

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2012-10

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5 AN ORDINANCE

6 CREATING A NEW ARTICLE 25-13 SFCC 1987 REGARDING THE SANTA FE RIVER  
7 TARGET FLOW FOR A LIVING RIVER INITIATIVE.

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9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

10 Section 1. A new Article 25-13 SFCC 1987 is ordained to read:

11 25-13 [NEW MATERIAL] SANTA FE RIVER TARGET FLOW

12 Section 2. A new Section 25-13.1 SFCC 1987 is ordained to read:

13 25-13.1 [NEW MATERIAL] Short Title. Article 25-13 may be cited as the “Santa Fe  
14 River Target Flow Ordinance”.

15 Section 3. A new Section 25-13.2 SFCC 1987 is ordained to read:

16 25-13.2 [NEW MATERIAL] Legislative Findings. The governing body finds that:

17 A. Through the adoption of Resolution No. 2009-47, Resolution No. 2010-15 and  
18 Resolution No. 2011-28 the governing body authorized the city to support a living Santa Fe River by  
19 allowing water to bypass McClure and Nichols reservoirs in 2009, 2010 and 2011.

20 B. The Santa Fe River is an important element of the city of Santa Fe and the city’s  
21 origin was due to the existence of the river.

22 C. There is widespread community support for maintaining a living Santa Fe River for  
23 recreational and cultural purposes.

24 D. A healthy river provides riparian habitat for wildlife and minimizes erosion and flood  
25 damage, removes pollutants from storm water and helps recharge groundwater.

1 E. The city has put to beneficial use its water right under Declaration No. 01278 and  
2 License 1677, (as issued by the state engineer) and intends to continue to put that water to beneficial  
3 use, and the adoption of this Ordinance will not adversely affect the city's water right under  
4 Declaration No. 01278 and License 1677.

5 F. Implementation of this Ordinance will not cause the city to operate the municipal water  
6 utility in any way that is inconsistent with any local, state or federal rules, regulations or laws.

7 **Section 4. A new Section 25-13.3 SFCC 1987 is ordained to read:**

8 **25-13.3 [NEW MATERIAL] Purpose.** The purpose of Article 25-13 SFCC 1987 is to  
9 formalize the city's commitment to provide for a target flow within the Santa Fe River in order to  
10 enhance and further the objective of restoring the Santa Fe River as a living river by committing to  
11 use up to 1,000 acre-feet per year (AFY) of the city's water supply, depending upon hydrologic  
12 conditions in the Santa Fe River watershed. This Ordinance shall be interpreted to further this  
13 objective.

14 **Section 5. A new Section 25-13.4 SFCC 1987 is ordained to read:**

15 **25-13.4 [NEW MATERIAL] Definitions.** As used in Article 25-13 SFCC 1987:

16 *Administrative procedures* means the *Administrative Procedures for the Santa Fe River*  
17 *Target Flows Ordinance*, adopted by resolution of the governing body, that describe how city staff  
18 will implement Article 25-13 SFCC 1987 in order to provide up to 1,000 AFY in target flows to the  
19 Santa Fe River. The administrative procedures shall include the following:

20 A. The operations of the city's water division and other city staff necessary to provide  
21 for the up to 1,000 acre-feet target flow below Nichols Reservoir;

22 B. Target flow hydrographs that support the city's identified ecological and social  
23 outcomes;

24 C. Adjustments to the target flows and target hydrograph under less than average  
25 anticipated watershed yield;

- 1 D. Provisions to adaptively manage the target flows based on ecological and social  
2 outcomes because of precipitation events, stream flows and effects;
- 3 E. Adjustments to the target flow due to emergencies;
- 4 F. Requirements for monitoring, accounting, and reporting target flow; and
- 5 G. Other operational and administrative procedures that may be required to fulfill the  
6 purpose of this Ordinance.

7 *Anticipated watershed yield* means the expected annual yield of water to the Santa Fe  
8 River and the municipal reservoirs within the Santa Fe River upper watershed, expressed as  
9 the percentage of the historical average; the anticipated watershed yield is estimated as of  
10 April 15<sup>th</sup> using the best available information including the amount of snow, both as depth  
11 (in inches) and snow-to water equivalent (in inches) at the weather stations in the upper  
12 watershed (Santa Fe and Elk Cabin); the Santa Fe Basin forecast predictions from Natural  
13 Resource Conservation Service (NRCS); weather forecast from the National Weather Service  
14 and NOAA; and any other pertinent appropriate weather-related information.

15 *Below Nichols gage* means the stream gaging station 08316505 located below  
16 Nichols Reservoir, or at a comparable location of measurement at or below the outlet from  
17 Nichols Dam; this is the measuring point for target flows administration pursuant to the  
18 administrative procedures.

19 *Bypass flow* means, generally, water that flows past a diversion or storage facility. In the  
20 administrative procedures, it refers to water that the city chooses not to store in the municipal  
21 reservoirs and thus allows to flow to the Santa Fe River below Nichols Reservoir provided that the  
22 rate at which the bypass flow is passed through the outlet works of Nichols Reservoir dam is always  
23 equal or less than the stream inflow at the ‘above McClure’ gage.

24 *Hydrograph* means a graphic representation of stream discharge, in cubic feet per second,  
25 plotted against time.

1            *Target flow* means the daily, seasonal or annual amount of water (as a volume or a rate)  
2 desired in the river as measured at the “below Nichols” stream gage or at a comparable location of  
3 measurement at or below the outlet from Nichols Dam. The quantity is variably identified in several  
4 sections of the administrative procedures, depending upon the anticipated watershed yield.

5            *Target hydrograph* means the graphical representation of the daily target flow necessary to  
6 provide up to 1,000 AFY of bypass water in the Santa Fe River as measured at the below Nichols  
7 gage. The quantity of water is variably identified in several sections of the administrative procedures,  
8 depending upon anticipated watershed yield.

9            **Section 6.        A new Section 25-13.5 SFCC 1987 is ordained to read:**

10           **25-13.5 [NEW MATERIAL] Santa Fe River Target Flow.** The city water division shall  
11 operate the city's system of reservoirs to ensure that a bypass target flow of up to 1,000 AFY of river  
12 water flows into the Santa Fe River below Nichols Reservoir. In average and wet conditions, the  
13 target flows will be 1,000 AFY. In drier years, seventy-five (75%) of the average watershed yield or  
14 less, the target flows shall be scaled in such a way that the target flows will equal the percentage  
15 anticipated watershed yield multiplied by 1,000 AFY. When the anticipated watershed yield is equal  
16 or less than thirty percent (30%) average watershed yield, the target flows will be 300 AFY.  
17 Additional information regarding the daily target flow pattern is provided for in the administrative  
18 procedures. Water that is released and/or spilled for flood management will count toward the daily  
19 target flows and target hydrograph when the flows are within the daily target flows of the target  
20 hydrograph. If water greater than the daily target flows is released or spilled into the river, the  
21 quantity of water that exceeds the daily bypass target flow will not be counted toward the target  
22 hydrograph. Except for flood management as described above, the water for the target hydrograph  
23 shall not include water released for any other purpose at the time of release, provided that nothing in  
24 this Article shall require the release of bypass water if the release might jeopardize the city's water  
25 right under License 1677 and Declaration 01728.

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**Section 7. A new Section 25-13.6 SFCC 1987 is ordained to read:**

**25-13.6 [NEW MATERIAL] Coordination with Santa Fe River Community Events.**

When possible, target flows and target hydrographs shall be patterned to support community events scheduled along the Santa Fe River.

**Section 8. A new Section 25-13.7 is ordained to read:**

**25-13.7 [NEW MATERIAL] Water Emergency Target Flow Adjustment.**

A. Pursuant to Section 25-5.6 SFCC 1987, upon declaration of a water emergency, the city manager is authorized to adjust target flows to the Santa Fe River.

(1) For the "Water Warning – Orange" implementation stage, target flows to the Santa Fe River may be suspended.

(2) For the "Water Emergency – Red" implementation stage, target flows to the Santa Fe River shall be suspended.

B. The administrative procedures provide the detailed process for adjusting target flows to the Santa Fe River during a declared water emergency.

**Section 9. A new Section 25-13.8 is ordained to read:**


**25-13.8 [NEW MATERIAL] Reporting and Review.** Annually city staff shall provide a report to the governing body summarizing the previous year's target flows and projection for the next year's target flows. The annual report shall provide the governing body the opportunity to review this Ordinance. Additional information regarding accounting and reporting is provided for in the administrative procedures.

**Section 10. A new Section 25-13.9 is ordained to read:**

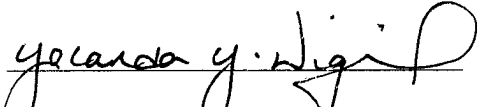
**25-13.9 [NEW MATERIAL] Effective Date.** This ordinance shall become effective five days after publication of adoption.

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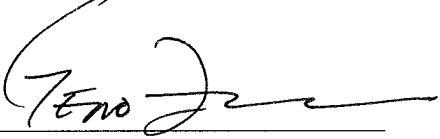
PASSED, APPROVED, and ADOPTED this 29<sup>th</sup> day of February, 2012.

  
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DAVID COSS, MAYOR

ATTEST:

  
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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

  
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GENO ZAMORA, CITY ATTORNEY