michael Quinones  
13 Calle Alfredo  
Algodones, NM 87001

**Water Use Complaint – RG-64500**

Greetings:

This letter is to update you on our findings from a field visit conducted on February 2, 2026, for domestic well RG-64500 located at 13 Calle Alfredo, Algodones, NM.

We have found evidence of a violation of the conditions of approval for permit RG-64500 approved on April 23, 1996. The permitted domestic water is currently being used in the operation of a small commercial business on one of the two permitted tracts of land. Under the conditions of approval of RG-64500, domestic water is only to be used for household use and non-commercial lawn and garden irrigation on the properties permitted to be served.

Commercial water rights are required to be transferred to either the current well or a new well for the continued operation of the business located at 15 Calle Alfredo. A water rights transfer application **MUST** be filed within 90 days of the date of this letter. If no such application is received, further legal action may be taken.

The memorandum containing our findings from the field visit will be available to view at our website <http://nmwrrs.ose.state.nm.us/nmwrrs/waterRightSummary.html> after 30 days from receipt of this letter under file number **RG-64500**.

If you have any questions, please contact our office at (505) 383-4000.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jordan Carlini".

Jordan Carlini  
Water Resources Professional

CC via email: Mr. Greg Mcallister



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
District 1, Albuquerque



MEMORANDUM

DATE: February 2, 2026  
 TO: Lorrie Gallegos, Deputy District 1 Manager *LG*  
 FROM: Jordan Carlini, Water Resources Professional *JCF*  
 FILE: RG-64500  
 SUBJECT: Domestic Well Compliance Field Check

---

**HISTORY**

- 1996 April 23** – 72-12-1 multiple household use permit was approved by the Office of the State Engineer for 3.0 acre-feet/year.
- September 12** – Well Record and Log was received for RG-64500.
- 2025 October 1** – Change of Ownership for RG-64500 was approved by the OSE.
- 2026 January 16** – A Water Use Complaint was received by the OSE claiming a commercial operation was using domestic water from the subject well.
- February 2** – Field visit conducted by Jordan Carlini and John Montoya, OSE personnel.

**LOCATION**

The subject well is located on Tract 73B, MRGCD Map 5, in Section 2, Township 13 North, Range 4 East, NMPM. This subject land is located within Sandoval County, approximately 0.15-mile northwest of the corner of Bosque Rd. and Calle Alfredo in Algodones, NM. The well is approximately located where Latitude = 35° 22' 55" N and Longitude = -106° 29' 8" W and also serves Tract 73A, MRGCD Map 5.

**CONSIDERATIONS**

OSE Staff Jordan Carlini and John Montoya visited the property in question on February 2, 2026, to verify the purpose of use of the well permitted under RG-64500. On arrival, OSE staff met with Melinda and Michael Quinones, the owners of record for RG-64500. A meter reading for both properties was taken showing that 13 Calle Alfredo (Tract 73B) has used 1880 gallons, and 15 Calle Alfredo (Tract 73A) has used 3510 gallons since the new meters were installed in January 2026 (**Photo 1**).

OSE staff then met separately with Greg Mcallister, owner of 15 Calle Alfredo. Mr. Mcallister gave a small tour of his alcohol distilling operation located in the northeast corner of his lot. His small batch distilling business, Algodones Distillery, distributes their product to a select few bars and restaurants as well as the private tasting room on property and another in Ruidoso, NM. This very small operation is run by Mr. Mcallister, with the occasional help of his partner and other family members. Production of their spirits occurs infrequently throughout a calendar year and often uses less than 500 gallons of water per production cycle. **Photos 2 & 3** show the major equipment used to produce their various spirits. 15 Calle Alfredo also contains an approximately 500 square foot pond but is of no concern due to its small footprint (**Photos 4 & 5**).

Under the conditions of approval of RG-64500, domestic water is only to be used for household use and non-commercial lawn and garden irrigation on the properties permitted to be served. Mr. & Mrs. Quinones and Mr. Mcallister are aware that water from RG-64500 or any other domestic permit cannot be used for a commercial operation without a valid commercial use permit. Mr. Mcallister has filed with the OSE a domestic well application to drill his own domestic well on 15 Calle Alfredo with the plan to sever the shared well agreement of RG-64500. He is also in the process of obtaining water rights to transfer to his planned domestic well for the distillery.

## **CONCLUSION**

After gathering information from the field visit conducted on February 2, 2026, it was determined that the subject well is out of compliance due to domestic water being used for a commercial operation on one of the two permitted properties. No payback of water will be required. The commercial operation uses such a small amount of water that it would be impossible to over-divert the permitted 3.0 acre-feet granted in RG-64500, but a water rights transfer will be required to continue operating the commercial distillery.

## **RECOMMENDATION**

Upon the dismissal of the shared well agreement for RG-64500, Mr. & Mrs. Quinones shall change purpose of use of RG-64500 from multiple household to single household use. Additionally, Mr. Mcallister shall file a water rights transfer application for commercial use from his pending domestic well within 90 days of receipt of the findings of this compliance check. If no such application is received in the allotted time, further legal action may be taken.



Photo 1



Photo 2



Photo 3



Photo 4

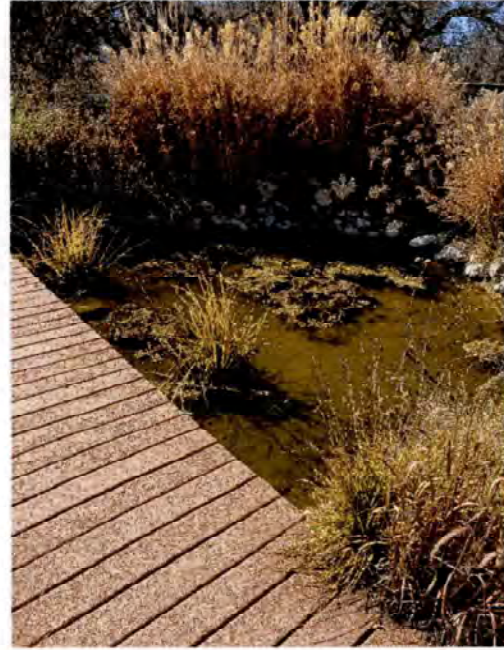


Photo 5



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
DISTRICT 1

Elizabeth K. Anderson, P.E.  
State Engineer

5550 San Antonio Dr., NE  
Albuquerque NM 87109-4127  
(505) 383-4000

February 6, 2026

Melinda & Michael Quinones  
13 Calle Alfredo  
Algodones, NM 87001

**Water Use Complaint – RG-64500**

Greetings:

This letter is to update you on our findings from a field visit conducted on February 2, 2026, for domestic well RG-64500 located at 13 Calle Alfredo, Algodones, NM.

We have found evidence of a violation of the conditions of approval for permit RG-64500 approved on April 23, 1996. The permitted domestic water is currently being used in the operation of a small commercial business on one of the two permitted tracts of land. Under the conditions of approval of RG-64500, domestic water is only to be used for household use and non-commercial lawn and garden irrigation on the properties permitted to be served.

Commercial water rights are required to be transferred to either the current well or a new well for the continued operation of the business located at 15 Calle Alfredo. A water rights transfer application **MUST** be filed within 90 days of the date of this letter. If no such application is received, further legal action may be taken.

The memorandum containing our findings from the field visit will be available to view at our website <http://nmwrrs.ose.state.nm.us/nmwrrs/waterRightSummary.html> after 30 days from receipt of this letter under file number **RG-64500**.

If you have any questions, please contact our office at (505) 383-4000.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jordan Carlini".

Jordan Carlini  
Water Resources Professional

CC via email: Mr. Greg Mcallister

**From:** "Carlini, Jordan, OSE" <[Jordan.Carlini@ose.nm.gov](mailto:Jordan.Carlini@ose.nm.gov)>  
**Date:** April 7, 2026 at 9:40:29 AM MDT  
**To:** MELINDA QUINONES <[mmquinones@msn.com](mailto:mmquinones@msn.com)>  
**Subject: RE: [EXTERNAL] Water rights application**

Good morning,

I'm sure the domestic well application has been approved by now, but I have not seen an application yet for the commercial side of things. The only update I have is that Mr. Mcallister has been in contact with a water rights consultant to find commercial rights to transfer. From my understanding, they are looking for around 10,000 gallons per year which in the grand scheme of things is not even a drop in a bucket compared to a normal transfer.

JORDAN CARLINI  
WATER RESOURCES PROFESSIONAL  
5550 SAN ANTONIO DR NE  
ALBUQUERQUE, NM 87109  
505-383-4000

-----Original Message-----

From: MELINDA QUINONES <[mmquinones@msn.com](mailto:mmquinones@msn.com)>  
Sent: Tuesday, April 7, 2026 9:25 AM  
To: Carlini, Jordan, OSE <[Jordan.Carlini@ose.nm.gov](mailto:Jordan.Carlini@ose.nm.gov)>  
Subject: [EXTERNAL] Water rights application

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good morning Jordan,

It has been around 60 days since your office stopped by to visit with us and the owners of the Algodones Distillery and confirmed that they were out of compliance. They were given 90 days to apply for their water rights permit. Has that been submitted? I understand that they have applied for a well to be installed in their property. I'm just wondering if you have any new updates for us.

Thank you for your time.

Sincerely,

Melinda Quinones

# Water Right Summary



[get image list](#)

**WR File Number:** RG 64500      **Subbasin:** MRG      **Cross Reference:**

**Primary Purpose:** MUL 72-12-1 MULTIPLE DOMESTIC HOUSEHOLDS

**Primary Status:** PMT Permit

**Total Acres:**      **Subfile:**      **Header:**

**Total Diversion:** 3.000      **Cause/Case:**

**Owner:** MELINDA L QUINONES      **Owner Class:** Owner

**Owner:** MICHAEL D QUINONES      **Owner Class:** Owner

## Documents on File

(acre)

Transaction Images	Trn #	Doc	File/Act	Status 1	Status 2	Transaction Desc.	From/To	Acres	Diversion
<a href="#">.get images</a> <a href="#">795947</a>		UWL	2026-02-02	UWL	ACC	RG 64500	T		0.000
<a href="#">.get images</a> <a href="#">791969</a>		COWNF	2025-10-01	CHG	PRC	RG 64500	T		0.000
<a href="#">.get images</a> <a href="#">607303</a>		72121	1996-04-23	PMT	LOG	RG 64500 POD1	T		3.000

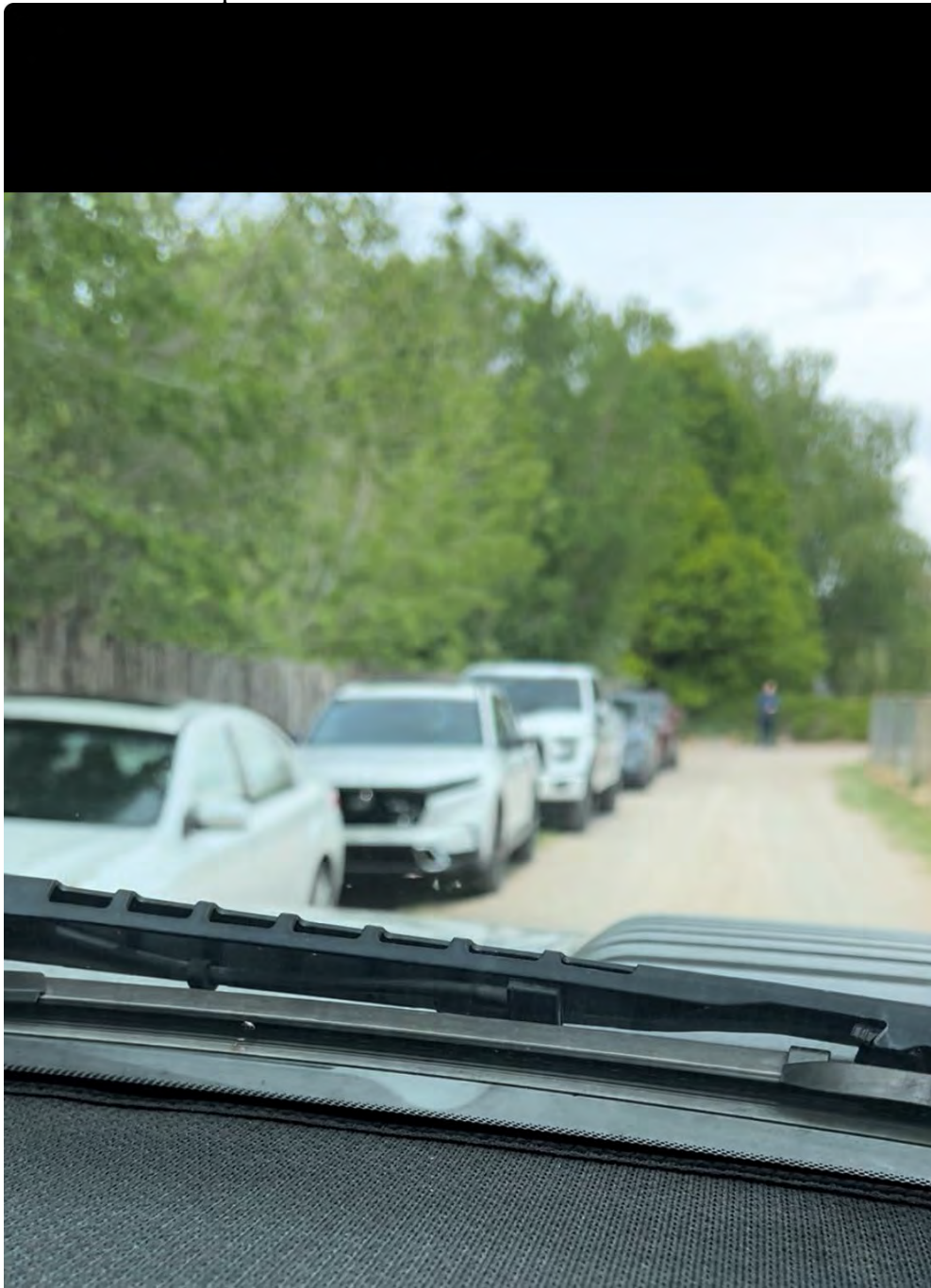
## Current Points of Diversion

POD Number	Well Tag	Source	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map	Other Location Desc
<a href="#">RG 64500 POD1</a>	NA	Shallow	SW	NW	SE	02	13N	04E	365077.1	3916410.9		13 CALLE AFREDO, ALGODON NM

\* UTM location was derived from PLSS - see Help

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

Sep/28/20205 – Cars Parked on Calle Alfredo













Dear Members of the Planning and Zoning Commission,

We are writing as deeply concerned Algodones residents to respectfully but firmly **oppose Agenda Item ZNCH-25-006**, the proposed zone map amendment from Rural Residential Agricultural to Special Use, submitted by Gregory McAllister and scheduled for your consideration on October 14th.

This request is directly tied to the operation of a distillery business in Algodones, that has demonstrated a behavior of noncompliance, a disregard for county regulations, and a troubling lack of transparency. While this business once had the support of this community, it has since violated that trust — **most recently by hosting a public event after being explicitly denied a special event permit**. This was not a misunderstanding, but a deliberate act of defiance, reflecting an ongoing attitude of entitlement and unwillingness to operate within established guidelines.

Beyond the regulatory concerns, **there are significant public safety risks** associated with placing a distillery — where alcohol is manufactured, served, and consumed — in close proximity to residences, agricultural land, and an elementary school.

Approving this zoning change would increase the risk of impaired driving, intoxicated individuals, noise, and late-night disturbances in an area where children live, learn, and play. Concerns exist about whether current law enforcement resources within the Sandoval County Sheriff's Office are adequate to monitor or timely respond to the increased demand this type of business may generate.

We respectfully inquire into whether any impact studies, environmental assessments, or public health evaluations have been conducted. Distilleries release ethanol vapor, which feeds a black mold-like growth known as whiskey fungus and can spread up to half a mile, coating homes, vehicles, crops, and trees with damaging residue. It has been linked to property damage, potential health risks, and may pose a risk to nearby agricultural properties. Given our community's close ties to farming and ranching, the site's proximity to the Rio Grande (est. 0.5 miles or less) and an elementary school (approx. 0.3), the potential long-term health and environmental impacts cannot be ignored.

Additional key questions remain about proposed water sources, wastewater discharge methods, and whether the business has obtained all state and county permits necessary to safely and responsibly operate. These considerations are critical to understanding the public safety, health risks, and ecological impact of this proposed land use change.

**We urge the Commission to deny this request on October 14th**, and where appropriate, pursue enforcement actions related to noncompliance with county regulations. **The current RRA zoning exists to preserve the rural character, safety, and integrity of our area.** Amending it to accommodate a business that has disregarded rules and community concerns would not only put our community at risk — it would establish a deeply troubling precedent.

Please stand with Algodones residents who are committed to protecting the safety, values, and future of this community.

Sincerely,

John & Laura Escarcida, concerned Algodones residents

## Sandoval County

Hello, my name is Melinda Quinones. My husband, Michael, and I have lived at 13 Calle Alfredo, Algodones, New Mexico for the past twenty years. We have been fortunate enough to raise our three children in this quiet, secluded village. We live on a private dirt road that we share with our neighbors Richard and Betsy Sutton and with David Pacheco and Greg McAllister. Approximately eleven years ago, our neighbors, Mr. Pacheco and Mr. McAllister, decided to build a distillery on their property. At that time, we attended a Sandoval County Commissioners meeting to oppose the business license due to the fact that we share a private road. We did not want the public to be invited to partake in alcohol tastings and drive on the same road where our children would play and ride their bikes. Mr. McAllister assured us that there would be NO public events at the distillery and that this distillery would be used to make the spirits and then be sold elsewhere.

For the first few years since the commissioner meeting, we did see an increase in traffic going to and from the distillery. Most of this traffic has been large trucks making deliveries to the neighbors house. These large trucks have used our driveway, many times, to turn around or park on our driveway.

We have seen the traffic increase in the last two to three years. It has gone from large delivery trucks to individuals coming to our home, almost daily, parking in our driveway and approaching us asking if we are the distillery. We have always directed them next door to the closed gate where there is a phone number posted on the gate for them to call.

According to the commissioners meeting back in 2014, we were told that no events would be held at the distillery. When Mr. McAllister told us that they would be hosting a wedding, we assumed it was a close friend or family of theirs. We then found out on their website that they have opened up their property to the public to host events up to 100 people.

Since we have seen the number of vehicles coming and going to the distillery increase; constantly having individuals come to our residence asking about the distillery; having to explain to all these individuals that the distillery is behind the closed gate and that they have to call the number on the gate and most importantly, since we learned that the neighbors are not complying with their agreement to NOT host public events at the distillery. We decided to have a conversation with our neighbors.

On June 5, 2025 my husband and I were outside doing yardwork when yet another individual parked on our driveway and came over to ask if we were the distillery. My husband decided it was time to have a conversation with the neighbors. My husband text both Mr. Pacheco and Mr. McAllister asking them if we can have a conversation. This conversation was met with hostility from our neighbors.

On June 24, 2025 my husband and I had a conversation with Mr. Pacheco to discuss what was said on the texts and to see what needs to happen going forward. We wanted to tell him our frustration with people coming to our home and he stated that it is "out of their control" that people come to our home. Mr. Pacheco stated that they keep the gate to their house closed because "they have valuable things". It became apparent that they have no regard for our feelings and they did not even apologize for the inconvenience's that we face daily.

We feel that we have been manipulated by our neighbors for years. Dating back to the County Commissioners meeting when we agreed that no public events would be held at the distillery, to having to find out that they are advertising public events on their social media account; us having to deal with people daily coming to our home and the neighbors only response being "that's out of our control" and that they lock the gate to their property because they "have valuable things". We feel as though our feelings/rights in these matters are not taken into consideration.

We ask you to keep this in mind when making decisions regarding the Algodones Distillery. We have been good neighbors for many years and the owners of the distillery have no regard for the neighborhood. Their concerns are for the profits they make and not for the community in which we live.

Respectfully,

Melinda & Michael Quinones

Richard and Betsy Sutton  
3 Calle Alfredo  
Algodones NM 87001

To Whom it may concern,

We built our house and have lived at the above address since 1997. We chose this area, and this specific land, due to its location in a small rural village on a dead end dirt road with only two other houses (see attached Tract 71-D, M.R.C.D. Map No. 5). It was the perfect location and an idyllic setting for our (at that time)future children to ride their pony and bicycles on a quiet road with only an occasional neighbor's car interrupting the sound of birds and crickets in the bosque. It was a secluded paradise for us.

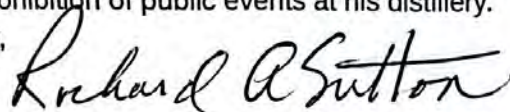
On the afternoon of February 20, 2014, Mr McAllister contacted Richard, by phone, and asked if he would attend the Sandoval County Board of Commissioners meeting to support his application for a liquor license. Richard informed Mr. McAllister that he would be in attendance but we were opposed. Mr. McAllister stated that if he did not get the license he would lose his house. Richard explained to Mr. McAllister our concerns about additional traffic on our quiet road and the serving of alcoholic beverages to the public. Mr. McAllister offered a compromise, stating that the distillery would not be open for public tastings, that only the making of the liquor would occur at his residence. He stated that all other activities related to the distillery would be done off site. We had been neighbors with Mr. McAllister since 1997 and our kids had grown up together; we did not want him to suffer any financial hardship. Our primary concerns were increased traffic and the possibility of an impaired driver on our quiet road after visiting the distillery. Based on Mr. McAllister's promise that the only distillery activity that would occur in our neighborhood would be the actual production of spirits, we agreed to not oppose his application.

That evening at the County Commissioners meeting, Mr. Mike Quinones, who lives at 13 Calle Alfredo, expressed the same concerns, and Mr. McAllister stood up and repeated that only the making of the liquor would take place at the residence; all public activity would take place off site. Based on Mr. McAllister's declaration of this before the Board, Richard and Mr. Quinones did not oppose the application.

Mr. McAllister has not acted in accordance with the assurances he gave his neighbors and the Board and has in fact opened the distillery to the public. Mr. McAllister openly advertises on the distillery website tastings, tours, parties, and a wedding venue accommodating up to 100 people. Automobile traffic has significantly increased. Large trucks have difficulty just getting onto the private road easement and cannot turn around at the end, backing out the entire way. People often come to our gate asking for directions to the distillery. In July 2022, Richard queried Mr. McAllister about opening to the public contrary to the agreement. Mr. McAllister did not deny breaching the agreement and his reply was "Is it a problem?". It is a problem; the tranquility and solitude we enjoyed has been stolen.

We ask for your help to restore our neighborhood and revoke Mr. McAllister's liquor license or enforce a prohibition of public events at his distillery.

Respectfully,



**PETITION LETTER SIGNED BY RESIDENTS OF ALGODONES**

# Protest Algodones Distillery Zoning Change to Commercial Use

Ex 31 pg 2/9


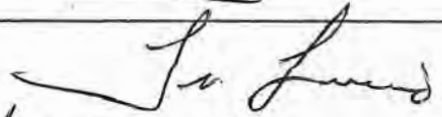
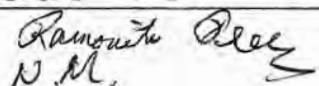
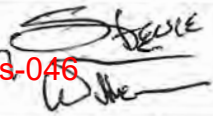
Living in a peaceful residential/agricultural community has been a source of joy and tranquility for my family and countless others who call this place home. The serene environment, low traffic, and family-friendly atmosphere are some of the main reasons we chose to reside here. Recently, however, our neighborhood's charm and peace have come under threat due to a proposed zoning change by a neighboring property, Algodones Distillery.

Our neighbor, a craft distillery, has requested a zoning change from residential/agricultural to residential/commercial, a change that poses several challenges and risks to our way of life. The introduction of a commercial entity that serves alcohol could significantly increase traffic in our area, leading to safety concerns for families and children who currently enjoy the tranquility our roads offer.

Beyond the immediate safety issues, there is also the real potential for a decrease in property values in the area. Homeowners like myself have invested time, money, and deep emotional ties to our community with the understanding that we have chosen a peaceful and largely residential neighborhood. This proposed commercial zoning change threatens to undermine the foundation of what we, as a community, have built.

Moreover, the presence of a commercial establishment selling alcohol introduces additional considerations regarding public safety and community well-being. We believe that our neighborhood's character and the wellbeing of its residents should remain a top priority over commercial interest.

We need your support to make our voices heard. Let us stand together to protect our homes, our community, and the quality of life we have come to cherish. Please sign this petition to prevent the rezoning of Algodones Distillery from residential/agricultural to residential/commercial.

Print Name	Address	Signature
David Sutton	3 calle Alfredo, Algodones NM	
Timothy Lucero	1379 Highway 313 Algodones NM	
Carmakell Lucero	1379 Highway 313 Algodones NM	Carmakell Lucero
Ramoncita Perez	1393 Algodones 313 Algodones N.M.	Ramoncita Perez 
STEVE WILLIAMS	9 Jucitas Ln Algodones NM	

ZNCH-25-006

10-06-2025

Quinones-046

Print name

Betsy Sutton

Address

3 Calle Alfredo, Algodones

Signature

Betsy Sutton

Ex 31 pg 3/9

Richard A Sutton

3 Calle Alfredo, Algodones

Richard A Sutton

Michael Quinones

13 Calle Alfredo, Algodones

Michael Quinones

Juan Maes

16 Cornselo, Algodones

Juan Maes

47

Rebecca Maes

16 Coronado Rd. Algodones, NM 87001

Rebecca Maes

Chryenne Maes

16 Coronado Rd Algodones NM 87001

Chryenne Maes

Gabrielle Lovato

10 Calle Las Lovato's Algodones nm 87001

Gabrielle Lovato

Print name

Address

Signature Ex 31 pg 4/9

Benni Lovato

10 Calle Los Lovatos Algodones NM

*Benni Lovato*

Virgima Troutz

12 Bowersville Rd <sup>Algodones</sup> NM Virgima Matr

Dominic Montoya

12 Bowersville Rd <sup>Algodones</sup> NM Dom Mtg.

Lori Lovato

10 Calle Los Lovatos Algodones NM

*Lori Lovato*

ERIC BUENAVENTA

CILLOS VIGILES ALGODONES

*Eric Buena*

Angela G Buena

el Los Vigiles Algodones

*Angela Buena*

Miguel Quinones

13 Calle Alfredo

*Miguel Q*

Mareah Quinones

13 Calle Alfredo, Algodones

*Mareah Q*

Eden Buena

2 Los Vigiles

*Eden Buena*

Valarie A. Longley

33 Bowersville Rd

*Valarie Longley*

Felicia Unal-Gallegos

939 Rail Road TR Rd

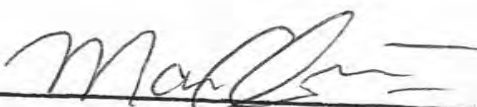
*Felicia Gallegos*


Print name


Address

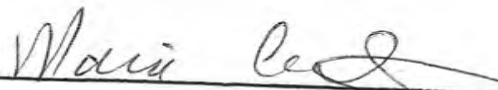
Signature Ex 31 pg 5/9


Melinda Quiñones 13 Calle Alfredo, Algodones 

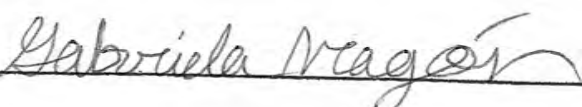
Marisa Quiñones 13 Calle Alfredo, Algodones 


Marisol Aragón 6 Mesa Vista, Algodones 


Markus Smedley 6 Mesa Vista, Algodones 

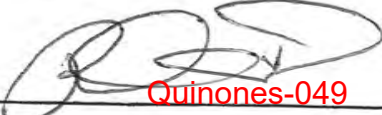
Maria Cervantes 1507 Highway 313 Algodones 

José de Jesús Cervantes 1507 Highway 313 Algodones 

Gabriela Aragón 6 Mesa Vista, Algodones 

Johnathan Borg 6 Mesa Vista, Algodones 

Ariana Aragón-Borg 6 Mesa Vista, Algodones 

Rosa Isela Cervantes 217 Calle Evangelina, Bernalillo 

Print name

Address

Signature

Ex 31 pg 6/9

Cristina Cervantes

217 Calle Evangelina Bernalillo



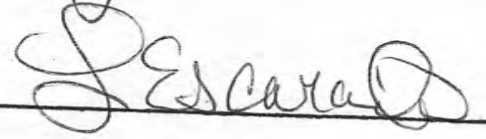
JOHN ESCARCIDA

31 CORONADO RD. ALGODONES

John Escarcida

Laura Escarcida

31 Coronado Rd. Algodones



Anyka Maes

16 Coronado Rd. Algodones

Anyka Maes

Jacob Harmon

16 Coronado Rd. Algodones

Jacob Harmon

Quinones-050

10-O-50-2025

ZNCH-25-006

Print NAME

Address

Signature  
EX 31 pg 719

HUGH TURNER 10 BOSQUE RD.

H Turner

SAMUEL TURNER 10 BOSQUE RD.

Sam

Megan Glidden 59 Bosque Rd

Megan

JIMMY BALDONADO 34 LOS COLONIAS

Jimmy B

Theresa Baldonado

Theresa Baldonado

Debra Hill

72 Los Colonias

Tomas Santillan-Sillas 3 mirror pond Ln

Tomas

Quentin Trancosa 340 Highway Ln

Quentin

Issac Velasquez 175 Sun Rise Rd.

Issac Velasquez

Danny MARQUEZ 32 Via Solo Dr Algodones

Danny

Mary Peña 1492 Hwy 313. Algodones, NM 87001

Mary

Jeremiah Sotton 13 Calle Alfredo Algodones, NM 87001

Jeremiah Sotton

Katie Marquez 32 Via Sole Dr., Algodone NM 87001

Katie

Paula Pablita 350 Hwy Ln, Algodones NM 87001

Paula

DEAN MORTENSEN 38 Bowersville Rd

NM 87001

Print NAME

Address

Signature

Ex 31 pg 8/9

*Janice Mortensen*

Janice Mortensen 38 Bowersville Rd Algodones NM 87001

Colin Deuble 12 Juanita Ln. Algodones NM 87001

*CD*

Print NAME

Address

Signature

Ex 31 pg 9/9

Doug G. Eldridge + Amy Eldridge

71 Bosque Rd. Algodones N.M. 87001

Douglas

69 Bosque R.D. Algodones N.M.

Doug Eldridge

" " " " "

Nancy Eldridge

**Cc:** John Butrick <jbutrick@sandovalcountynm.gov>; Doraida Arias <darias@sandovalcountynm.gov>; Janet Cunningham-Stephens <jcunninghamstephens@sandovalcountynm.gov>; Liqa Moheyuddin <lmoheyuddin@sandovalcountynm.gov>

**Subject:** RE: P&Z Commission Hearing 10.14.2025 Follow-Up, Agenda Item #ZNCH 2025-006

Mr. McAllister,

Please see attached letter.

Sincerely,



**Daniel J. Beaman**

Director of Planning & Zoning

Desk: (505) 867-7617

Cell: (505) 934-2142

[www.sandovalcountynm.gov](http://www.sandovalcountynm.gov)

**From:** Daniel Beaman

**Sent:** Tuesday, October 21, 2025 11:03 AM

**To:** 'greg.algodonesdistillery.com' <greg@algodonesdistillery.com>

**Cc:** Doraida Arias <darias@sandovalcountynm.gov>; Janet Cunningham-Stephens <jcunninghamstephens@sandovalcountynm.gov>; Liqa Moheyuddin <lmoheyuddin@sandovalcountynm.gov>

**Subject:** RE: P&Z Commission Hearing 10.14.2025 Follow-Up, Agenda Item #ZNCH 2025-006

Mr. McAllister,

Thank you for your email.

Regarding the process/timeline – that largely depends on you, and how soon you respond to what the Planning and Zoning (P&Z) Commission asked of you at the end of subject agenda item during the meeting, regarding mediation, etc. (may I suggest you look back at the video on this for particulars). December would be the soonest I am able to get you back on the P&Z agenda, given your responsiveness; the deadline for that public hearing is Friday, November 14, 2025. Has your counsel reached out to our counsel?

Unfortunately, to date, we have found no record of annual zoning clearance letters issued by our department to you from 2014 – 2023. If you would like us to perform an exhaustive search for these particular documents, I can facilitate an IPRA request for you.

Please let me know if you have any further questions.

**SANDOVAL COUNTY**  
STATE OF NEW MEXICO



MICHAEL MEEK  
Chairman, District 3

JORDAN JUAREZ  
Vice Chairman, District 4

KATHERINE A. BRUCH  
District 1

JON HERR  
District 2

JOSHUA JONES  
District 5

LINDA P. GALLEGOS  
Assessor

ANNE BRADY-ROMERO  
Clerk

EDWARD W. LOVATO  
Probate Judge

JESSE JAMES CASASUS  
Sheriff

JENNIFER TAYLOR  
Treasurer

WAYNE A. JOHNSON  
County Manager

October 23, 2025

Mr. Greg McAllister, DDS, JD  
Algodones Distillery, LLC  
15 Calle Alfredo  
Algodones, NM 87001

Dear Mr. McAllister,

I am writing to follow-up on the outcome of the Planning and Zoning Commission public hearing held on October 14, 2025 and in response to your e-mail dated October 16, 2025 regarding the process and timeline relating to zone change application #ZNCH 2025-006 for the Algodones Distillery, LLC. Please note, I also responded via a brief email on October 21<sup>st</sup> acknowledging your email of October 16<sup>th</sup>.

To summarize, the "purpose of the request is to establish appropriate zoning for a property containing a primary main residence and a Craft Distillery commercial business with related Tours and Tastings, Retail and Wholesale Sales and Special Events". The application was heard by the Planning and Zoning Commission at the October 14, 2025 public hearing, and official action was deferred to allow you and neighboring property owners additional time to further discuss the proposal and negotiate/mediate conditions that may make the commercial operation acceptable to those affected by the distillery and special contracted events.

Specific issues mentioned at the public hearing included the size of the gatherings, hours, parking, noise, and liquid waste. The neighbors (Mr. and Mrs. Quinones) adjoining your property at 13 Calle Alfredo, Algodones, brought up the concern with the shared well and the State Engineer's Office that has record of the well only being approved for residential use. The Planning Commission asked County Planning and Zoning Department staff to verify outstanding technical items, i.e. well/septic/fire/parking, and County Legal to review the history and communication(s) with state licensing.

Just to reiterate, the definition of "Home Occupation" means a business activity performed on the premises of a residence by one or more resident family members where such business activity is secondary and subordinate to the residential use of the premises. A Home Occupation shall have (a) no more than one non-resident employee on the premises at any given time, (b) no business traffic, vehicular or pedestrian, to the premises that exceeds traffic customary for a single family residence, (c) no business equipment and/or supplies visible from outside the lot lines of the residence, (d) no noise or other forms of trespass associated with the business that exceeds that normally associated with a residence, and (e) no more than one non-illuminated sign of not more than four (4) square feet in face area. (Zoning Ordinance No. 10-11-18.7A/ 6-18-20.12B – Section 6 – Definitions) This definition was included by County Planning and Zoning staff in letters (2013 and 2014) to you following the approval of the Home Occupation application. It is clear the commercial activities are outside the scope of what was stated and were not allowed as per County regulations. You had mentioned in an e-mail to County staff dated February 17, 2014 that "After consultation with my partner David and immediate neighbors, we have decided NOT to have an on-premise tasting room in the craft distillery thus avoiding being open to the public and avoiding any real or potential liability for the safety of our family, our neighbors or even our patrons. We will simply

operate the craft distillery as a home occupation per the terms of your January 31, 2014 letter, manufacturing the product there but distributing it off site. Since the NM Domestic Winery, Small Brewery and Craft Distillery Act permits but does not require a tasting room, and since we are only approved as a home occupation, we want to operate within those parameters while honoring the community. "

Regarding the Special Use application (#ZNCH 2025-006) which (upon approval) would allow the commercial activities to continue at the level agreed upon by the applicant, affected parties, and Sandoval County, we need the following information:

1. When did the tastings, tours and other commercial events begin? When was the Special Events Venue added to the website?
2. Approximately how many tastings, tours, and other commercial events (weddings, reunions, corporate retreats, etc.) are held weekly/annually?
3. How many people are permitted on the premises per Fire Code (per structure and on the grounds)? Please provide written verification for the file.
4. Have fire suppression measures for the structure(s) been implemented as required by Fire Code/Building Code?
5. The site plan showed parking spaces for guests/staff; however, on-site circulation, i.e., backing of vehicles, vehicle turning movements and a secondary egress point are not defined on the drawing that was submitted with the application. Please revise and re-submit.
6. When was the building permit submitted for the event space/ballroom? Please provide a copy of the approved plans from the State Construction Industries Division (CID) for our records.
7. A copy of the approved septic permit from the New Mexico Environmental Department (NMED) is needed for the file. Does it include consideration and approval of the commercial activities on-site based on the increased usage of facilities? Please provide copies of inspection reports.
8. The water well that is shared with your neighbors (Mr. and Mrs. Quinones) was approved for limited residential use only by the State Engineer's Office (SEO). The well is located on the Quinones property. Has there been resolution of this issue? If so, please describe how the concern has been addressed and provide a letter signed (and notarized) by the affected parties.
9. Regarding the classification and use of the well, confirmation by the SEO is also needed. Either the existing well permit needs to be revised to allow commercial use, or a new well or modified permit is needed. Please provide documentation of the action taken.

While the application is awaiting further review and action, no additional events may be held on the Distillery premises. Also, resolution is necessary to obtain a Sandoval County business license. If the business license will expire or has expired, all operations must cease as of that date. The Home Occupation permit is effective only for the length of time of an approved Business License.

Please contact me if you have any questions or need further clarification.

Sincerely,



Daniel J. Beaman  
Director of Planning and Zoning



**SANDOVAL COUNTY PLANNING AND ZONING COMMISSION  
JANUARY 13, 2026 PUBLIC HEARING**

To: Planning and Zoning Commission

From: Planning and Zoning Department Staff

Date: January 13, 2026

**SUBJECT: ZNCH-25-006:** Request by Gregory R. McAllister for a Zone Map Amendment from Rural Residential Agricultural (RRA) to Special Use to allow the Algodones Craft Distillery to continue its operation at 15 Calle Alfredo, Algodones, NM. The subject site is 1.22 acres.

**The purpose of this request is to establish appropriate zoning for a property containing a primary main residence and a Craft Distillery commercial business with related Events, Tours & Tastings, Retail & Wholesale sales.**

**UPDATE:** The case was heard on October 14, 2025 and deferred in order to obtain additional information pertaining to the request. A letter dated October 23, 2025 was sent from Director Beaman to the applicant comprised of nine questions. The applicant's attorney, Mr. Kenneth Culbreth, III, responded to the questions. A copy of that correspondence is attached.

**BACKGROUND INFORMATION:**

The subject site, as described above, is located within the Algodones Community and is currently under County's RRA (Rural Residential Agricultural) zoning. The proposed combination of uses is not adequately allowed and controlled in any other zone and requires the establishment of a Special Use District.

The Sandoval County Planning & Zoning Commission must consider the appropriateness of the requested Zone Map Amendment for this property. Staff will present information contained in the Sandoval County Comprehensive Plan, the Sandoval County Comprehensive Zoning Ordinance, as well as information from other applicable regulations and policies, to the Planning and Zoning Commission. The Planning and Zoning Commission will review and consider this request, and send a recommendation to the Board of County Commissioners for their final ruling.

**REVIEW OF REQUEST:**

**ZNCH-25-006** is a request for approval for a zone map amendment (zone change) from Rural Residential Agricultural (RRA) district to Special Use (SU) district to allow for a Craft Distillery, a Main Residence, Tours and Tastings and an Events Venue to host up to one hundred guests. Currently there exist on the subject property a four-bedroom residence, two garages, a building housing the Distillery and an Events Space. There are 29 off-street parking spaces within the property.

The application for this request includes: a required narrative and a required site plan, that demonstrate how the proposed project addresses the criteria for establishment of a SU zone district, as well as the guidelines for a Zone Map amendment as established in the CZO, Section 19, Amendments.

To date, staff has received objections to this request from property owners in the surrounding area. Notification to adjoining property owners was completed per the requirements of the CZO, Section 19, Amendments, subsection E.

**PLANS, POLICIES, AND REGULATIONS:**

Sandoval County Comprehensive Plan:

The following policies in the Sandoval County Comprehensive Plan are applicable to this request:

Section I: Land Use and Natural, Historic, and Cultural Resources.

B. POLICY:

“Sandoval County shall retain a prevailing rural residential character while promoting an orderly development of business and industry in appropriate locations” (p. 7).

The subject site is in close proximity to NM Highway 313 in the Algodones community. The increase of business-related traffic has had a negative impact on surrounding areas.

STRATEGIES:

3. “Development decisions shall be based on impact on surrounding land uses, particularly in residential and agricultural areas, air and water quality considerations, effect on public health and safety, and the availability of public services and adequate infrastructure” (p. 7).

The applicant has responded to and is in the process of addressing the impacts of the proposed Special Use activities which are outlined in the Special Use permit application.

Sandoval County Comprehensive Zoning Ordinance:

Section 19, Amendments, Sandoval County Comprehensive Zoning Ordinance (CZO), establishes Guidelines for the review and consideration of a request for a Zone Map Amendment (Subsection F, Zone Map Amendment Guidelines, CZO, p. 93-94). Under these provisions, the Sandoval

County Board of County Commissioners shall not approve a Zone Map Amendment unless satisfactory provision has been made concerning:

1. *“Accessibility to property and existing or proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood or catastrophe;*

The applicant’s response is the following:

The gate at the Southeastern corner of subject property at the terminal end of Calle Alfredo provides vehicular access to the property as indicated on the Site Development Plan. This gate replaced the driveway gate at our former entry which was on a portion of a road (drive) easement that branched off of Calle Alfredo and served both the subject property as well as the immediate neighbors at Tract 73-B. By mutual agreement, we, along with the owners of Tract 73-B decided to extinguish the road (drive) easement, relocate our gate, erecting new fencing on our common lot line and create new on-site parking in compliance with CZO. As a result of these changes, there is clear distinction and division between the two properties.

Calle Alfredo which serves all four tracts along it, is a 25’ wide road easement which has been encroached upon by fences, plantings/trees and fallen debris over time, thus narrowing it in places. When properly maintained and as required in a separate Road and Maintenance Agreement binding an all parties owning tracts served by it, Calle Alfredo would meet acceptable standards for a two-lane road (US standard minimum width of 24’) with adequate passage for vehicles traveling in both directions simultaneously and provide acceptable emergency access.

2. *“Off-street parking and loading areas where required, with particular attention to the refuse and service areas;*

The applicant’s response is the following:

Presently, there are 16 off-street parking spaces serving our residence as well as the Craft Distillery which is more than adequate to meet household needs as well as the small number of Distillery visitors we receive in any given month or at any given time. The relocation of our gate and driveway led to the creation of 13 additional parking spaces for hosting larger groups on occasion as we do for ourselves or as Craft Distillery-related special events. The area just inside the relocated entry gate also serves as a loading area for receipt of deliveries for the household or Craft Distillery. Refuse is contained at the residence and hauled off privately.

3. *“Water and liquid waste facilities, with reference to soil limitations, locations, and public health;*

The applicant’s response is the following:

Tract 73-A presently shares a well with Tract 73-B which is governed by a Well-Share Agreement between the owners of each tract. The well has served both properties

without issue since 1996 and has accommodated the minor, added requirements of the Craft Distillery to this point in time. The present septic system, as upgraded over time, serves both, the private residence as well as the Craft Distillery

4. *"The economic, noise, glare, or odor effects of the conditional amendment on adjoining properties;*

The applicant's response is the following:

Under NM law, see NMSA 60-6A-6.1, we are permitted to: manufacture craft spirits, conduct tours and tastings of our products, sell our products by the glass or package and use the licensed premises as a special events venue for private events such as weddings. Our intent is to continue to engage in those activities and within the scope of our license as we have done for the past 12 years. The entire property is maintained to a high cleanliness, aesthetic and architecturally-coherent standard, both inside and out, to meet our needs as well as those of any guests who expect an estate-type agritourism experience. This adds to, and does not detract from, the value of adjacent properties.

As craft distillers, our business is beverage manufacturing, tourism and value-added agriculture – all of which support the state and local economies with the following impacts:

1. **Beverage Manufacturing** – We support NM agriculture by sourcing the majority of our grain and botanical ingredients from in-state producers. Some of our ingredients are even grown on site. The processes to turn grain and botanicals into craft spirits follows much the same process as that of wineries which turn grapes and/or other fruit into wine. There is mashing or cooking of the grain, fermentation, distillation, and, depending on the product, barrel aging before final bottling and cartoning. All of these activities take place within the confines of the distillery building which contains any sights, sounds or smells. Even when venting to the atmosphere any odor resembles that of a bakery and is minimal.
2. **Tours and Tastings** – Tours are by appointment, or reservation only, and happen only over weekends (Friday through Monday in our case) during daytime hours. It has always been done this way and will continue to be so as to respect our privacy as well as that of our neighbors.
3. **Retail sales** – We do not sell by the drink unless we are hosting a special event and are available for package sales during opening hours as noted above.
4. **Wholesale Sales** – We sell our packaged product through a franchise agreement with our distributor and they collect it on their delivery truck, on average, once a month.
5. **Special Event Venue** – IF we hold distillery-related events any alcohol service is limited according to state law (i.e. – size and number of drinks served, licensed servers, no drinks/open packages leaving the premises, etc.) and patrons consuming and driving will be breathalyzed, out of an abundance of caution, before leaving the premises.

Special events will end no later than 10pm, with last call a half hour before any official ending time, and any music or extra lighting will cease at that time, and will be closely monitored and contained where appropriate '(i.e. – within our special event space) throughout so as to not adversely impact neighbors.

To summarize, the craft distillery operations do not create any additional noise, glare or odor effects not normally associated with those of properties typically located in the presently-zoned Rural Residential Agricultural District. In fact, we must operate under a more stringent set of rules, regulations and best-practice guidelines than adjoining, unlicensed private residences/properties which can engage in residential/agricultural-related activities, including hosting special events without such oversight or requirements.

5. *"The general compatibility of the proposed amendment with actual or prospective permissive zoning use of adjacent properties;*

The applicant's response is the following:

The subject property has been used historically as a single-family residence, continuously occupied since 1996 and as the location of the craft distillery since 2014, with the required infrastructure in place to support both residential and craft distillery activities. It should be noted that: 1.) in 2013, we did not seek the home occupation designation as a permissive use in our zone but were guide in that direction by then-members of the Planning and Zoning Department; 2.) Wineries, which are a permissive use in our current zone, can engage in the same activities as craft distilleries under state law. Our present zone change application is to correct is to correct our original zoning designation and to bring us into conformity with the Sandoval County Comprehensive Plan with no changes to our licensed, core activities.

6. *"The overall health and safety of the community".*

The applicant's response is the following:

We have proven record of responsible production, sales and service of craft-made alcoholic beverages – with over a decade of experience and without issue, incidents or violations – and take that responsibility seriously as stated above.

7. *"Conformance to the Sandoval County Comprehensive Plan and other applicable land use plans adopted by the County".*

The applicant's response is the following:

The Zone change is intended to bring zoning conformity as stated above.

8. *"The applicant has had a pre-application public meeting where he has invited property owners, occupants, and county staff affected by the proposed amendment".*

The applicant's response is the following:

Affected neighbors have been notified of the proposed zone change.

**STAFF RECOMMENDATION:**

In the matter of **ZNCH-24-006**, the Planning and Zoning Department Staff recommends that the Planning and Zoning Commission **DENY** this request, based on the following **FINDINGS OF FACT**.

**FINDINGS OF FACT:**

1. **ZNCH-25-006:** Request by Gregory R. McAllister for a Zone Map Amendment from Rural Residential Agricultural (RRA) to Special Use to allow the Algodones Craft Distillery to continue its operation at 15 Calle Alfredo, Algodones, NM. The subject site is 1.22 acres.
2. The subject site is currently zoned Rural Residential Agricultural (RRA), a district that allows single-family residential and agricultural uses, including ranching and wineries. The subject property is part of a four-tract subdivision accessed by a 25' private road easement shared by the owners of the other three tracts with residential uses. The road that allows access to the Algodones Craft Distillery is a private road.
3. The application submittal for this request has not addressed all required elements for consideration of a Special Use Permit as required in Section 19.F. Zone Map Amendment Guidelines. *The County Board shall not approve a Zone Map Amendment unless satisfactory provision has been made concerning the following requirements (accessibility, parking/loading, water, liquid waste, effect on surrounding properties, general compatibility of the use, the overall health and safety of the community, conformance to the Comprehensive Plan, interaction and communication with affected parties.)*
4. The applicant's failure to provide P&Z staff with information regarding negotiating meetings held between all property owners sharing the private access road. See attached correspondence between P&Z Director and applicant's attorney.
5. The Site Plan that was submitted fails to show designated parking spaces for use by physically challenged motorists, on-site vehicular circulation, or a secondary point of ingress/egress.
6. The Algodones Craft Distillery continued operating after its business license had expired and the Special Use Permit had not been granted.
7. It is unclear if the unpermitted Event/Ballroom meets Fire, Smoke Protection and Means of Egress per the requirements of sections 7, 9 and 10 of the 2021 New Mexico Commercial Building Code.
8. Per section 72-12-1 (New Mexico Statutes) case number RG-64500, the existing shared well has been approved for Household use only. Commercial uses are not allowed under the permit.

9. The Applicant's Septic permit was issued in 2004 and was not re-inspected in 2014 to allow the commercial load of the distillery functions or the subsequent commercial Venue activities.

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## ALGODONES DISTILLERY, LLC

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September 18, 2025

Sandoval County Planning & Zoning Department

Daniel J. Beaman, Director

1500 Idalia Road, Building D

PO Box 40

Bernalillo, NM 87004

Dear Director Beaman and staff,

Attached, please find our revised application and required materials in support of our request for a Zone Map Amendment (Zone Change) for our property located at the address below.

The purpose of this amendment/change request is to correct the 2014 zoning determination that classified our business as a permissive use Home Occupation in our RRA-Rural Residential/Agricultural District. We now seek to have the subject property rezoned as a SU-Special Use District to bring our business into conformity with the Sandoval County Comprehensive Plan. The zone change from RRA to SU will allow for the full scope of our business activities and resolve any confusion as to what is permissible as a home occupation and what is permitted under state law.

The proposed use of the property will be a continuation of our historical and lawful use of it: 1.) as our primary residence, occupied since 1996, and 2.) as the premises of our fully licensed Craft Distillery, as we have done in compliance with federal and state law since 2014. We intend to continue to exercise our rights under NM law as a licensed Craft Distillery wherein we are permitted to: **manufacture craft spirits, conduct tours and tastings of our products, sell our products by the glass or package and use the licensed premises as a special event venue for private events such as weddings**, as we have done since our inception.

Approval of this zone change will provide clarity and certainty for both our business and the surrounding community, aligning our property's zoning with its established use while actively promoting and supporting economic development consistent with the County's Comprehensive Plan.

We respectfully request your favorable consideration of our application and appreciate your time and attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "G. McAllister", with a long horizontal flourish extending to the right.

Greg McAllister, Managing Member, Algodones Distillery, LLC

## Tract 73-A Zone Map Amendment (Zone Change) Narrative

Per Section 19, Amendments, Sandoval County Comprehensive Zoning Ordinance (CZO), the following required review guidelines for a zone change are outlined and our responses thereto follow each item.

1. *"Accessibility to property and existing or proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood or catastrophe."*

RESPONSE: The gate at the southeastern corner of the subject property at the terminal end of Calle Alfredo provides vehicular access to the property as indicated on the site development plan. This gate replaced the driveway gate at our former entry which was on a portion of a road (drive) easement that branched off of Calle Alfredo and served both the subject property as well as the immediate neighbors at Tract 73-B. By mutual agreement, we, along with the owners of Tract 73-B decided to extinguish the road (drive) easement, relocate our gate, erecting new fencing on our common lot line and create new on-site parking in compliance with the CZO. As a result of these changes, there is clear distinction and division between the two properties.

Calle Alfredo, which serves all of the tracts along it, is a 25' wide road easement which has been encroached upon by fences, plantings/trees and fallen debris over time, thus narrowing it in places. When properly maintained and as required in a separate Road and Maintenance Agreement binding on all parties owning tracts served by it, Calle Alfredo would meet acceptable standards for a 2 lane road (U.S. standard minimum width of 24') with adequate passage for vehicles traveling in both directions simultaneously and provide acceptable emergency access.

2. *"Off-street parking and loading areas where required, with particular attention to the refuse and service areas."*

RESPONSE: Presently, there are 16 off-street parking spaces serving our residence as well as the craft distillery which is more than adequate to meet household needs as well as the small number of distillery visitors we receive in any given month or at any given time. The relocation of our gate and driveway lead to the creation of 13 additional parking spaces for hosting larger groups on occasion as we do for ourselves or as craft distillery-related special events. The area just inside the relocated entry gate also serves as a loading area for receipt of deliveries for the household or craft distillery. Refuse is contained at the residence and hauled off privately.

3. *"Water and liquid waste facilities, with reference to soil limitations, locations, and public health."*

RESPONSE: Tract 73-A presently shares a well with Tract 73-B which is governed by a well share agreement between the owners of each tract. The well has served both properties without issue since 1996 and has accommodated the minor, added requirements of the craft distillery to this point in time. The present septic system, as upgraded over time, serves both the private residence as well as the craft distillery.

4. *"The economic, noise, glare, or odor effects of the conditional amendment on adjoining properties."*

RESPONSE: Under NM law, see NMSA 60-6A-6.1, we are permitted to: manufacture craft spirits, conduct tours and tastings of our products, sell our products by the glass or package and use the licensed premises as a special event venue for private events such as weddings. Our intent is to continue to engage in those activities and within the scope of our license as we have done for the past 12 years. The entire property is maintained to a high cleanliness, esthetic and architecturally-coherent standard, both inside and out, to meet our needs as well as those of any guests who expect an estate-type agrotourism experience. This adds to, and does not detract from, the value of adjacent properties.

As craft distillers, our business is beverage manufacturing, tourism and value-added agriculture - all of which support the state and local economies with the following impacts:

- 1.) **Beverage manufacturing**-we support NM agriculture by sourcing the majority of our grain and botanical ingredients from in-state producers. Some of our ingredients are even grown on-site. The processes to turn grain and botanicals into craft spirits follows much the same process as that of wineries which turn grapes and/or other fruit into wine. There is mashing - or cooking of the grain, fermentation, distillation or redistillation, and, depending on the product, barrel aging before final bottling and carbonizing. All of these activities take place within the confines of the distillery building which contains any sights, sounds or smells. Even when venting to the atmosphere any odor resembles that of a bakery and is minimal.
- 2.) **Tours and tastings**-Tours are by appointment- or reservation-only and happen only over weekends (Friday through Monday in our case) during daytime hours. It has always been done this way and will continue to be so as to respect our privacy as well as that of our neighbors.
- 3.) **Retail sales**-We do not sell by the drink unless we are hosting a special event and are available for package sales during opening hours as noted above. **Wholesale sales**-We sell our packaged product through a franchise agreement with our distributor and they collect it on their delivery truck, on average, once a month.
- 4.) **Special event venue**-If we hold distillery-related events any alcohol service is limited according to state law (i.e.-size and number of drinks served, licensed servers, no drinks/open packages leaving the premises, etc.) and patrons consuming and driving will be breathalyzed, out of an abundance of caution, before leaving the premises.

Special events will end no later than 10pm, with last call a half hour before any official ending time, and any music or extra lighting will cease at that time, and will be closely monitored and contained where appropriate (i.e.-within our special event space) throughout so as not to adversely impact neighbors.

To summarize, the craft distillery operations do not create any additional noise, glare or odor effects not normally associated with those of properties typically located in the presently-zoned Rural Residential/Agricultural District. In fact, we must operate under a more stringent set of rules, regulations and best-practice guidelines than adjoining, unlicensed private residences/properties which can engage in residential/agricultural-related activities, including hosting special events, without such oversight or requirements.

5. *"The general compatibility of the proposed amendment with actual or prospective permissive zoning use of adjacent properties."*

RESPONSE: The subject property has been used historically as a single-family residence, continuously occupied since 1996 and as the location of the craft distillery since 2014, with the required infrastructure in place to support both residential and craft distillery activities. It should be noted that: 1.) In 2013/14, we did not seek the home occupation designation as a permissive use in our zone but were guided in that direction by then-members of the Planning & Zoning Department; and 2.) Wineries, which are a permissive use in our current zone, can

engage in the same activities as craft distilleries under state law. Our present zone change application is to correct our original zoning designation and to bring us into conformity with the Sandoval County Comprehensive Plan with no changes to our licensed, core activities.

6. *"The overall health and safety of the community."*

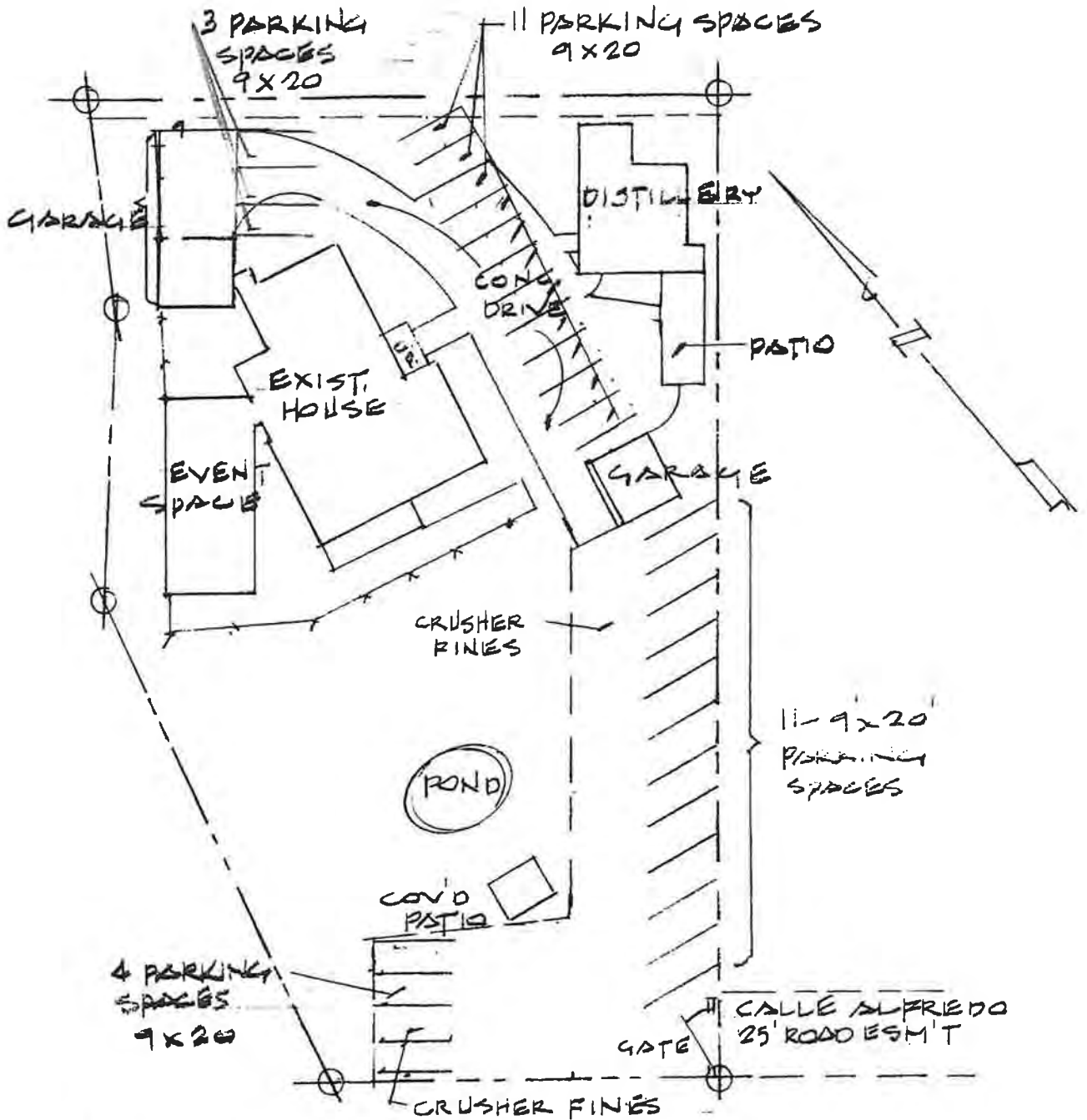
RESPONSE: We have a proven record of responsible production, sales and service of craft-made alcoholic beverages - with over a decade of experience and without issue, incidents or violations - and take that responsibility seriously as stated above.

7. *"Conformance to the Sandoval County Comprehensive Plan and other applicable land use plans adopted by the County."*

Response: The zone change is intended to bring zoning conformity as stated above.

8. *"The applicant has had a pre-application public meeting where he has invited property owners, occupants, and county staff affected by the proposed amendment..."*

RESPONSE: Affected neighbors have been notified of the proposed zone change.



PARKING LOT LAYOUT - DETAIL

1" = 40'

29 PARKING SPACES PROVIDED

ALCANTARA ALCOODONES DISTILLERY, COM

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ALGODONES DISTILLERY, LLC

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November 10, 2025

VIA Electronic Mail [dbeaman@sandovalcountynm.gov](mailto:dbeaman@sandovalcountynm.gov)

And First Class U.S. Mail:

Sandoval County Planning & Zoning Department

Daniel J. Beaman, Director

1500 Idalia Road, Building D

PO Box 40

Bernalillo, NM 87004

Re: ZNCH-25-006: Request by Gregory R. McAllister for a Zone Map Amendment from RRA to Special Use District for Subd: Map 5 Tract: 73A in Algodones, NM

**Follow Up Regarding Deferral at October 14, 2025 P&Z Commission Public Hearing and Demand to be Placed on the December 2025 P&Z Commission Public Hearing**

**Agenda**

Dear Director Beaman:

I received your email dated October 21, 2025 and your letter dated October 23, 2025 and, on behalf of Algodones Distillery, LLC, a New Mexico limited liability company, my responses are as follows.

First, let me begin by noting that it is our understanding that the only unresolved issues remaining at the end of the October 14, 2025 P&Z Commission hearing were: 1.) the verification of the legitimacy of our liquor license and; 2.) the Commission's suggestion that we attempt to mediate any outstanding issues with our Calle Alfredo neighbors. With respect to the liquor license, please see the attached memorandum and supporting documentation, which fully addresses that question. With re-

15 Calle Alfredo, Algodones, NM 87001 505.301.9992 [algodonesdistillery.com](http://algodonesdistillery.com)

spect to the suggested mediation, we did, in good faith, reach out to the Calle Alfredo neighbors through their attorney. To date, no mediation has been confirmed or scheduled. Given that time is of the essence, a meaningfully conducted mediation prior to the next P&Z Commission hearing scheduled for December 2025 may be impossible to effectuate. This concern is amplified by your recent statement indicating that Algodones Distillery must cease operations upon expiration of its current county business license, a position that was not previously raised and therefore comes as a surprise at this stage of the application process, and is contrary to assurances previously given. Moreover, most, if not all, of our neighbors' issues were expressly addressed in our resubmission preceding the October 14, 2025 P&Z Commission hearing, during the hearing itself, or involve issues that are fundamentally insurmountable under the current zoning. It is precisely for this reason that we are seeking the zone change to SU-Special Use, to resolve those underlying constraints and to bring clarity and conformity to the property's use moving forward. We need to wrap this up in a timely fashion and without further delay.

Second, we respectfully disagree with your recent determination that Algodones Distillery is no longer a "home occupation," as defined in the Sandoval County Comprehensive Zoning Ordinance ("CZO"). The CZO home occupation definition is, by its nature, sufficiently broad or ambiguous to **encompass** the type of limited commercial activities conducted at the Distillery - an interpretation that has historically been accepted by your predecessors within the County's P&Z Department. The current, narrower interpretation appears inconsistent with that precedent and has created uncertainty where none previously existed.

Additionally, the very commercial activities now cited as disqualifying Algodones Distillery from "home occupation" status are identical to those permitted for wineries as agricultural uses in our RRA-Rural Residential/Agricultural zone. Both "home occupation" and "winery/agricultural use" designations **are** permissive uses in our current zone. To deny the Distillery the ability to engage in the same activities that wineries routinely conduct under the same zoning creates an inequitable and legally

unsustainable distinction. Such disparate treatment raises serious equal protection concerns that would not withstand legal scrutiny. The only way to address the situation short of litigation is to allow us to move forward with the application for a zone change to SU-Special Use or to change the definition of agricultural uses to include craft distilleries with equal standing under the zoning ordinance and in accordance with state law. This was the entire purpose of our application for seeking the change and we are making a good faith effort to do so and at your direction.

One matter deserves a particular response, which is the quote you included in your letter from a February 17, 2014 email I sent to County staff since it was taken out of context. If you look at the liquor license legitimacy memorandum and timeline you will see that a very specific set of circumstances and communications arose as a result of the second Sandoval County Planning and Zoning letter dated January 31, 2014 issued by Makita Hill, who was our primary point of contact in your department and who shepherded us through the zoning and liquor license process. This is the same letter that you and our neighbors rely upon when asserting that the Distillery exceeded the permissions which were granted as a permissive use home occupation, so it bears further scrutiny and I address it in a separate memorandum with supporting documents.

That said, much of the remainder of your letter concerns prior statements or actions that have no bearing on the zone change application presently before the Commission. Our business operations have naturally evolved over time as our understanding of the craft distilling business has deepened, as earlier zoning restrictions were lifted, and as state liquor laws expanded the rights of craft distilleries, wineries, and breweries. To the extent your questions do not further the evaluation of our current zone change request and instead amount to unrelated or additional fact-finding - particularly after the Department has already recommended approval - we must respectfully object.

Finally, and on advice of counsel, we reject the limitations set forth in the final paragraph of your letter. The proposed restriction on "events" at the Distillery is vague and constitutes an unlawful interference with our contractual obligations and business operations. Likewise, any requirement that we cease operations upon expiration of our current county business license is both improper and directly contrary to the assurances you personally provided during our last meeting at your department. At that time, when I specifically inquired about the possibility that our business license might lapse while our zone change application remained pending, you assured me that such a circumstance would not affect our ability to operate and that you would confirm, if questioned, that we have an active, pending application and that no change in status would occur.

In closing, we appreciate the County's continued attention to our application and the opportunity to clarify these matters. We remain committed to working collaboratively and transparently to complete the zone change process.

We respectfully ask that our deferred application be placed on the December 9, 2025 Planning & Zoning Commission agenda so that it can proceed with final consideration consistent with the Planning and Zoning Department's prior recommendation of approval and the assurances previously provided to us.

Sincerely yours,



Greg McAllister, Managing Member

Algodones Distillery, LLC

Enclosures:

Liquor License Legitimacy Timeline and Exhibits

**From:** [Kenneth M. Culbreth, III](#)  
**To:** [Daniel Beaman](#)  
**Cc:** [Eric Masterson](#); [John Butrick](#); [Doraida Arias](#); [Janet Cunningham-Stephens](#)  
**Subject:** RE: P&Z Commission Hearing 10.14.2025 Follow-Up, Agenda Item #ZNCH 2025-006  
**Date:** Tuesday, December 2, 2025 4:31:38 PM  
**Attachments:** [image002.png](#)  
[image005.png](#)  
[image006.png](#)  
[Scan 12.2.25.pdf](#)

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Director Beaman:

Thank you for your email. As stated in our correspondence of November 10, the Commission did not request, authorize, or direct the Department or the applicant to address any additional issues beyond two discrete items: (1) the suggestion of mediation, and (2) the instruction to ensure that “legal” had the information it needed regarding my client’s liquor license. At the conclusion of the hearing, I obtained Mr. Butrick’s business card and have since submitted the information requested of my client at that time.

Respectfully, the nine questions raised in your recent correspondence fall outside the scope of what the Commission identified as necessary for consideration of the deferred application. To the extent the questions seek new information or impose additional substantive requirements, they exceed the parameters set by the Commission and risk altering the applicant’s procedural rights under the governing ordinances. We remain willing to present the deferred and recommended-for-approval application to the Commission at its next available meeting, consistent with the limited deferral and the record already before the Commission. If the Department believes further information is needed, the appropriate venue for that discussion is at the Commission meeting, where the Commission can determine whether any additional inquiry is warranted.

Without waiving the above, my client provides the below responses in green to your inquiries.

Regarding the Special Use application (#ZNCH 2025-006) which (upon approval) would allow the commercial activities to continue at the level agreed upon by the applicant, affected parties, and Sandoval County, we need the following information:

Response: With respect, the scope of my client’s commercial activities is not governed by negotiations with affected parties. These activities are defined and authorized by state law. The purpose of the requested SU–Special Use zone change is to bring County zoning into alignment and conformity with that governing legal framework. Upon approval, the Special Use designation will reflect, accurately and transparently, the full scope of activities permitted under state law.

1. When did the tastings, tours and other commercial events begin? When was the Special Events Venue added to the website?

Response: As addressed during the October 14 P&Z meeting, tours and tastings began in approximately 2018, *after* the County removed its earlier restrictions on our business activities in the annual zoning clearance letter it issued that year. Commercial events commenced in 2019 following the change in state alcohol law that expressly authorized public and private celebrations on the licensed premises of craft distilleries. The “Special Events Venue” information was added to the website around 2022–2023.

2. Approximately how many tastings, tours, and other commercial events (weddings, reunions, corporate retreats, etc.) are held weekly/annually?

Response: As addressed at the October 14 P&Z meeting, tours and tastings occur approximately 1–2 times per month. Commercial events take place roughly four times per year. All such activities are strictly by appointment- or invitation-only and conducted during limited hours.

3. How many people are permitted on the premises per Fire Code (per structure and on the grounds)? Please provide written verification for the file.

Response: As addressed at the October 14 P&Z meeting, and as expressly reflected in the P&Z's conditions of approval included in its recommendation of approval of my client's underlying application, this information is to be determined. Fire Code occupancy limits will be established by the appropriate fire authorities as part of the post-approval process outlined by the Commission.

4. Have fire suppression measures for the structure(s) been implemented as required by Fire Code/Building Code?

Response: As addressed at the October 14 P&Z meeting, and as expressly reflected in the P&Z's conditions of approval included in its recommendation of approval, fire suppression measures have been implemented as required. The distillery intends to abide by the condition outlined by the P&Z. The distillery has a County-approved and annually inspected fire suppression system, along with fire extinguishers. The residence containing the special event space/ballroom is equipped with smoke/CO<sub>2</sub> detectors and fire extinguishers.

5. The site plan showed parking spaces for guests/staff; however, on-site circulation, i.e., backing of vehicles, vehicle turning movements and a secondary egress point are not defined on the drawing that was submitted with the application. Please revise and re-submit.

Response: As reflected in the application resubmission, and as specifically addressed during the October 14 P&Z meeting, on-site circulation was neither questioned nor identified as requiring further clarification at any point prior to or during the hearing. Further, on-site circulation was not a stated requirement of the application, nor was it required in the re-submission nor of the Kenderdine property, the very example the County cited as a zone change application model to follow. Imposing new requirements on our client that were not imposed on similarly situated applicants constitutes unequal treatment under the law. A secondary egress point is not available for this property; however, property access has been fully addressed in the resubmission, which P&Z recommend for approval. The access shown is adequate, as demonstrated by the historical use of the site and as confirmed through testimony at the October 14 hearing.

6. When was the building permit submitted for the event space/ballroom? Please provide a copy of the approved plans from the State Construction Industries Division (CID) for our records.

Response: A building permit was not required because the event space/ballroom is a conversion of an existing, pre-approved structure. Accordingly, there are no CID-approved plans available for this space.

7. A copy of the approved septic permit from the New Mexico Environmental Department (NMED) is needed for the file. Does it include consideration and approval of the commercial activities on-site based on the increased usage of facilities? Please provide copies of inspection reports.

Response: The septic permit on file pertains to the residential addition that expanded the home from three to six bedrooms. At that time, the septic system was modified and approved to

accommodate the increased capacity. The limited and infrequent nature of the on-site “commercial activities” does not materially differ from the usage associated with a large residence hosting occasional gatherings and therefore does not impose impacts beyond what the approved system was designed to handle. See attached.

8. The water well that is shared with your neighbors (Mr. and Mrs. Quinones) was approved for limited residential use only by the State Engineer's Office (SEO). The well is located on the Quinones property. Has there been resolution of this issue? If so, please describe how the concern has been addressed and provide a letter signed (and notarized) by the affected parties.

Response: The shared-well matter is already identified as a condition of the zone-change approval. Consistent with that framework, and as represented at the October 14 P&Z meeting, the parties will address and resolve the well agreement once the zone change is granted. Requiring resolution at this stage is premature and outside the sequence established by the County for compliance.

9. Regarding the classification and use of the well, confirmation by the SEO is also needed. Either the existing well permit needs to be revised to allow commercial use, or a new well or modified permit is needed. Please provide documentation of the action taken.

Response: Please see response to item 8, above.

Finally, please provide a substantive response to my client’s most recent correspondence to your office dated November 10, as well as to my letter and accompanying attachments submitted to Mr. Butrick on the same date, **no later than December 15, 2025**. We remain ready to move forward with the deferred application within the scope outlined above and in full accordance with my client’s procedural rights under the local law and laws of New Mexico

Respectfully,

Kenneth M. “Kam” Culbreth III, Esq.



**THE MOSES LAW FIRM**  
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