

MINUTES OF THE
SANTA FE COUNTY
WATER POLICY ADVISORY COMMITTEE

May 12, 2016, as approved July 14, 2016

Santa Fe, New Mexico

I. This meeting of the Santa Fe County Water Policy Advisory Committee (WPAC) was convened at 5:00 p.m. by Chair Charles Nylander on the above-cited date at the Santa Fe County Public Works Building Conference Room, 424 NM 599, Santa Fe, New Mexico.

II. The following members were present and a quorum was established:

Members Present:

Charles Nylander, District 2
Anna Hamilton, District 4
Steve Rudnick, District 5
Sigmund Silber, Central Water Planning
Martha Trujillo, Acequia Association
Brian Romero, District 1
JC Helm, BDD Alternate [for Denise Fort]

Member(s) Excused:

Bill King, Soil & Water Conservation
Rik Thompson, Estancia Basin Water
Planning Committee
Rita-Loy Simmons, District 3
Mary Helen Follingstad, Northern Planning
[One Vacancy]

Staff Present:

Claudia Borchert, Utilities Division Director
Jerry Schoeppner, Utilities Division, Hydrogeologist

III. **Introduction of New Member(s)**

New committee member Brian Romero introduced himself as Mayordomo of Acequia de los Romeros in Cuyamungue, a civil engineer, and has experience working with Ms. Borchert and Chair Nylander.

IV. **Approval of Agenda**

Upon motion by Mr. Rudnick and second by Ms. Trujillo, the agenda was unanimously approved.

V. **Approval of Minutes: March 12, 2016**

A couple of errors were noted and incorporated into the corrected minutes.

SEC CLERK RECORDED 07/15/2016

Ms. Trujillo moved to approve and Mr. Helm seconded. The motion to approve the minutes as corrected passed without opposition.

VI. Matters from the Public

None were presented.

VII. Discussion Items

Jemez y Sangre Regional Water Planning Group

A discussion ensued about the Jemez y Sangre Regional Water Planning Group. The following was noted:

- It is one of 16 statewide groups that represent a water planning region of the state
- Those groups are overseen by the Interstate Stream Commission
- Last year the 16 regional planning groups met with a focus on supply and demand
- The Jemez y Sangre Steering Committee is chaired by representatives from the three counties involved in the planning area: Santa Fe County Commissioner Holian, a Rio Arriba commissioner and a Los Alamos commissioner
- ISC has funded assistance with a consultant and facilitator to review and update the plans in terms of supply and demand

Chair Nylander said there is no real relationship between WPAC and Jemez y Sangre. The list being developed by the regional water planning group will be used by the Water Trust Board to prioritize funding. Santa Fe County provided items for the list. To obtain money from the Trust Board the project has to be on the list.

Mr. Schoeppner serves as the County representative for the regional planning group. The group plans on completing the projects, policies and programs list by the end of June. Mr. Silber said wastewater treatment and acquisition of mutual domestics may be appropriate recommendations from Santa Fe County for the list.

Chair Nylander said the Water Trust Board had been charged with having to reference the regional plans in prioritizing its funding; however, that rarely occurred. With a recent update to their policies and process, the regional plan lists will be utilized.

A. Outline for WPAC policy recommendation regarding shared wells and the development of the Pojoaque Basin Regional Water System

Chair Nylander suggested subcommittees would be necessary to better flesh the WPAC's recommendations.

The following items were mentioned regarding shared wells:

- How will the shares of water be transferred?
- The State Engineer's rules on shared wells are not particularly straightforward

- Shared wells are quickly becoming a hot issue in the Pojoaque valley
- Many shared wells are based on an informal agreement
- If a shared well owner decides to convert to the water system, does it force the other users of the well to also connect?
- With the basin closed, residents are unable to apply for a multi-purpose use
- Residents can still purchase and transfer in a water right
- The residents will require education about their choices
- Develop a fact sheet regarding the Settlement Agreement
- There will be a public process regarding the Water Master Rules & Regulations – which are not under the County’s jurisdiction
- There will be issues regarding the SLDC intersection with the Settlement

Mr. Romero remarked on the number of scenarios that will be coming forward. Chair Nylander said the State Engineer’s rules presume there is a shared well agreement between the well users. He assumed that the relations in the valley are far more informal. The shared well has to be master metered, but they don’t require every household attached to the to well be metered separately.

These are all items that need to be researched and included in a report to the BCC.

B. Outline for developing WPAC policy recommendations regarding the use and limitations of the Santa Fe County Connection Fee Fund for the Pojoaque Basin Regional Water System

The state has provided \$4 million to serve as a fund to pay for connecting to the water system. A series of policy issues were raised:

- Who gets connected first?
- How close does the residence have to be to the new system to connect?
- How to address public health issues with bad well water
- These are all policy issues that should be reviewed by this subcommittee
- There is a \$7,000 limit on how much money can be spent to facilitate a connection
- A calculation of the cost per linear foot to connect to service is needed
- Once the fund is exhausted the County is responsible to fund connections
- Forecasting how much can be accomplished with the \$4 million
- The fund will need to be monitored on an ongoing basis
- There may be exceptions for wells containing uranium
- How would the connection fee translate for shared well users?

Ms. Borchert said any time someone in the basin wants to replace or deepen an existing well, they will have to apply to OSE for that permit and pay \$1,000, which goes into this connection fund.

Chair Nylander asked Ms. Ely for overlay maps delineating where the proposed system will be in relation to the known well owners. The system will be built in phases. It is important to ensure the fund is not diminished before the last phase is initiated. Those wells identified as having

health issues should be addressed first – although the identification of those wells is not fixed through time – meaning a well that tested okay today could be bad tomorrow because uranium is mobile.

Storage tanks and independent zones for pressurizing are planned. Placement of the tank could become a heated discussion with interference with viewsheds, etc.

Ms. Ely will develop a list of literature to educate the committee in making recommendations.

VIII. Action Items

A. Establish Sub-Committees with meeting dates for development of WPAC policy recommendations regarding shared wells and use/limitations for the Santa Fe County Connection Fee Fund as related to the Pojoaque Basin Regional Water System

There was discussion that the two topics (shared wells and the connection fee use) will probably inform one another and may require the committee as a whole to work on these recommendations.

As a practical matter, Ms. Borchert said that Ms. Ely will not be available to staff two subcommittees.

A useful service may be to identify template documents that residents can use to deal with a shared well situation, change of ownership of a well, and legal documents that can identify a portion of a shared well water rights. Ms. Borchert mentioned that Casas de San Juan recently transferred the water rights from the developer to the homeowners association and the residents will make the decisions regarding well selection.

There was consensus that educating the public was imperative.

There may be other options, i.e., a supplemental well based off the original well permit in a different location sharing the same water right. There will be many different scenarios in the valley.

Chair Nylander suggested establishing one subcommittee that would alternately work on the two items and be prepared to present recommendations to the BCC in July.

Currently WPAC has three subcommittees: Sustainable Land Development Code, Water Allocation and Developers. The Pojoaque Basin Committee could take the lead for the next month or two.

Ms. Trujillo expressed her concern that the valley will experience no growth until the system is installed. She also mentioned the difficulty of selling property in the area. Ms. Borchert appreciated the limbo and pointed out that there are water rights that can be transferred. She acknowledged it will come at a price that basin residents are not used to paying. Ms. Trujillo said this will clearly blaze a new trail in looking at water throughout the state.

There was consensus to have one subcommittee working on the Pojoaque Basin issues. The committee was made cognizant of the quorum issue and agreed with staff that noticing would not be necessary and quorums would be avoided.

Wednesday, June 1st at 5 p.m. was selected as the first subcommittee meeting date. Those planning on attending include Mr. Romero, Mr. Silber, Ms. Trujillo, Mr. Helm and Chair Nylander. Recognizing Ms. Ely would not be available at the first meeting, the subcommittee decided to develop a list of questions.

Ms. Borchert offered to provide information from the Settlement Agreement, the current Water Master Rules & Regulations, etc. Chair Nylander said he had documents that could be forwarded electronically.

The templates will be those already prepared by the OSE and the WPAC may want to include in their recommendation that County Legal Department also review the materials.

Ms. Trujillo and Mr. Romero were encouraged to talk with community members to ascertain additional questions. Chair Nylander said he would develop a list of questions to work on.

IX. Presentation Items

A. Update on Potential Revisions to the Sustainable Land Development Code

Mr. Schoeppner said the SLDC is reaching its six-month in-effect date when it will be reviewed and potentially updated. He noted that the WPAC created a list of suggestions before the Code went into effect that were not incorporated. The six-month review provides an opportunity for amendment. Utility staff will meet with planning staff and outline the following items and justification for those changes:

- Restricting water use from .25 acre-feet to .20 acre-feet
- Fire protection – it is very onerous for a small development to have fire protection
- Financial security can be difficult for a small development.
- The SLDC lacks guidance for developing water availability – the hydrology appendix for the old code was not carried to the SLDC. The old appendix requires updating since it is based on hydrologic zones
- Revise language regarding domestic well use to separate agricultural water from domestic use water
- Outdoor conservation – should this apply to SDA 3?
- Include the revised Service Area map

X. Matters from the Committee

None were presented.

XI. Matters from County Staff

A. Update on member vacancies on WPAC

Ms. Borchert said at this point there is one vacant position: the small systems utility. She said she will be working with the Manager's Office to advertise the position. The reappointment process is being investigated.

B. Water Allocation Update

Mr. Schoeppner said the allocation work group is on hold until Glorieta GeoScience completes the water service agreement reconciliation. Glorieta GeoScience will determine how much water rights the County has committed and how much remains in the water rights portfolio. The goals outlined in the allocations work plan include: assure that the County has adequate water supplies available for the Utility's current and future demand, and assure that the County is allocating available water resources according to the SLDC, adopted resolutions/ordinances, and policy.

Mr. Schoeppner anticipated the work group could begin work in late June. The work group members were identified as Ms. Bokum, Mr. Rudnick, a City representative and Chair Nylander.

C. Update on Hyde Park Estates acquisition

Ms. Borchert said the County was often allocating money toward small water and wastewater systems and it appeared the funds were not used in the best way to address the problems. The County switched from allocating funding to requiring that they either become a wholesale customer or the County take over the utility. Three utilities responded quickly taking the County up on the offer to take them over: Chupadero, Canoncito and Hyde Park Estates (HPE). The contract to acquire the Hyde Park Estates system is almost complete and she expected the BCC would act within the next few weeks.

Staff will be recommending zonal pricing for Hyde Park Estates because they are far off the County's path, the system requires daily attention and the County cannot afford to serve them at the same price other County's customers pay. Currently HPE pays \$30 per 1,000 gallons and the County's base rate is \$6 per 1,000 gallons plus a base fee, bringing the total to \$12 per 1,000. The County Utility is determining what needs to be recovered to continue to service and run the HPE system which has a great deal of deferred maintenance.

Ms. Borchert said she expected to present WPAC with the analysis on HPE system for their review. The Utilities Department is developing interim rates which will go through a review process prior to adoption by the end of the year.

D. Update on waterline to Canoncito

Ms. Borchert advised the Committee that the waterline is divided into two parts: Rancho Viejo to the intersection of I-25 to 285, and the second part is from that intersection to Canoncito. Design-wise, part 1 is completed and a few easements are still required. The second part is close to design completion and easement for the tank location is underway. The first part of

construction could go out to bid by fall and the second part by spring. She anticipated completion two years out.

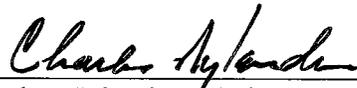
E. Other Updates

- Western Coalition of Arid States (WESTCAS) is holding their annual conference in Santa Fe: June 22-24. There will be a panel discussion on the Aamodt Settlement and the Pojoaque Basin Regional Water System juxtaposed with a presentation on the Buckman Direct Diversion. For additional information: WESTCAS.org.
- Association for the Sciences of Limnology and Oceanography (ASLO) is holding its summer meeting in Santa Fe, June 5-10.

IX. Adjournment

Having completed the agenda and with no further business to come before this Committee, Chair Nylander declared this meeting adjourned at approximately 7:05 p.m.

Approved by:



 Charles Nylander, Chair

Respectfully submitted by:


 Karen Farrell, Wordswork



COUNTY OF SANTA FE) WATER POLICY ADVISORY
 STATE OF NEW MEXICO) ss PAGES: 7

I Hereby Certify That This Instrument Was Filed for
 Record On The 15TH Day Of July, 2016 at 03:45:02 PM
 And Was Duly Recorded as Instrument # 1799025
 Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
 Geraldine Salazar
 County Clerk, Santa Fe, NM