



March 27, 2020

Dear Acequia Leaders,

On behalf of the New Mexico Acequia Association, we are sending well wishes and hoping that you and your loved ones are healthy and safe. We are all dealing with the urgency of the Covid-19 pandemic. The virus and the recent public health orders have changed our normal routines but it has not changed the fundamental need in our communities to keep the waters flowing in our acequias. In that regard, we have received many inquiries about how to serve responsibly as acequia elected officials to protect your communities from the spread of the virus. Here are some recommendations based on the public health order from Department of Health Secretary Kathyleen Kunkel. The following language is part of the order:

Mass Gatherings. Pursuant to the order issued on March 23, 2020, “mass gatherings” are prohibited. The order defines a “mass gathering” as any public or private gathering that brings together five (5) or more individuals in a single room or connected space, confined outdoor space or an open outdoor space where individuals are within six (6) feet of each other but does not include the presence of five or more individuals where those individuals regularly reside.

Essential Businesses. The public health order also requires that all businesses, except those defined as “essential businesses,” be reduce their in-person workforce by 100%. Essential businesses may remain in operation provided that they maintain social distancing, wash hands often, and keep surfaces clean. Our team has interpreted that acequias can be considered essential businesses because they provide water for agriculture and because they are also infrastructure operations. The order defines essential businesses to include the following: **1) Farms, ranches, and other food cultivation, processing, or packaging operations and 2) Infrastructure operations including public works construction and water.**

In order for acequias to continue to operate, we have interpreted the order to mean that acequias and community ditches are considered essential businesses. We are also recommending that acequias avoid mass gatherings and maintain social distancing. We are providing the following guidance:

Acequia Cleanings. We have spoken with several mayordomos about how to conduct Spring acequia cleanings, i.e. sacando las acequias, and we have developed the following options for you to consider so that you are in compliance with the public health order:

- 1) You may consider cancelling or postponing the acequia cleaning if that is possible. Some acequias have opted to do this in cases where a cleaning is not essential to get water flowing through the ditch.

- 2) You may consider taking these precautions if you decide to proceed with your annual acequia cleaning:
 - a) Work in crews of five (5) peones or fewer. Break up your work crew into smaller groups and space them out along the acequia so that at no time do you have a group larger than five (5) people.
 - b) Within your small work crews, maintain a distance of at least 6 feet or maintain a distance of more than 6 feet and completely avoid person-to-person contact.
 - c) Require that each parciante be responsible for the section of ditch that runs through their own property. This is a traditional practice used in several acequias where each family is responsible for their own “en frentes.”
 - d) Some acequias are restricting the individuals that may be part of a cleaning crew to exclude anyone who traveled outside the state who should be in isolation or individuals over a certain age.

Here is a model language from one of our members in Santa Fe County that you can use for your acequia cleaning if you do choose to proceed:

1. We will be breaking up the crews to 5 people or less depending on turn out, and will space individuals 10 feet from each other. Crews will be dispersed to various parts of the ditch to avoid as much contact with each other as possible.
2. If you have traveled out of Country or to any of the hot spots in the USA **PLEASE DO NOT ATTEND**
3. If you are **70 or OLDER PLEASE DO NOT ATTEND**
4. If you have immunocompromised health **PLEASE DO NOT ATTEND**
5. If you don't feel safe or comfortable attending **PLEASE DO NOT ATTEND**
6. If you have a cough, fever or runny nose. **PLEASE DO NOT ATTEND**

Acequia Meetings. We recommend that any regular annual membership meetings be postponed until a later date. Any gathering more than five (5) people would be in violation of the public health order. However, if your acequia has an urgent matter to address, such as basic water delivery or emergency flooding, a meeting of your three-member commission and mayordomo can take place while also adhering to the Open Meetings Act. Other governmental entities are using conference calls for this purpose.

Acequia Elected Officials. Provided that elected officials avoid mass gatherings and maintain social distancing, they may continue their duties. Commissioners generally work from home so their continued work in governing and managing acequia operations may continue. Mayordomos are needed to operate acequia infrastructure so they may also continue work.

We know that the safety and health of each family and community is your primary concern. Our guidance is based on an interpretation of the public health order from March 23, 2020, also known as the “stay at home” order. We urge everyone to be safe, to comply with the public health order, and to be responsible when acting within the exceptions carved out for essential businesses (including how we interpret that order to apply to acequias). A copy of the order is attached.

Thank you for all your hard work of keeping our beautiful acequias flowing!

With heartfelt gratitude and concern for your well-being,

The NMAA Team