



Agenda

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SANTA FE RIVER COMMISSION

Tuesday, May 17, 2011, 6:00 – 8:00 p.m.

City Councilors' Conference Room, City Hall

200 Lincoln Ave, Santa Fe, New Mexico 87501

505.955.6840

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES FROM April 19, 2011
4. DISCUSSION/ACTION ITEMS
 - a. Information and discussion, report from City water division legal staff regarding bypass flow constraints and status of availability of Santa Fe County water to support flows in the Santa Fe River. (Marcos Martinez)
 - b. River Commission review and discussion regarding the drafting of the administrative procedures for the proposed ordinance to formalize the City of Santa Fe's commitment to bypass target flows in the Santa Fe River below Nichols Reservoir (Brian Drypolcher)
5. MATTERS FROM COMMISSIONERS, MATTERS FROM SUB-COMMITTEES
6. MATTERS FROM STAFF
7. CITIZENS COMMUNICATION FROM THE FLOOR

ADJOURN

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Approval of Agenda	Insert 4(b) – 300 ac. ft. Resolution, (b) becomes (c) – River Commission review and discussion regarding the drafting of the administrative procedures for the proposed ordinance to formalize the City of Santa Fe’s commitment to bypass target flows in Santa Fe River below Nichols Reservoir (Brian Drypolcher) Mr. Gerberding moved to approve the agenda as amended, second by Ms. Pike, motion carried by unanimous voice vote.	Page 3
Approval of Minutes	Ms. Doremus moved to delay the approval of the April 19, 2011 minutes to next meeting, second by Mr. Ellenberg, motion carried by unanimous voice vote.	Page 4
Discussion Items a. Information and discussion, report from City Water Division legal staff bypass flow constraints and status of availability of Santa Fe County water to support flows in the Santa Fe River. (Marcos Martinez, Assistant City Attorney) b. 300 Ac. Ft. Resolution c. River Commission review and discussion regarding the drafting of the administrative procedures for the proposed ordinance to formalize the City	No formal motions. Ms. Linda Gordon from OSE was in attendance.	Page 4-16

River Commission – INDEX

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of Santa Fe's commitment to bypass target flows in Santa Fe River below Nichols Reservoir (Brian Drypolcher)		
Matters from the Commission	Mr. Bove to take the measurements of the River at Acequia Madre at 8:00 am for 2-days.	Page 16
Matters from Staff	Informational	Page 16
Citizen's communication from the floor.	None	Page 16
Adjournment and Signature Page	There being no further business to come before the River Commission, the meeting was adjourned at 8:05 pm	Page 17

SANTA FE RIVER COMMISSION
MINUTES
Wednesday, May 17, 2011
6:00 PM – 8:00 PM

- I. Roll Call** - The meeting was called to order by the Chair, Jerry Jacobi at 6:00 pm at City Councilor's Conference Room, City Hall, Santa Fe, New Mexico

Roll Call constituted a quorum.

Present:

Jerry Jacobi, Chair
Phil Bove
Dale Doremus
Melinda Romero-Pike
Jim Cutropia
Richard Ellenberg
Samuel Gerberding

Excused Absence:

John Buchser

Others Present:

Brian Drypolcher, Staff Liaison
Allan Hook, Water Resource Analyst for the Water Division
Claudia Borchert
Linda J. Gordan, Manager, District VI Office, Office of the State Engineer
Rick R. Carpenter, Water Resources and Conservation Manager
Marcos D. Martinez, Assistant City Attorney
Steve Ryman, Audience
Anna Serrano for Fran Lucero, Stenographer

II. Agenda

Insert 4(b) – 300 ac. ft. Resolution, (b) becomes (c) – River Commission review and discussion regarding the drafting of the administrative procedures for the proposed ordinance to formalize the City of Santa Fe's commitment to bypass target flows in Santa Fe River below Nichols Reservoir (Brian Drypolcher)

Mr. Gerberding moved to approve the agenda as amended, second by Ms. Pike, motion carried by unanimous voice vote.

III. Approval of Minutes

Ms. Doremus moved to delay the approval of the April 19, 2011 minutes to next meeting, second by Mr. Ellenberg, motion carried by unanimous voice vote.

IV. Discussion /Action Items

- a. Information and discussion, report from City Water Division legal staff bypass flow constraints and status of availability of Santa Fe County water to support flows in the Santa Fe River. (Marcos Martinez, Assistant City Attorney)**

Linda Gordon, State Engineer's Office

Mr. Martinez described a method by which water is released to the Santa Fe River. City of Santa Fe has a license to appropriate 5,000 ac. ft. of water. The theory that city staff came up with is that by measuring the water that is going in to the reservoirs and matching out flows we would not be using water out of our license water rights and it would be legal to put a certain amount of water in to the river and felt that this is the most efficient way to do this. Mr. Martinez invited Ms. Gordon to address the questions we might have for the State because the State is the entity that administers the city's water rights and earlier this month Mr. Martinez had the chance to briefly discuss this concept with Ms. Gordon, Mary Young and in another meeting over a different matter also brought it up again with Mr. John Romero from the State Engineer's office. Mr. Martinez said that from his perspective he feels that this remains the simplest way to do it; put the water in the river and support the flows that we are now able to see in dry years. He said what he could do is address any questions that the committee might have.

Mr. Jacobi stated that he has heard hearsay that we are holding water flow. Mr. Martinez said that he has not heard this hearsay and that everyone he has spoken to knows that our permit does not allow that and could not address this statement. Ms. Gordon said she shared the same perspective unless you actually have a permit to contain and release water they would be performing an illegal action.

Mr. Ellenberg said that there is a flood control plan that impacts the reservoir and in the Sangre de Cristo studies they say that now withstanding the dams every 100 years we would be flooded. Now whether that is equivalent to the State Engineer's view we would need to know.

Ms. Gordon said that she is not familiar with the operation of the reservoir storage.

Mr. Ellenberg said he wanted to make the statement that he does not know

water law and cannot discuss the merits of this issue but does know a lot of water attorney's who have told him that we are not constrained by the bypass theory. At the last meeting we discussed having a meeting with the State Engineer's office which I asked to attend. I have asked a couple of attorney's in water law issues to be ready to join us. My understanding is that the Mayor has agreed to have a special council to get involved in this issue. I want to say that this is not a substitute for what we talked about last time. I want to see the environmental attorney's and the city water department on the same page. I don't know which is the correct page but I know our planning is wrong, one says we can't do it and then we come back to the city and we can't do it another way. We need everyone at the same table and walking away with the same answer.

Mr. Jacobi asked when we could have this meeting. Mr. Ellenberg said that Brian Snyder was working to set this meeting up.

Mr. Gerberding asked what value it has by knowing this information.

Mr. Jacobi said that it is the possibility of holding some of that water for example, the fishing derby has been cancelled in part because we weren't able to send the flush down to clean out the system and provide some water to keep the sandbags filled. Mr. Jacobi said he was looking for a mechanism to help us manipulate the water, even though we may let out x-amount and we played with the way it was released.

Ms. Doremus asked given that explanation, can you think of any ways in other situations that you think might assist in that type of flexibility, are we missing something?

Ms. Gordon said not that she is familiar with. She has not seen anything where a municipality would divert water and then release it. At least this year the water is being retained for the service of their customers.

Mr. Jacobi moved on to the second part of the question; status of availability of Santa Fe County water to support flows in the Santa Fe River. We talked about this before, we actually had at one of the festivals the passing of water saying this was the water the county was not going to be using.

Mr. Ellenberg provided the following information; about 2 years ago the county passed the Long Range Water Plan. It said that if the city released water to the river they were willing to let the city use the Buckman direct diversion water that they were not going to use until they needed it. At a recent meeting they said they had five – 700 acres of water that they would like to use in the Buckman direct diversion and they would be happy to let the city use. The only thing that was needed to make that work was for the City Attorney's office to get together and draw up an agreement to memorialize

this between the county and the city. It would not be formally a part of the city's portfolio but for the next 10 to 20 years it would allow for substantial resting of the well fields particularly in dry years. That is where all this comes from.

If you aren't pumping from the well field and you are using their water instead.

Mr. Martinez said there is only so much water going in to the reservoir. It doesn't add to our supply of water. In order to release some water we need to have a more visible supply of water.

Mr. Ellenberg said that this is not a release program this is a rest of the well fields program. We aren't talking about more water in the reservoirs to be put in the river; we are talking about the concerns for water to rest the well fields.

Ms. Borchert said that right now we do use the county's water rights when they don't divert and off set water rights in the Buckman water well field. That means if we would divert them we would have to use the San Juan Chama water to go down the system. That actually is not even a trade off, from a water management perspective it is not a better trade off to put water through the BUD but then have to use our San Juan Chama water to offset the Buckman well field. That doesn't seem like a better trade off.

Mr. Martinez said that this doesn't add any water.

Mr. Ellenberg asked if the city has an agreement with the county to use their water rights.

Ms. Borchert said that they are dual purpose water rights, a lot of them are already sitting in the Buckman well field and the part that is available at the BUD, the water right transfer that was approved is what we call dual use. You either use it at the BUD or use it at Buckman well field for off-set. That permit passed through my desk in the last couple months.

Mr. Ellenberg: You already have an agreement with the county to make use of their excess water rights?

Ms. Borchert: Just for off-sets.

Mr. Ellenberg: It is unusual that staff did not know about that.

Ms. Borchert: It is what was in their permit, we did not tell them to put that in the permit. By putting it in the permit, and we were co-signers of the permit, that basically is where the agreement exists.
Permit #SP4842-A is where it exists.

Ms. Pike said that she had a communication from Commissioner Vigil with reference to the water that we are speaking about.

Mr. Ellenberg: If you are using it as an off-set to Buckman that means you're pumping Buckman whereas if you were using it from Buckman direct diversion you would be resting Buckman.

Ms. Borchert: To some degree, but half of our off-set from the Buckman well field come from past pumping not current pumping. We have been supplying the county water for the last 10 years, for example Las Campanas is required to put in our permit enough water rights to off-set their share of the water we have been delivering them. The county is not officially to that degree of agreement level but the reason in part is based on taking water from us and so this is a way that they can help us cover the off-set impact of water that we deliver to them.

Mr. Ellenberg: You seem to be saying at least to some extent, if you took it from the Buckman direct diversion or some of those rights you would then be able to raise the well field more.

Ms. Borchert: Yes, but as the same as the Chama water after that. It depends on the 13 wells, the amount needed to off-set.

Mr. Ellenberg said that he did not want to take the whole meeting to discuss this, he would meet off-line and discuss with Ms. Borchert unless the board wanted them to continue. The Chair asked for them to continue.

Ms. Borchert: So your question is, if all waters are equal, off-set would, by pumping less out of Buckman would you be sending less San Juan Chama water down by diverting additional BUD water.

Mr. Ellenberg: Is that San Juan Chama water you would otherwise, the city could use the Buckman direct diversion? Or am I getting confused.

Ms. Borchert: We have a bank of San Juan Chama water that we are using mostly for off-sets, probably we can divert 5230 out of the BUD but we lose 2% of that by the conveyance loss so some of the San Juan Chama water also goes to off-set those losses so that we can divert 5230.

Mr. Ellenberg: San Juan Chama is a bank that is only so big, if I understand. Not removed.

Ms. Borchert: Not removed. It is the opposite, it evaporated every year.

Mr. Ellenberg: So it seems that you use up all that water anyway to off-set

back pumping or not.

Ms. Borchert: We have an active acquisition program; we are trying to build up our off-set large enough so we don't have to use our San Juan Chama for the off-sets. If that would occur, then our bank could use other things other than off-sets.

Mr. Ellenberg: In that case you can use the bank now for off-sets; you could use the San Juan Chama water or the county to raise the well.

Ms. Borchert: I don't think they have been talking about the San Juan Chama water.

Mr. Ellenberg: I meant the Buckman direct diversion water.

Ms. Borchert: ok

Mr. Ellenberg: If you use more San Juan Chama water right now while you are acquiring other off-sets, you could use the county Buckman direct diversion water to raise the well field.

Ms. Borchert: That is a possibility; the question is if that is a trade off.

Mr. Ellenberg: It seems to me that it would be a good trade off.

Ms. Borchert: This year notwithstanding; our predictions for this year was to use the Buckman well field less than 1000 acre feet, so in absence of using any county water we would be resting the well fields. This year we are only planning to use the well field 2500, which is still an estimation of sustainable use under the Buckman well field, so we are resting it already. Given that we are already resting our well field, what would I think of the better use of the water? I would rather stay with the San Juan Chama water because that is more precious for what we need it for in the future than to send it down than to divert county water rights right now. Given what I understand about the portfolio and the renewable of them and their stated purpose.

Mr. Ellenberg: I believe that the San Juan Chama water is evaporating on you that increasing the amount of water in the aquifer would be better stored water.

Ms. Borchert: It depends on the degree. I think that having the surface water you can use for the purposes we need is wise at the time rather than using it up sooner and having to make sure we have everything lined up to cover those debts in the future sooner.

Mr. Ellenberg: What is sooner than later?

Ms. Borchert: I haven't looked at it lately, I would say 10 to 15 years.

Mr. Ellenberg: My concern is that the City Councils were so worried about the pumping that if you relieve the pumping you relieve the political pressure of the upcoming ordinance which has some trade-offs to me on the other side.

Ms. Pike: Can we contact the county officials and clarify the situation where they refer to off-set water use or whatever is the intent?

Mr. Ellenberg: I would do that but I anticipate that Ms. Borchert is correct.

Ms. Pike: Ok

The Chair asked if there was further discussion. There being no more comments the meeting continued.

The question was asked how many people would attend the meeting at the county so Brian Snyder could be advised, the response was two. Mr. Ellenberg said he wants to invite two water attorneys and he wants to see if the information exchanged is consistent.

Both Mr. Martinez and Ms. Gordan excused themselves from the remainder of the meeting.

b. 300 Ac. Ft. Resolution

The Chair said that the resolution went before the city council on the 27th of April and it was tabled until the 11th of May. In that interim time the Chair asked Commissioners to contact some councilors and let them know what are thoughts were and to support the resolution. On the 11th of May they passed the resolution with one exception and it will be an interesting one to handle because it comes with the dissention vote. They were very concerned that we are using water for plants as part of the stabilization process. This kind of bothered me and I don't know if he wants to see it go back to concrete channels without watering plants. Thank you for contacting your councilors individually. There were concerns with ground water pumping if we got in to an emergency situation and the question was what constitutes an emergency.

The Chair said he talked to a Water Treatment Plant employee on Friday the 13th, he said he started releasing water to the river around 4 ½ cfs. We went downtown over the weekend and there was no water in the river and I went up to the head gate and saw that the head gate was closed to the river but open to Acequia Madre. The Chair made an attempt to call Mayor Coss and was unable to reach him so he went to his house to talk to him. The Mayor got on the phone and he placed calls to city staff to find out what was going on. The

Chair said he went home and sent e-mails to the councilors. Shortly after that he heard from the Mayor and he had found out that the opening to the Acequia and closing to the river was an inadvertent error. By Friday afternoon the water was flowing again.

Mr. Bove said that sometimes he thinks that the River Commission are more like mushrooms. He said that the Commission doesn't get good communications both amongst themselves and from the city. Mr. Bove knew the resolution had been passed on Wednesday and he left a voice mail for a city employee on Thursday letting him know of my travel schedule and what condition I would leave the Acequia Madre and got a voice mail back for me not to worry. On Saturday morning we got a call in Denver from one of the councilors that said we had water in the Acequia Madre and I asked if it had rained. Mr. Bove called his daughter to please go and open the gate so the water would flow. Mr. Bove said he would have appreciated an e-mail possibly on Thursday from the Commission or city staff letting him know when the water was going to be released in order for him to plan. The amount of days was inconsistent, one person said it would flow for 7 days and someone else said 14 days. Mr. Bove would like a more clear line of communication so everyone would know what is going on.

Mr. Ellenberg said that there is an underline of tension here which is resolved in the ordinance. The draft ordinance says, "the city shall release additional water in to the river (inaudible). Supplies the acequias with the legal obligations of the river." I know Claudia and Brian are talking about beginning a process to talk about; 1) ways the acequias goes to get water; 2) ways to measure how much water the acequias take from the water that is intended for the river so it gets put back in to replace that. We are all in agreement with that principle that there is a process underway to get to the middle of that. I am encouraged that by next season, we will have worked through all that stuff.

The Chair said that the start of this discussion was due to a reaction of what he saw. He asked that when the releases do take place that the Commission be alerted.

Mr. Drypolcher said that he tries to send out a news flash to the commission and this would have been a good issue to get a handle on sooner than he did and get a news flash out. Lesson learned and he will be more vigilant and anticipate getting information from the commission. Apologize for not getting a news flash out and a commitment to do better in the future. One thing to note in terms of staff internally coming to an understanding of what we were going to do on Thursday; that didn't happen until we got approval on the resolution last night. Question was do we go forward or do we wait until the resolution has been formalized which doesn't happen until city attorney's signature, Mayors signature and City Clerk's signature. By end of day

consensus was as long as we were going within the spirit and it is understood that we are going to stay within the terms provided by the summary report of the recommendations let's get it started. At that point, end of day on Thursday we said it is happening let's get the word out. Mr. Drypolcher said that as the staff liaison he wants to move towards being informative as a flow operator. He realizes that it should be him to get the information to the River commission.

We have been in a position in the past where the River Commission has presented a draft and staff has presented a draft and that I a difficult position to be in. If that has to happen again, it may need to happen again.

Mr. Ellenberg said if it is going to happen again it would merit a meeting with the Mayor to discuss.

Thank you to Mr. Bove for reminding the Commission members and staff that they need better their lines of communication.

The statement was made that if someone on city staff is opening the gates for the acequias then they should take the responsibility to close the gates. Mr. Drypolcher offered for clarity that he is not going to be communicating with acequias when they should or shouldn't open their gates, that is the responsibility of the respective Ditch Commissions and enforcement is the responsibility of the Office of State Engineer. The city does not want to get in the business of providing direction to the various acequias up and down the river. There are probably a number of commissions that would not want that and I am pretty clear that the city does not want to be in that role. Mr. Drypolcher said that we could work on communication about what the city is doing in terms of releases on the river. It is probably a rare circumstance and probably not the way to run a ditch to leave your gate open all the time because you are only supposed to be taking water when you are supposed to be taking water. Mr. Drypolcher said he understood this circumstance in this situation and it was checked on and based on the information you received you left the gate open. Probably the gate should not be left open as a matter of course because you are at risk of taking more water than you ought to at times than not. I do not want it to fall on someone of my position to be communicating with the ditches of how to operate their gates.

Mr. Bove agreed and said that this was a rare circumstance.

Ms. Borchert asked how many of the members are daily recipients of the water report? She said that anyone can be added to the mailing list, it comes out every day, it is normally 24 hours wait and it has a daily water report. The daily water report at the bottom has how much is supposed to go to the river and how much was released. Mr. Jacobi asked how many people does it go to. Ms. Borchert said she will add anyone from the commission who wants to

be on it and she took note as to who she would add. If in fact you want to be dropped off the list it takes notifying Ms. Borchert and she will remove them.

Mr. Drypolcher complimented Allan Hook on the work he has done in forecasting and looking at what is coming in and communicating within the Water Division. For example this week we started at 5 cfs and noticed it came up a little bit and communicated to bump it up another cfs, and there is good communication going on in looking at numbers matching the out flow to the in-flow and looking ahead to the next pulse and having a tentative scheduling of a timing and a volume rate for the next pulse. Ms. Borchert asked if there is a date for the next pulse? Mr. Drypolcher said there is a tentative, hypothetical date. Mr. Hook said that he has not talked to Claudia about this and did not have a response. Mr. Drypolcher said we are working towards a second pulse and trying to get a sense of when that can happen and what the flows might look like at that time, by saying tentative and hypothetical.

Ms. Borchert asked how the commission would feel about the flow manager making the call whether on Friday whether that is the end of the flow or whether to continue through the weekend until Monday at that level of 300 ac. ft. if it is still available and the question is if you want to spend it on the next 3-days or do we want to take the volume of water that could be released in that time and do something else with it. Those are decisions that need to be made on a regular basis when the ordinance goes through and I would suggest that Brian make the decision.

Mr. Ellenberg asked if the ordinance would give him that power to look at the objectives and what is happening and do his best to be objective in the release. If you want a motion, I am ready to make the motion.

Mr. Cutropia said this was discussed at the last meeting and said that staff has to have the flexibility to make these decisions as the commission can't meet every time a decision is required.

Mr. Ellenberg asked if there is any monitoring going on to see how far the moisture is getting. Mr. Drypolcher said that there is a lot of monitoring going on, including his own daily monitoring.

The Chair expressed his thanks for the above dialogue.

c. River Commission review and discussion regarding the drafting of the administrative procedures for the proposed ordinance to formalize the City of Santa Fe's commitment to bypass target flows in Santa Fe River below Nichols Reservoir (Brian Drypolcher)

The Chair asked about the Core working group that worked on the ordinance; are they a part of this group, did they receive copies of this? Mr. Drypolcher

said they are not a part of this group and they did not get copies of this. Mr. Drypolcher said he did not see why they couldn't have a copy of this if it is the recommendation of the commission for them to review and comment. The Chair said he believed it is appropriate for them to comment, they were part of the discussion and although this is administrative, their input is valuable. Mr. Drypolcher said that one of the things that he heard from the last meeting was to check with a couple of members who had a particular biological/ecological perspective that could inform us about purpose. There was a comment about the hydro-graphs is one thing but we don't want to be seeing the hydro graphs as prescriptive but as examples. What the examples are exemplary of is fulfilling certain purposes, let's dial back the emphasis of the hydro-graphs as examples and dial up the emphasis on the purposes we are trying to fulfill. I have talked to you and to Mr. Madison about that and I chose my own of who I would sample for input and those were the two people and this is what you see in the latest draft of the purposes.

Mr. Ellenberg: Brian did a great job in responding to what we said at the last meeting.

Mr. Gerberding said that he read through the minutes as he was not at the last meeting and it was quite a meeting and then read the draft and Brian nicely echoed what was discussed at that meeting.

Mr. Drypolcher said if there was any other feedback from the red lined document.

Mr. Ellenberg asked; 2.3 Administrative Procedures –

Mr. Drypolcher said that it is a place holder date for the day that ordinance is totally executed.

Article 3, paragraph 11: Matt Ortiz put that maximum in the resolution and it might be back in the ordinance. Mr. Drypolcher said that it is his understanding that we would be fixing not to exceed a number and that is what it is by definition. The critical drawing by definition is a 300 ac. ft. year.

Based on the last council meeting I walked out of there thinking this ordinance would be a very hard sell. Maybe conceding too much too early but to concede pegging it at a not to exceed number than I think votes might come easier. Mr. Ellenberg said that his political sense is to take out the not to exceed language then it has flexibility in it pursuant to everything else that is in the language and slightly not to come up at Council. If it does it does, if they put it in they put it in.

Ms. Doremus said they could put it in not to exceed 400. Mr. Ellenberg said they have basically agreed on 300 so they basically accepted the attachment to the ordinance which was a core working group recommendation.

Ms. Borchert said that even though we would have a monitoring program in place, we are having this year like a critical dry year; we are only able to release 6cfs and it has made it down to Alire and St. Francis on day 5. I don't know how much it is advancing per day but we haven't even defined in here how far it is supposed to be wet. What if we find it takes 20 days for it to get to where; San Isidro to Waste Water Treatment Plant, there is so much that is fuzzy and it is very difficult to say, not only is it fuzzy as to how much water we are going to achieve. It is wide open at that point.

Mr. Ellenberg said that we had targeted 300 thousand percentages of a thousand. As I would read this you will not be releasing 500 ac. ft. to achieve the objective without going back to Council. If it is 290 or 310, it seems to me we have that. The objective is to find in here as wet ground to 599, physical water for moisture in the ground. Ms. Borchert asked, "what if that is 200 ac. ft., what if our monitoring shows that it takes 200 ac. ft.?" Mr. Ellenberg said then we need to revisit whether we want to have one release to do that or two that don't do it.

Ms. Borchert said there is too much fuzziness in this and she agrees with Brian, the fuzzier it is the more likely the Council is going to say this is too fuzzy.

The Chair said that the objective was to keep the river wet in the upper seed area with 100 ac. ft. base. We don't know how far those 200 acre pulses are going to go. We don't know.

Ms. Borchert asked if one of the objectives is not to make it to 599. The Chair agreed. Your objective is to do what you can with 100 ac. ft., more or less. Ms. Borchert said that she is already hearing what it is that we are trying to do. The Chair said, 100 pulse all year long to keep it wet, how far would that go?

Mr. Drypolcher said that they do have a stated purpose for the critical dry year pulses. For the spring pulse it is to mimic the natural spring runoff. Irrigate the trees and other vegetation along the river corridor to support typical spring activities within the tree plant and annual life cycles as plants are drawing water to produce buds and leaves. Then it is to extend surface water flows as far as possible with the objective of reaching beyond San Isidro crossing down to the City Waste Water Treatment Plant. It is to continue to process the ground water rechargeable benefit plant life in to the summer months. Brian reiterated that is says, "as far as possible with that pulse," which to me makes sense. If it has been real wet and rainy it is going to farther and if it is dry and hot it will go less far and that is what you get with the pulse. There is an attempt to define the purposes of those two pulses.

The Chair said it will be interesting to see if the water does make it down to

Alire where they are making the construction now. They are really packing it up.

Mr. Drypolcher said that the two words “is fixed” could go away. That would leave some wiggle room for the 300 acre. Mr. Cutropia said maybe some words like, “may be adjusted based on...”. Mr. Ellenberg said we probably don’t want to say too much or send red flags to the Council. Also the way we are doing the flows based on how much water is going and how much is being released.

Ms. Borchert said that maybe she could put the line to the hydro graph dashed so that the 300 looks more approximate. Also the graph to the McClure shows a P30 year and year of 30% below average and put that as the background so we can see when we are likely to violate the bypass based on a year that is reflective not of an average year but of critical dryness.

Mr. Ellenberg: The last is should be a was. 18 in the same section, is a long list of definitions.

Mr. Drypolcher said that he tried to modify the definition of upper river and I don’t know if this is right now, #29.

Mr. Ellenberg: Another question is if we are having a dry year cutting the 3.0 cutting the flow to .15. How far would .15 get? Mr. Drypolcher could not answer that as he did not know where that came from.

We are talking about the objective in a dry year and the objective is to keep the upper river moist. We decided that last time.

The Chair said he believe we were including Acequia Madre. You go down through there it is wet, you go to Armijo in to Armijo Park and there is a nice little flow there, so that was our target area. Mr. Drypolcher confirmed this is what he thought. Ms. Borchert said the way the number was derived was by taking 100 ac. ft and dividing it by number of days left. What is the reality today is not the same of the amount of water that is going to be available in a 300 ac. ft. of water.

One comment in the summer flow and if I remember the core group discussion accurately, one of the purposes was to maintain and emphasize 2 cfs was meant to be an average, so if you adjust it up for a big event downtown and stop it some other time to off-set that, that was the intention of the summer flow. I am not sure that it is as clear as it could be in your language. (Purpose of Summer Flow, 4.2.1)

The Chair said we agreed on the 2 cfs by observation. Last year when Acequia Madres was not taking water was making it through town almost to

Guadalupe. Less than 2 would not make it that far.

Ms. Borchert said that she wasn't sure if there should be a minimum that it should not go less than. Mr. Ellenberg said that it does dry for some days to make up the average. Ms. Borchert said, if it is dry downtown I would think that if we wanted to maintain the .3 or the .15. If the 2 cfs is counted at Nichols, I think if you wanted downtown to go dry because you are going to do 4 cfs over a weekend the intent would to never have flow out of Nichols go below cell minimum or 3 cfs.

Mr. Drypolcher said if we are still packaging it the way we talked about it; it would be an ordinance and then the companion to the ordinance would be a resolution that gives authority to the administrative procedures.

Mr. Ellenberg confirmed that once we finish working on this the ordinance would come back to the River Commission. Mr. Drypolcher said, yes.

Ms. Doremus asked what the timeline is for comments? Brian said, 2 weeks. Brian said; I am totally swamped with projects right now but also strategically if this doesn't get before council until we have had a couple of months of awesome monsoon weather, there is no rush to get this before the council.

Mr. Ellenberg offered additional comments and will send them to Brian by e-mail.

The commission asked for a corrected copy based on the comments tonight.

V. Matters from Commissioners, Matters from Sub-Committees

Mr. Bove commented on the water from Acequia Madre, he can measure the water in the river, Monday it was 1.86 cfs. The other thing the river is really filthy, there was a big pile of leaves with a good amount of water behind it. We are fighting a lot of debris in the river. Those kinds of things when you talk about flows to the river, there are too many variables; you can't write it down and make it firm. Ms. Borchert asked if Mr. Bove could take measurement on Thursday, Friday and Saturday at the same time. She would like to determine what the infiltration rate would be. Mr. Bove said he did it about 8:00 am. Claudia said that for just these two days it would be extremely helpful. The measurement will be shared with Allan Hook. Ms. Borchert said the tour would be separate.

Ms. Doremus talked about the need for the monitoring program.

**VI. Matters from Staff
Informational**

VII. Citizens Communication from the Floor

VIII. Adjourn

There being no further business to come before the Santa Fe River Commission, Mr. Ellenberg moved for adjournment at 8:05 pm, second by Mr. Cutropia, motion carried by unanimous voice vote.

Signature Page:

Jerry Jacobi, Chair

A handwritten signature in cursive script, appearing to read "Fran Lucero", written in black ink.

Fran Lucero, Stenographer