

Village enacts water emergency, temporary building moratorium
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Reacting to news that Grindstone Reservoir dropped to only a 234-day water supply, flow of the river that feeds it is low and village wells aren't producing sufficiently, Ruidoso village councilors Friday declared a state of water emergency.

Using that declaration as a base, they imposed Phase 5 water restrictions, the strictest on the books, and a temporary moratorium on new development and site plans. Village Water Director Ken Mosley called conditions "the worst" he has ever seen with little run-off to the Rio Ruidoso because of lack of snow last winter and sparse rain this spring.

In offering the motion, Councilor Michele Rebstock emphasized that the length of the hold on development applications is tied to when the village is able to drop down to a less intense phase of water use restrictions.

Acting on a recommendation from Village Planning Director Bill Morris and Mosley, the "put-on-hold" order does not apply to building within previously approved subdivisions and projects under construction.

Casting the sole vote against the temporary ban, Councilor Greg Cory, a banker, said he feared the ripple effect on the local construction industry and other businesses tied to that work, as well as the possible negative impacts on property values.

But Councilor Ron Hardeman said the community could experience a bigger and more permanent "ripple effect," if a temporary moratorium wasn't declared.

"We have two department heads intimately involved asking for the (moratorium), we've declared an emergency and if we delay action, we are inviting who knows how many applications," he said, referring to a suggestion that action on the development application ban be postponed until after a water workshop at 3 p.m., May 25.

"A water workshop isn't going to change the situation."

Village Manager Lorri McKnight said she understands the magnitude the temporary ban may have on the affected industries, "But I have to commend these two (Mosley and Morris) for coming forward. (Mosley) has many applications sitting on his desk right now. We need direction what to do."

Cory and Councilor James Stoddard, who seconded Rebstock's motion, criticized Mosley for stating last month that the village could serve a proposed 161-lot development on Camelot Mountain.

"We knew a month ago, there was no run-off (from lack of mountain snowpack)," Cory said. "I'm not thinking of wealthy developers from Texas, but of men and women out there who bought lots to build homes because we O.K.'d a 161 home development."

Mosley replied that he added the caveat, "at this time," when he spoke. Cory said village officials need to take a broader view in issuing opinions on the village's ability to provide service.

Hardeman reminded Cory that the council voted down the Camelot subdivision. The developer appealed the vote in district court.

Stoddard several times said he was displeased with being put in the position of voting on a development hold and water emergency. He criticized village officials for lack of planning.

"I'm appalled at the lack of planning by the village, not facing this situation," Stoddard said. "But if we declare an emergency, that's a pretty serious thing. We should not put our residents at risk. I don't like being pushed into this without adequate planning, but if it is an emergency, we need to step up."

McKnight jumped to the defense of village administration and former councils.

"I appreciate your opinion, but respectfully disagree that there has been no planning," she said. "An abundance of work has occurred for years, particularly with the last administration.

"Yes, conditions changed since last month. Mr. Mosley said of the Camelot development, it could be serviced 'at that time.' That is indicative of how quickly conditions change in Ruidoso and how reliant we are on Mother Nature when it comes to the flow on the river and the North Fork wells."

Hardeman back the manager, reminding councilors that in 2003, a water task force came up with the five phase plan based on benchmarks, "So we would know when there was an emergency."

"We don't want the kind of emergency that when someone turns on a tap, no water comes out to fight a catastrophic fire," he said. "It seems we need to do what it takes to get out of it, not continue doing what we have."

Initially, Village Attorney Marc Prelo expressed doubts that the village could impose a temporary moratorium without more data on which to base the decision, but Mosley pointed out he presented the river flow figures, the low level on the village's main reservoir, storage tank levels and the fact that pumps in the North Fork wells must be lowered to maintain needed production.

The work on the wells couldn't be accomplished previously because village officials were working to obtain a new permit from the U.S. Forest Service. The council Friday approved the annual operating plan for those wells that lie on national forest land.

Prelo then said framed as a temporary moratorium tied to the water restriction phase, and with a declaration of an emergency based on predetermined benchmarks, "The motion was well taken," and if it is challenged, "You will probably be O.K."

Under the Phase 5 rules, only watering of flower beds and tree wells is allowed with hand-held buckets or sprinkling cans.

Cory was told that Cree Meadows Golf Course and The Links Golf Course operate on their own wells and not through the village system. Cory said the water all comes from the same pool and it's hard for people to watch their lawns die when golf course sprinklers are running and ball fields are green.

Hardeman said the ballfields are watered under a lease of water rights from the school district specifically for that purpose.

Mosley said residents should not wash decks, the sides of houses, cars or any other objects outside. Restaurant owners should supply water to patrons only on request. A provision against outdoor fountains previously was deleted because many operate with gray water and policing for violations is difficult.

Restrictions apply only to water supplied by the village and do not affect private catchment systems from roof line runoff or private wells.