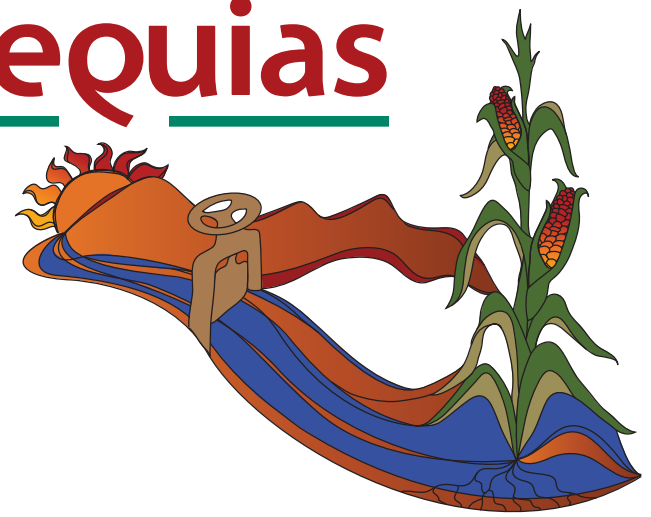


Noticias de las Acequias

New Mexico *Acequia* Association • Fall 2015



“Tó bee iina, El Agua es Vida, Water is Life”

by Olivia Romo & Paula Garcia

On August 5th 2015 the Silverton, Colorado Gold King Mine released the acid mine drainage that had accumulated over several years from abandoned mining operations. The spill occurred when contractors working for the Environmental Protection Agency were conducting monitoring and reclamation activities. Ironically, it was cleanup efforts that resulted in the spill of heavy metals from the Gold King mine into the Animas River. The underlying causes of the pollution are abandoned mining operations and gaps in policy protections. The most recent spill of acid mine drainage from the Gold Mine highlighted long-standing concerns about the lack of accountability of mining corporations and the lack of resources for effective regulation, cleanup, and oversight.

Mining on public lands is governed by the 1872 Mining Law, which was enacted in the 19th cen-

tury to promote the settlement of the Western US. The mining law allows anyone to make a claim of minerals on public lands without paying any royalties. The 1872 Law grants a right to mine, but not standards for prudent mine operations, mine site cleanup, reclamation or restoration, or financial responsibility. Also complicating the lack of oversight and regulation is the problem that mines

are considered non-point sources of pollution (a source of pollution that issues from widely distributed or pervasive environmental elements) making their coverage under the Clean Water Act uncertain.

To gain insight on the cause of the spill, it is helpful to get some historical context. In 1991, the Sunnyside Mine shut down and cut a deal with Gold King, a local mining company. The previous owner plugged the mining tunnel, built a barricade against the acid mine drainage, and then turned the mine over to the local company. This followed a similar pattern with mines across the country in which companies make millions of dollars in profit and then leave their mess behind. According to the Environmental Protection Agency, 40% of the



Contamination affects farmers. Photo by Hermayne Smith, UNM student and Kiva Club member.

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The Art & Commitment of Land Restoration

by Olivia Romo

On September 19th, 2015 in Taos, New Mexico the New Mexico Acequia Association hosted a workshop that recognized the work of two dedicated women farmers. Patricia Quintana and Gael Minton opened up their homes to share and demonstrate the struggles and triumphs of restoring ancestral land. Both are blessed to be living on the acequia whose irrigation has been instrumental and historical to the evolution of both parcels. For Patricia Quintana, an heir to “Rancho La Fina” in Cañon, she has seen the ecology of the land shift drastically in the short time of thirty years. Originally, a five acre alfalfa field has quickly turned to dirt and sprawled with prairie dog holes. Patricia who has a cultural connection to the land and degree in an-

imal and range sciences has been able to return to Taos to work her grandmother’s land, an honor and huge undertaking for one woman.

At her workshop, Patricia guided participants through her fields and flocks of sheep and goats to paint a picture of the past and the enormous amount of work that she has done as a woman. Firmly, Patricia testified, “Restoration takes time. Plowing, irrigating, and planting for the first time is like breathing life into the land again. The land is giving birth, your hands in the earth helping her, is a profound connection with the grandmother. That connection and commitment is needed when restoring ancestral land. Not only is it hard work, but irrigation from the acequia, plowing, and using the shovel is an “art.” In addition to this, Pa-

tricia has struggled finding qualified labor, those who have experience in irrigating from the acequia, building barns, and have strategies to eliminate the prairie dog burrows destroying her land. Over time, Patricia has invested time managing the land, in tractors, and hiring skilled labor. At the end of the workshop some advised Patricia to consider installing piping that will make irrigation much more manageable. Yet, it is important to realize that alone, the work is immeasurable, but has been taken on by many Taoseñas who have inherited land and are spending their lives trying to maintain and live off the land as their ancestors have done before. Nothing can replace the amount of money, time, sweat, and tears that need to be shed in

continued on page 11



Rancho La Fina - Patricia Quintana’s sheep in Taos, NM.

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ACEQUIA ASSOCIATION**

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Acequia Education Coordinator

En Memoria: Remembering Our Acequia Allies

Because of the work of our ancestors, elders and maestros we now stand on the shoulders of giants taking steps to ensure that our acequias and way-of-life will never be erased from this landscape. We pause to reflect on and honor the lives of the men and women who worked tirelessly for our acequias out of love and querencia.

En Memoria:

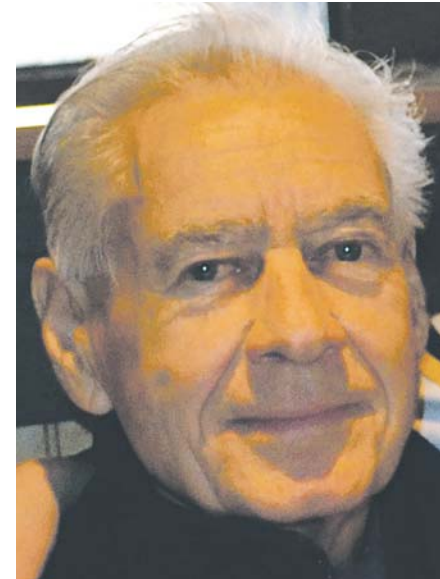
Ben Ortiz

Ben Ortiz, 77, of Nambé, passed away in his home following a lengthy illness on Saturday, July 18, 2015 surrounded by his loving family. His Daughter, Quita Ortiz worked at the New Mexico Acequia Association for 6 ½ years and her family's contributions and ongoing dedication in the fight for acequia communities is one that is in need of recognition, especially, when our soldiers (pass on) return to the land and bask in the glory of the creator.

Ben was born in Santa Fe on October 5th, 1937 to José Manuel Ortiz and Josefita Sandoval Ortiz of Nambé. Ben attended Santa Fe and Pojoaque high schools, remaining a loyal fan of both the Elks and Demons. He proudly served his country in the U.S. Army from 1961-1963. Ben was employed by LANL as a Mechanical Technician. Following his 1989 retirement, Ben founded the Los Alamos Project on Worker Safety. He became a tireless advocate who helped lead a grassroots community organizing effort which led to the establishment of the Energy Employees Occupational Illness Compensation Program Act. He had a determined strength that helped to shape his tenacity in the struggle for social justice that has, and will continue to, benefit many northern New Mexicans.

Ben was deeply rooted in his Nambé/Santa Fe homeland, maintaining lifelong ties to both communities. Although he acquired technical skills that enabled him to obtain a good job to support his family, his humble beginnings of tending livestock and growing food with his family helped to cultivate his modest character. His extensive agrarian, industrial, and land-based knowledge is greatly admired by his family. Ben was a smart man who preferred a simple life. He was a social person who would easily strike up a conversation with a friend or perfect stranger over a cup of *cafecito*. Ben loved the outdoors, his classic automobiles, sports, cruising through northern New Mexico communities, and eating good homemade food. He was truly a jack-of-all-trades, building anything and everything with his hands.

Ben displayed a loving dedication to his family as a hardworking, humble, generous, creative, protective, and caring individual who taught his children the value of honesty and integrity. He had a quiet yet strong-willed presence with a gentle wisdom that will carry on through his memory. 💧



!ATTENTION COW CREEK WATER RIGHT OWNERS!

Did you know that if you didn't submit a change of ownership of water rights to the Office of State Engineer, you may not get notice of adjudication?

STEPS OF ACTION:

1. Submit Change of Ownership of Water Rights Application to Office of State Engineer ASAP to http://www.ose.state.nm.us/WR/Forms/WR-2_Aug%202012.pdf
2. Anticipate Notice of Adjudication - you should receive it by October 16, 2015
3. Subscribe to Monthly Adjudication Report - deadline is November 15, 2015
4. Look in Monthly Adjudication Report for legal proceedings affecting your water rights
5. Official Consent Orders could be mailed out as early as January 2016

NOTE: If you or someone you know does not know about this information, please let them know about the adjudication process. Your water rights may be at stake!

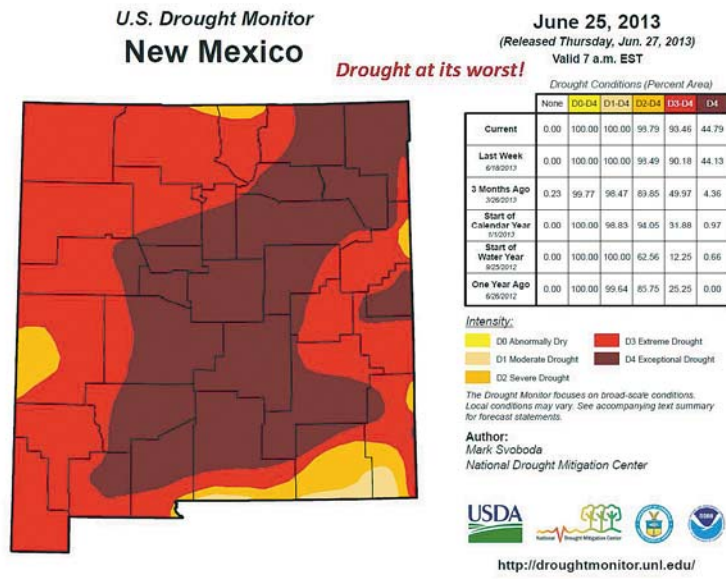
For any questions or more specific details on the adjudication, read the article on page 8, or feel free to contact the New Mexico Acequia Association at (505) 995-9644.

Drought Forecast: El Titan or El Niño?

by Olivia Romo

On July 28, 2015 the Water and Natural Resources Legislative Committee gathered in Taos to have a meeting around the serious water issues and compacts here in New Mexico. To start off the day, state climatologists Dr. Dubois gave an interesting presentation about drought and what to expect this winter with El Niño. New Mexicans this year can testify that this has been one of the wettest seasons in years, however, according to David and other experts in weather science, no way did this rain relieve us of the severe drought we have been under the past decade. Yet, it is important to understand the severity of drought we have been under to be able to put into perspective the kind of precipitation recovery we need to overcome the consequences of this unbearable heat and drought. According to the Colorado Basin River Forecast Center, the Rio Grande Basin is below average for its snowfall this year in comparison to the median snowfall from the years 1981-2010. Sadly, the chart demonstrates a nose-dive toward a drier winter and we can only hope that with the presence of El Niño, that this winter will bring blessings of snow pack to our mountains and valleys.

On a positive note, New Mexico ranked the 4th wettest for the first six months of the year and had an overall precipitation reading in the 90 percentile for the state. However, when observing the United States Drought Monitor one can put drought in perspective according to annual frequency and impact. On June 25, 2013 the National Drought Mitigation Center released a devastating drought map titled "Drought at its worst!" where the intensity of drought registered this year at a D4, exceptional drought, with an impact sprawling 50-100 years. Currently, over the last 12 months 34% of New Mexico is registering in extreme drought while the other 51% of the state is still being registered under a drought, a small improvement from last spring. Fortu-



nately, the latest map reveals that the intensity of the drought is being ranked as abnormally dry and is a 3-5 year expanding period. Keep in mind that only in 2013 we were considered to be in a devastating condition that was going to impact 50 years of New Mexico's future, so this rain has aided but will not cure the land that has been severely damaged. Nevertheless, with El Niño it is a 90% probability that high levels of precipitation will continue throughout the winter. According to the National Oceanic and Atmospheric Administration the three month outlook (December -February) for precipitation probability is above normal for New Mexico and most of the Southern United States. A hopeful seasonal forecast that is consistent with our history with El Niño clinging to us during the winter months. In the meantime, let us celebrate and give thanks for the blessings of rain we have received this year and stay hopeful for snow pack this winter.

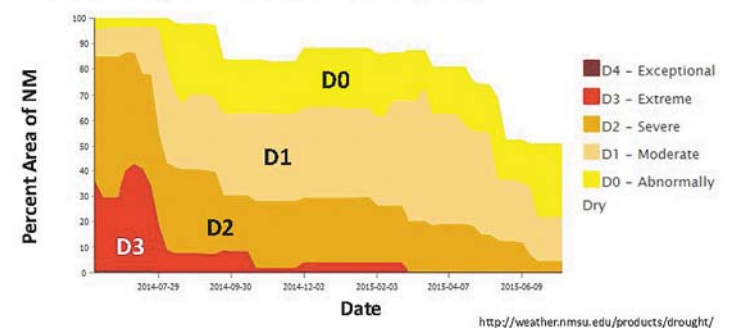
The history of drought in New Mexico also highlights how resilient, conservative,

and strong acequia practices are because of their profound connection and respect for water. For decades, every acequia has worked out its own rules and customs for sharing the water during times of plenty, average flow, and scarcity. When there is less water, the Mayordomo implements a notion of tiempos or assigned hours with water. When there is very little or no water (to keep the ditch running) at all, small amounts may be released by special dispensation or auxilio, which a parciante requests from the Mayordomo in order to avert disaster. The repartimiento, or sharing of water, is a Moorish concept that dates back over four thousand years, with its origins in Assyria. Our Acequia communities have survived and managed to keep livestock and crops alive in times of environmental disaster, drought, and other severe climate conditions, this is nothing new to them, but, here are some strategies that they have embodied to irrigate.

continued on page 4

Last 12-months in Drought Monitor

- Currently 51% in drought (last year 100%)
- Last year 34% in D3, this year 0%
- Notice improvement this past spring



Abeyta Water Rights Settlement

by Olivia Romo

There is an enduring divinity that lingers in the Taos Valley, an entity that flows against the weight of the ages, the demands of the people, and the disputes over its existence. The water of the Taos Valley is one of the most resilient water sheds in the Western Hemisphere, quenching the thirst of some of the most arid lands of the Southwest. One cannot deny that the water and land of this region is sacred, beginning with Blue Lake, the mother to Taos Pueblo and her people that have defended this sacrament to the highest human capacity. The sacred lake comes from the Sangre de Cristo Mountains and gives life to the Rio Pueblo de Taos and Rio Lucero water shed, feeding some of the most ancient Acequias in the Valley and helping the Hispano community grow their medicine, food, and cultural traditions. Taos Pueblo were the first people in the valley to use the water, so when non-Indian people began to settle it was shared, but as the population grew, so did the disputes over the water. The ancient synergies of the Native and Hispano people have brought about an explosion of tension and engagement when trying to accommodate one another and newcomers into the community. However, the fusion of these communities have contributed to the unique farming and living models; the continuance of the largest inhabited pueblo of the Southwest, economical Earth Ships and Adobe houses, but also drip irrigation and other modern technologies like solar that making life unique and possible in the valley. We are one of the only communities in the Southwest that has set precedent in water sharing but now is burdened with some of the biggest decisions and negotiations of how to live sustainably in the future.



Taos Pueblo. Photo by Turquoise Velarde.

The Abeyta Water Rights Adjudication has been a 46-year struggle among Taos Pueblo, the State of New Mexico, the Taos Valley Acequia Association and its 55 member Acequias, the Town of Taos, El Prado Water and Sanitation District (EPWSD), and the 12 Taos Area Mutual Domestic Water Consumers Associations (MDWCAs). In the early 1970's when the United States was determining the water rights of reservations and pueblos, Taos Pueblo had already gone to extreme lengths to reclaim land and water, so when it came

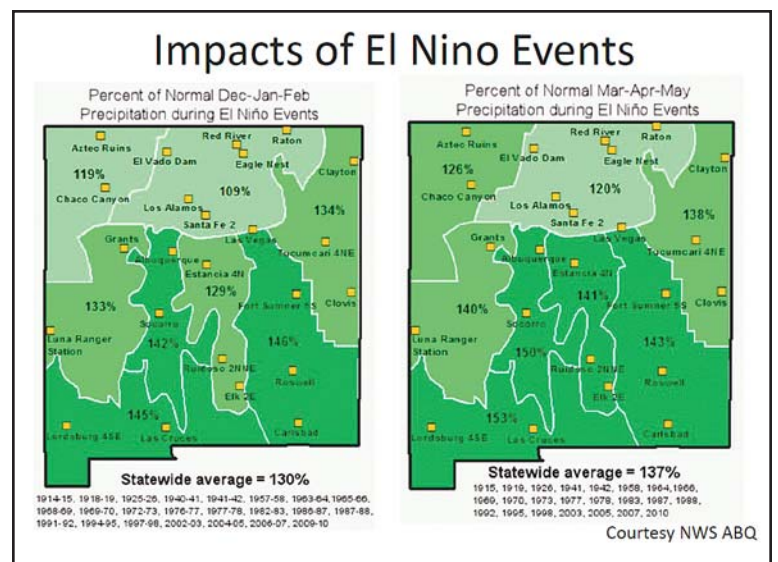
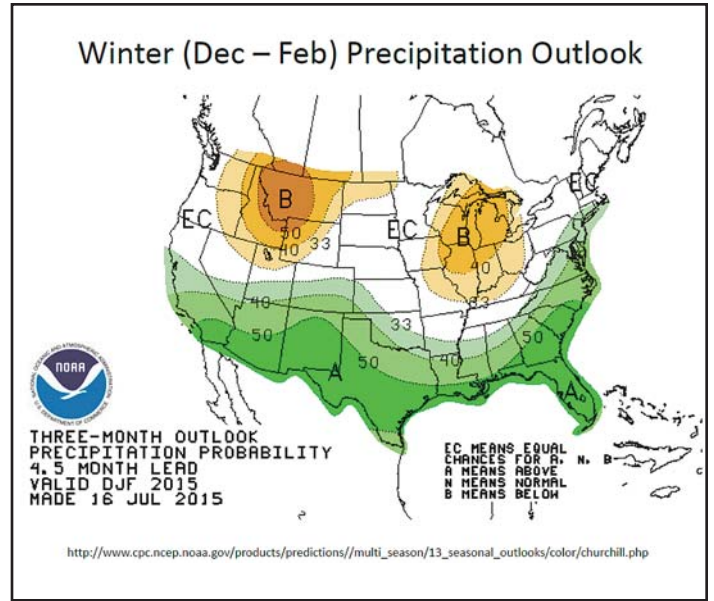
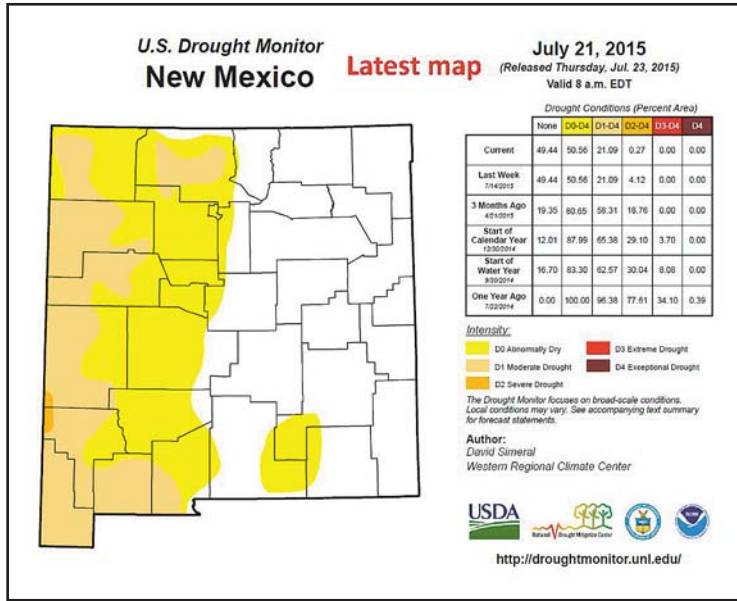
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1. Acequias are cleaning and irrigating earlier in the season because the water is expected to run out in some areas by the middle of the growing season.

2. Some acequias have collectively decided not to irrigate and are leaving the little water available to flow in the acequia for watering their animals.

3. Several acequias started the irrigation season on a rotation schedule with shorter tiempos, whereas in better years, they generally did not need rotations until June or later.

At the same time, acequias are working hard to improve efficiencies in their acequia with improvements to head gates or leaky stretches of the ditch. Acequias in some areas are reviving old traditions of deciding collectively among acequias that share a stream to come up with a way to allocate water between them. Some parciantes are experimenting with ways to improve soil in their gardens to hold more moisture and prioritizing gardens over larger pastures. Others are trying small holding ponds that they fill during their turn on the rotation and then pump to gardens when needed, in many cases using drip irrigation. Acequias are the most democratic institutions because even in times of drought, they share water to the very last drop, keeping the land, animals, and neighbors full and healthy. 💧



Abeyta Water Rights Settlement *continued from page 3*

to exercising their full water usage, their aboriginal priority date and historically irrigated acreage right shook the whole valley because of the large quantity of water rights claimed.

When learning about this water demand, the Acequias in 1986 formed the Taos Valley Acequia Association (TVAA). TVAA President Palemon Martinez, Eduardo Lavadie, a parciante on the oldest documented acequia in Taos Valley and attorney Fred Waltz, sent a letter to Taos Pueblo proposing a negotiation. TVAA members understood that negotiating with the Pueblo would possibly prevent costly and lengthy litigation and could result in a more equitable sharing of water for the future. TVAA would take a critical stance for Acequias through the adjudication process and represent about 7,600 parciantes who irrigate about 12,000 acres. By organizing an association, TVAA then applied for funding from the NM Acequia and Community Ditch Fund to help pay for lawyers, historians, archeologists and a hydrologist to defend the Acequias priority dates and conserve their established water rights alongside the Pueblo. Overall, the adjudication gained other parties and became a long negotiation about how to share water between the five parties in the Taos Valley now and in the future. Sadly, after 15 years of discussions, there were still no significant agreements. Then the Bureau of Reclamation in 2003 proposed that the parties engage a mediator. After three years of this intensive level of effort, the Draft Settlement Agreement was executed by the negotiating parties in May 2006 and approved by the State of NM. In December of 2010 President Obama signed the settlement and the US Department of the Interior and Congress approved 80 million dollars that would combine with State funds for infrastructure projects that would benefit the various parties involved.

From the Acequias' perspective, some of the provisions of the Settlement work in their favor while others might be opposed if the case went to trial. It is important to emphasize that all the parties in this case worked long hours in hundreds of meetings to come to terms. As in any negotiated settlement the parties all had to weigh the risks of an adverse decision if they went to trial, as well as the costs of litigation. The parties engaged in much give and take in order to reach a middle ground that they could live with. The U.S. District Court recently has heard and reviewed objections to the Settlement and ruled against the ob-

jections, which means that it is likely that the Settlement will receive final approval in the near future. Here are some of the benefits and controversies the Acequias are facing before the enforcement date in March 2017, which is when the period of administration of the Settlement begins.

A major piece of the Settlement requires that increases in pumping of groundwater for certain municipal uses, which can normally have negative effects on nearby stream flows that Acequias depend on, be made from much deeper layers of groundwater so that the local streams are much less affected. This also reduces the need to buy and remove Taos-area Acequia water rights from active irrigation in order to offset the effects of groundwater pumping.

Another provision of interest to the Acequias, is the plan for a system of mitigation wells to offset those depletions that do occur from future groundwater diversions. Using these wells would be a substitute for buying and removing Acequia water rights from active irrigation. These wells are to be drilled along the banks of the Rio Grande del Rancho, Rio Chiquito, Rio Fernando and Rio Hondo, as well as in town. These mitigation wells will be the instrument of balance in the valley, supplying stream flow and shallow groundwater in the future to offset the effects of pumping by the Town of Taos and the EPWSD. The Office of the State Engineer (OSE) will annually calculate how much depletion is occurring in the Valley and using the hydrologic model will accordingly supplement each stream with pumped water. It is perceived that these wells will balance the interests of supporting continued acequia irrigation and allowing for an extensive municipal water use. The OSE will oversee the management of the mitigation well system with the goal of keeping the water system of the Valley whole. The intent is to keep historically irrigated lands productive as much as possible.

Under the Settlement, Taos Pueblo is entitled to divert a combined total amount of water not to exceed that amount sufficient to irrigate 5,712.78 acres. However, not to cause abrupt harm to non-Indian irrigators the Pueblo will forbear from the immediate full exercise of its historically irrigated acreage (HIA) right. Instead the Pueblo will initially use an amount of water

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“Tó bee iina, El Agua es Vida, Water is Life”

continued from page 1

headwater of western U.S. watersheds have been polluted by hundreds of thousands of abandoned mines.

Additionally in a report by Earthworks, it may cost \$32 to \$72 billion dollars to remediate polluted mines that were abandoned by mining companies.

While the recent spill has generated more awareness about mining pollution, local irrigators mention that such spills are part of a longer history in the region. Jim Rodgers, a fourth generation farmer who lives ten miles from Shiprock, is the last non-Indian irrigator on the Jewett Valley ditch before the Navajo nation. He expressed frustration that contaminations like these disrupt the access farmers need to water, uncertain if he was going to be able to get his last cut of alfalfa from his field this season. Due to the restrictions on the ditches and severe flooding in the area, many farmers could not irrigate their fields because of contamination and the silted water. Fearlessly, Jim states, “As farmers, we are used to things being difficult, even before the spill this had already been a difficult year to begin with.”

According to Ernest Smith, Chairmen of the Lower Animas Community Ditch, “Not only have the mines been contaminating the river and Acequias, but so have the people”. In Farmington, as in most other areas, there has been a history of illegal dumping of trash, brush, tree stumps, and people running septic tanks into the arroyos and ditches. In 2013 the San Juan Watershed group conducted a study on the Animas, La Plata and San Juan rivers in Colorado and in New Mexico, and found an alarming amount of bacteria from human fecal matter and E. coli in Farmington, New Mexico. Seven San Juan County water systems pull drinking water from one of the three contaminated rivers, according to data compiled by Joe Martinez III, a manager for the drinking water bureau of the state Environment Department. Sadly, not just illegal dumping is happening, septic systems from old trailers and homes have been identified as leaking and contaminating the ground water.

The heavy metal pollution from upstream mining operations is one of many concerns with water quality in the San Juan Basin and the Gold King spill with the riveting pictures of an orange river brought attention to the river and the people who depend on it. Nobody said it better than Chairman, Ernest Smith from the Lower Animas Community Ditch, “This heavy metal contamination is a wakeup call for Colorado and New Mexico to start cleaning up the river by finding the resources to focus on abandoned mines, septic tanks, and all the illegal dumping into ditches and arroyos. I have been living on the acequia since 1959 and the farmers before me have seen many more hardships. This spill is nothing surprising or more severe than any of the others. However, it is good to know that this spill is the one that has brought more awareness and attention to our community, so everyone, including local politicians will realize that water is a precious resource we have to protect regardless of how much money it will take!”

The impacts are being felt by all who share the river for traditional and commercial agriculture. In addition to several Acequias and community ditches in the San Juan Basin, the contamination was a great concern to the Navajo Nation who declared a state of emergency. Some 30,000 acres in the Navajo Nation are at risk from the pollution where numerous Navajo farmers expressed sadness and frustration over losing crops due to lack of clean water for irrigating crops. A legendary grass roots student organ-

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Navajo Nation farm devastation (above). Aneth Navajo Elder (r.) Photos by Hermayne Smith, UNM student and Kiva Club member.



Nolan Eskeets is a member of the Diné Nation and holds a degree in English-Creative Writing from the University of New Mexico. He is a former coach of the award winning Santa Fe Indian School Spoken Word Performance Poetry Team. He currently works at Allandale Farm in Boston, MA.

Animas

by Nolan Eskeets, 2015

The river flow tethers you to the source.
Its life is yours. They are one and the same.
You live in its space,
shower yourself in its transparency
and you are nourished.
This clear mystery gives freely,
animates you
and everything around you.

But you are not the point.
The river does not exist because of you
you exist because of it.
It's embrace gave you limbs and movement,
a dance to celebrate an all-together
life in the shimmer of water.

To the EPA,
There is a cactus blossom in our homeland.
It turns iridescent orange
as the water it drinks collapses its cell walls.
The people crumple the way the riverbanks of the Animas do
under the weight of its water.
Heavy metals choke the mouth like hands at a throat
and the land wheezes out like collapsing lungs.
We've been here before.

Church Rock, New Mexico
July 16, 1979.
93 million gallons of uranium tailings flow into Rio Puerco.
It is noted as the largest radiation spill in history.
There are stories of grandmothers
burning alive
moving their sheep across acidic rivers.
Homes built out of radiation-rich earth.
People dying in their cancer-ridden nightmares.
My grandparents live there.
Have lived there.
Will continue to live there.
The land, as dry and barren as a lost skull,
thrives as the people do,
on faith and blessed water.

If only there was a word in English for losing your homeland.
There are plenty for taking it away.

You're here again to save us.
To keep the poison from the people,
like heroes.

Back again to take the land
as a science experiment.
We are a specimen, aren't we?
So much radiation in our systems
our half-lives will keep us here
until the sun burns itself down.

So take it.
Take this land you've never known how to care for.
What could you understand by gouging these old scars deeper?
I surrender all of our secrets.
Keep digging and all you'll find are feathers and bones
and won't know what bound them to the land
or the people.
You've destroyed your own inner mystery in the process.

Take the land.
Tell your children you were heroes.
That we celebrated your tenacity,
your violent sprint into the future of energy,
that we thanked you for this,
toasted to your success
and drank the Animas river knowing you had saved us.

Your children will know it was you who spilled.
They'll know whose blood powers the lights.
They'll watch every second of news on us,
dancing in the poisoned water.
They'll know that we stayed with the land
until the second her waters killed us.
You killed us.
And we were with our mother.

Recognizing the Contributions of Janice Varela

After almost 11 years of working with the New Mexico Acequia Association, esteemed colleague, friend, mentor and Acequia Community Organizer Janice Varela is moving on to a great new position with the Western Landowner's Alliance. Janice was hired by NMAA in 2005 to be the Community Organizer and Governance Specialist. She came to the organization with over 10 years of experience working on acequia issues, including assisting with the defense of water rights for the adjudication of the Rio Gallinas basin since 1995. Janice is known for her tireless efforts in providing technical assistance to Acequias, often working long hours and weekends to crisscross the state for an acequia meeting. Janice's warmth and expertise made her a welcome presence in countless acequia villages, where she made many friends and allies. Her incredible skills in the community, along with her in-depth proficiency of acequia governance issues have hugely contributed to the success that NMAA has had in protecting water and keeping Acequias flowing. We wish her all the best in her new position with the Western Landowner's Alliance, and we know that she will continue to be a key advocate for years to come.



Que Dios la Bendiga!

Governance Tips: Open Meetings Act (OMA) Compliance What Acequias Need to Know

Acequias safe guard themselves against future challenges and demonstrate attention to the laws set out to encourage a fair process by following the Open Meetings Act.

FIVE KEY POINTS OF THE OMA:

- **Pass an Open Meetings Act Resolution** (see the NMAA Governance handbook for a sample and more details).
- **Give reasonable notice of meetings.** The office of the Attorney General recommends:
 - 10 days notice for membership meetings;
 - 3 days for commission meetings;
 - Whatever your bylaws or OMA resolution say if they exceed the above.
- **Take minutes at meetings.** Include at a minimum the date, time, and place of the meeting, the names of commissioners in attendance and the proposals considered, and a record of any decisions and votes taken that show how each commissioner voted.
- **Emergency meetings** can only be held where unforeseen circumstances will result in injury or damage to persons or property if not addressed immediately by the acequia (see more details in NMAA Governance Handbook).
- **The acequia may recess and reconvene a meeting or close** part of a meeting for executive session in certain limited situations. (see more details in NMAA Governance Handbook).

Copies of the Governance hand book are available at the NMAA office and at our events. It can also be found at: <http://www.lasacequias.org/wp/wp-content/uploads/2014/07/Governance-Handbook-Rev-2014.pdf> 📄

Abeyta Water Rights Settlement *continued from page 4*

that corresponds to 2,322.45 acers, and will gradually increase the amount.

Finally, the Settlement protects surface acequia water rights as established and adjudicated. Under the Settlement, the 5 parties have agreed to waive any challenge to the validity of a water right that has already been agreed to by the State Engineer. In addition, the parties agreed to not protest the terms of the Settlement itself. Taos Pueblo has agreed to forebear making priority calls on surface water rights in the Valley that are exercised in the location where they were adjudicated and to honor all current acequia water rights. At the same time the Acequia parties agreed not to protest certain transfers by the Pueblo and by other parties of acequia water rights to supply water for projects by those parties. During the inter se phase of the adjudication before the enforcement date in 2017, one acequia may challenge the water rights of another acequia or one parciante may challenge the rights of another parciante, but an acequia may not file an objection in court to any non-acequia water right already agreed to by the State Engineer. It is agreed that any

challenge to a domestic and livestock wells is waived. These, in brief, are some of the major provisions of the Settlement affecting Acequias. However, these are many other provisions of the Settlement that have not been discussed here. You can find the Settlement agreement in its entirety at the links listed below.

There are many speculations, concerns, and critiques on how exactly the Settlement administration is going to manifest into wet water a sustainable future for Taoseños. Could the science of the Abeyta settlement truly overcome the devastating realities of the drought and demand of the future? Can the Acequias and TVAA build new leaders who are willing to collaborate with Taos Pueblo, mutual domestics, and neighbors in order to preserve this symbiotic and historically land-based lifestyle? When there are disagreements about the hydrologic model, mitigation well system, or the methodology of measuring the surface water depletion the parties have agreed to convene for the purpose of adjusting the hydrologic model and the mutual benefit projects as needed. The parties in the Taos/Abeyta Settlement have created a basis for collaborating on issues related to sharing the vital resource of water for ongoing life in Taos Valley. We know that drought divides people, a fact serving to remind us that solving the conundrum of water, growth, and hardened demand is work best done in the present, before the curve of rising need and the downshifting line of limits slam together.

To find the settlement please follow this website: http://taospueblo.com/wpcontent/uploads/2015/05/2012_12_12_Abeyta-Settlement-Agreement.pdf

Related Documents to the Settlement can be found at: http://www.ose.state.nm.us/Legal/settlements/Taos/Taos_documents.php 📄



Taos Mountain in Fall. Photo by Theresa Webb from Taos, NM.

Welcome New NMAA Staff!



Olivia Romo is from the village of Taos, in Northern New Mexico. Being raised in this rural community she has a strong connection to the land through traditional farming, acequias, and adobe making. After graduating from Taos High in 2011 and working intensively with her community centers doing ethnographic work, she moved to Albuquerque to attend the University of New Mexico to pursue Bachelors in Professional writing and Chicana/o Studies. After graduating in May 2015, she is now the Communications Coordinator at the New Mexico Acequia Association writing blogs, quarterly newsletters, and covering current events. In addition to this, she works with the Sembrando Semillas youth program, engages in policy work, and is a recognized community organizer.

In the near future, she aspires to attend UNM Law for Environmental Justice in order to fully represent and fight for New Mexican land based ways of living. Not only is she an active member of her community in Northern New Mexico she is a poet and spoken word artist who simultaneously dedicates her time working in many local farms and cooperatives. NMAA is enhancing the lives of young leaders in order to prepare people like Olivia to be capable for acequia advocacy in a future of water hardship and uncertainty. Olivia has the capacity to advise acequias in financial compliance, governance and ByLaws, in addition to community outreach with the cultural competency in meeting and understand the needs of our acequia communities. 💧



Toribio Garcia has always felt fortunate to belong to the small community of Chamisal in the mountains of northern New Mexico. He completed K-12 in Peñasco, just a few miles from his hometown. However, he never truly appreciated his surroundings and culture until he left Chamisal to attend the University of New Mexico in Albuquerque to pursue his education.

When he left his community, he realized how important it is to him, and how much his culture has shaped him. In Chamisal he has his parents and three younger siblings, and is neighbors to his grandparents, uncle, great-aunt and cousins. All of this has made him appreciate family and the simplicity of living in a rural community in northern New Mexico.

Toribio graduated May 2015 from the University of New Mexico with a concentration in Biology and Health Sciences. Shortly after graduation he returned to Chamisal to continue the traditions of helping his father, grandfather, and uncles farm, gather fire wood and butcher animals. Toribio has always valued both traditional knowledge and modern sciences and believes that when they work together they can help more people and expand both knowledge systems. Toribio wants to help better protect and continue the knowledge that people of northern New Mexico have maintained for centuries. He plans to return to Albuquerque and continue his education by pursuing a Master's degree in Physician Assistant Studies. 💧



NEW MEXICO ACEQUIA ASSOCIATION: MISSION & VISION

The New Mexico Acequia Association is a statewide, non-profit organization founded in 1990.

MISSION

Our mission is to protect water and our acequias, grow healthy food for our families and communities, and to honor our cultural heritage.

VISION STATEMENT

In our vision, acequias flow with clean water, people work together to grow food, and communities celebrate cultural and spiritual traditions. People honor acequias as part of our heritage and express *querencia* through a strong connection to land and community. Knowledge and experience about growing food, sharing water, and saving seed are passed on from generation to generation.

Guided by our core values, the New Mexico Acequia Association grows a movement of people of all ages and walks of life to defend and protect our precious water by resisting its commodification and contamination. Through involvement in NMAA, families and youth are inspired to cultivate the land, care for our acequias, and heal past injustices. Communities have an abundance of healthy, locally-grown food because we recognize agriculture as a respected and dignified livelihood and way of life.



Talking Water Law

David Benavides has been the Director of the Land and Water Program at New Mexico Legal Aid for 25 years with a passion and deep commitment to Acequia communities. David has supported and represented Acequias during legislative sessions, through adjudications, and various legal situations. He is a champion advocate, ally, and partner with the New Mexico Acequia Association. In this column he will answer questions related to water law and Acequias.

What are some of the legal advantages or disadvantages that acequias have under the law by being acequias?

New Mexico has a long history of recognizing the acequia system and legally protecting the basic rules that acequias have always operated under. In the very first legislative session in 1851-52 after New Mexico became a territory of the United States, laws were passed confirming many of the acequia practices under Spanish and Mexican law, such as the power of mayordomos to allocate water.

Some of the advantages that acequias have come from being a local unit of government. Under the law, an acequia is not a private entity but is a public body and therefore is treated differently than a so-called “private ditch” that has never had an elected comisión. Acequias are eligible to receive direct appropriations of public funds for ditch improvement or for adjudication expenses, while private ditches are not. Acequia officers are technically public officials with certain powers listed in the statute, and their decisions can be legally enforced so that the acequia can operate smoothly and fairly for all participants. Municipalities cannot condemn acequia water rights since the water is already being put to a public use.

At the same time, acequias, because they are public bodies, must take care to comply with laws that promote public accountability, such as the Open Meeting Act, and state financial accounting requirements.

Some advantages are found in the state acequia laws themselves. For example, the right-of-way for acequias is confirmed by statute, so there is no necessity to have documents from landowners granting the acequia its easement. Acequias have also been given the power to establish water banks to keep water rights from being lost for non-use. They also have been given the power to decide whether or not a proposed transfer of a water right should be allowed. (But they only have this power if it had been adopted into the acequia’s bylaws.) 💧

Cow Creek Adjudication

by Enrique Romero

The adjudication of Cow Creek (Pecos River Basin) and its tributaries, including Bull Creek, is underway. After several working sessions with the Court, the State Engineer is preparing to file a motion to begin the adjudication process. If you own irrigable land in Cow Creek, your surface water rights will be determined by this lawsuit. A quick look at the State’s hydrographic survey map and report shows that a substantial number of surface water rights in the Cow Creek basin could be lost as a result of this adjudication.

Adjudication Generally

An adjudication is a lawsuit in which the State of New Mexico is the plaintiff and a water right claimant is the defendant. The purpose of the lawsuit is to determine ownership of water rights and the extent of those water rights. Like other lawsuits, the parties will have the opportunity to present evidence to support their positions. For example, the State will have to present evidence a potential claimant does not have a water right. Claimants have a right to see this evidence at some point during the proceedings. Like other lawsuits, there are deadlines that the parties will have to follow in order to contest 1) the State’s position, 2) action by the Court, or 3) action by other water right claimants. In this adjudication, there are more than 200 defendants. Each defendant is going to be offered by the State one of three things: no water right, an incomplete water right, or a full water right.

“No Right” Offer

This is where the State believes it has enough evidence to convince the court that you have no water rights even though those water rights may have been recognized in past judicial decisions, like the Hope Decree. The State may argue that you lost your water rights due to non-use. New Mexico is a “use it or lose it” state when it comes to water and the best way to protect surface water rights is to irrigate. However, many consecutive years of non-use may result in loss of water rights even if the court previously recognized water rights on your land. New Mexico law is not settled as to the number of years of consecutive non-use that constitute abandonment of a water right. Furthermore, there are several legal justifications that may account for alleged non-use. If you receive a no-right offer, you should explore these issues with an attorney before signing any documents that would deprive you of your water rights.

Incomplete and Full Offers

The State may offer a water right but you disagree about some element of it. Water rights have several elements, including priority date (the date water was first beneficially applied to the land, many times the date of the construction of an acequia) and the amount of irrigable acreage. For example, the State may offer you a right based on 1.5 acres of irrigable land, but you believe the total acreage is 2 acres. If you have evidence that the .5 acre not being offered by the State was historically irrigated before 1907 and there was no long period of continuous non-use, or there is some legal justification for non-use, you should present that evidence and argue for the full acreage. Again, since you disagree with the State’s offer, you should not sign its offer and should consult with an attorney.

Although less likely, you may receive an offer from the State that you completely agree with. If you understand every element of the water right that the State is offering you, and you completely agree with every element—including priority date and acreage—signing the Consent Order acknowledges your agreement and will be submitted to the Court. There will be further proceedings, called inter se, in which other water right claimants—other defendants in the lawsuit—may challenge the offer before it becomes final.

What to Expect

The Notice of Adjudication will be sent out in mid-October to all the landowners the State has identified as possible water rights claimants in the Cow Creek basin. Notice will also be provided to all “unknown” claimants by publication in the *Las Vegas Optic* and the *Albuquerque Journal*. To find out if you are a “known” water right claimant, you should review the State’s hydrographic survey map and report. You can access the report online or you can call or come by the NMAA office to view a hard copy. The hydrographic survey report previews what the State will be offering in their Consent Orders to each known defendant. The Consent Orders – which is the State’s offer of water right or no water right – will be mailed to each known defendant beginning in 2016. Depending on what the court decides, you will have a certain number of days to contest the State’s offer. Not responding is the equivalent of a default judgment against you – it will signify to the court that you agree with the State. Therefore, it is vitally important that you make sure the State has your correct address and that if you disagree with the State’s offer you file an answer by the court’s deadline.

With the Notice of Adjudication, water right claimants should receive a subscription form to the court’s Monthly Adjudication Report. Receiving this report is the only way that you will receive legal notice of certain proceedings in the adjudication that may have an indirect – but substantial – effect on your water right. (As far as your own water right is concerned, you should receive personal service by mail.) You can sign up to receive the Monthly Report for free by email or for a yearly fee by first class mail. Claimants who cannot afford the yearly fee may request a waiver of the fee from the court. The deadline to subscribe is tentatively set as November 30, 2015. If you do not receive a Notice of Adjudication or Subscription Form for the Monthly Adjudication Report, contact the State Engineer, or NMAA, immediately.

The Acequia and Community Ditch Fund (ACDF)

The ACDF was established by the legislature to assist acequias with certain expenses associated with defending their water rights in an adjudication. NMAA is taking an active role in assisting the acequias in the Cow Creek basin organize to form a regional association to apply for the ACDF. Please contact NMAA immediately if you are a water right owner on an acequia or community ditch and need assistance organizing. The adjudication is underway and your water rights are at stake! 💧



Our acequia communities are precious because of the common themes and values that we share, but also because of the unique story that every acequia has. In this section we will put a spotlight on different acequia communities to encourage our readers, parcientes, and acequeros to reflect on what makes their acequia special and to share their remarkable story.



Twelve families,
Twelve miles,
Twelve years

Acequia del Medio de Chamisal & "Grandpa Max."

by Toribio Garcia

Since I was a small child, I have been fascinated by the story of the acequias in Chamisal, the 12 families, 12 miles, and 12 years. Since I was little I have been told I was the eleventh generation to grow up on the acequia in Chamisal and have participated in the annual *limpias* alongside very knowledgeable people for many years. The story of the acequias has made me feel closer to these people and my ancestors. Being asked to write an article for the NMAA acequia community spotlight has given me the opportunity to interview my grandpa Max.

What is the history of your acequia, as you know it (or as you've been told)?

While speaking to Maximiliano Garcia of Chamisal he informed me that the Santo Thomas Apostol Del Rio de Las Trampas also known as the Las Trampas Land Grant located in Southern part of Taos County was settled the 15th of July, 1751. It was granted to 12 families known as the "Doze Familias." The history of the acequia goes back prior to 1751 but the priority date is 1751. Chamisal is one of several villages that diverts from the Santa Barbara River. The acequia was constructed by the 12 families in a time frame of 12 years totaling 12 miles from the Santa Barbara River to the plaza de chamisal.

What kinds of crops does your acequia community grow?

Max explained that Chamisal has historically grown a wide range of fruit trees, grains and vegetable crops. He mentioned the types of trees grown included apple trees, apricot trees, plum trees, pear trees and choke cherry trees. The vegetables grown included maiz (corn), alberjon (peas), calabazas (pumpkins), havas (fava beans), papas (potatoes) and trigo (wheat).

He mentioned that times have changed and many parcientes of Chamisal y Ojito currently grow mostly pastura y sacate for animals but that small gardens that include many of the above crops are still found growing in the community. Max mentioned that a lot can be grown with the exception of green chile and watermelon, and that is because of the short growing season.

What traditions and practices does your acequia community maintain? (Food and agriculture, limpia, etc.)

The communities of Chamisal y Ojito begin their annual acequia cleaning in April and have them completed before the water is needed in May. The commission is composed of a chairman, a secretary, and a treasurer. There are two Mayordomos; one that serves the *Acequias de Chamisal*, and the other Mayordomo serves the *Acequias de Ojito*.

What is your irrigation season? (Time frame)

Irrigation starts early in the spring for *pasturas*, and agriculture crops that are usually planted in mid-May get irrigated in early June.

What are your commissioners and mayordomos doing this time of year?

The Mayordomos and commissioners are busy getting ready for next year, checking by laws, rules and regulations and making sure that everything that needs to get done is getting done. He mentioned one of the most important duties at this time of year includes locating and repairing *socavones*, which is the place where water is lost due to a faulty ditch bank.

What makes your acequia special?

Max stated "Our Acequias bring water to Chamisal, which is Desert Mountain Southwest. We get water to grow crops and I feel very fortunate to be surrounded by Acequias." The communities of Chamisal y Ojito, which lie in the Las Trampas Land Grant and the Picuris Land Grant, were settled by *Tramperos*, who are his descendants. Max says it is special to be in the middle of the Las Trampas Land Grant and in the Picuris Land Grant, but also what makes it all work is community, the organization, and the sharing.

There are currently 16 operational acequias totaling more than 58 miles that irrigate over 1,115 acres of land. 💧



Legislative Update – Acequia Advocacy in State Water Policy

The New Mexico Acequia Association was invited to present to the Water and Natural Resources Legislative Interim Committee on July 28th in Taos on the topic of “Standing in Water Right Applications.” The reason this topic is important is that decisions about water applications, including new appropriations or water transfers, are made in an open and public process through administrative hearings before the State Engineer.

Under current law, a person or entity that may be negatively affected by a proposed new use of water has a right to file a protest before the State Engineer. The current law requires that a protestant must have “standing” or some legitimate reason to be concerned about the application. On the matter of impairment, a protestant is required to have a valid water right. On the matters of public welfare and conservation of water, the protestant has to demonstrate how he or she will be specifically and substantially affected by the proposed new use of water.

The topic of standing was being considered by the Water and Natural Resources Committee (WNRC) because a bill was introduced during the 2015 legislation session that sought to change the way that the standing of a protestant can be challenged, SB 665 (Griggs). The legislation did not pass during the 2015 session but it is receiving significant attention during the interim. Proponents of the bill may intend to introduce that or a similar bill in an upcoming legislation session.

The bill was proposing a major change to the way the State Engineer deter-



The Water and Natural Resources Legislative Interim Committee met in Taos on July 28, 2015, where administration of the Abeyta Water Rights Settlement was discussed. l to r: NMAA Staff Olivia Romo, Representative Bobby Gonzales, TVAA President Palemon Martinez, and Attorney David Benavides.

mines whether a protestant has standing. The language of the bill would require that a protestant provide evidence of standing up front when it is filed with the State Engineer. The current laws and regulations already allow the applicant or the State Engineer hearing examiner to challenge the standing of a protestant during the administrative hearing process. NMAA and attorney Connie Ode of Taos gave presentations explaining that the proposed changes in SB 665 were unnecessary, and, furthermore, would have the effect of discouraging public participation in the protest process. At worst, the change could disenfranchise individuals or entities with legitimate concerns about a new use of water from filing protests because of a lack of resources and the impracticality of meeting the protest deadlines with burdensome requirements.

Overall, the NMAA and other advocates

for rural and agricultural water rights have observed a trend by which the entities that need to acquire water rights for new developments are seeking changes in water policy that would “streamline” the water transfer process in order to facilitate their water rights’ acquisitions. Such policies would have the effect of accelerating the commodification of water in New Mexico and potentially contribute to the “drying” of rural and agricultural communities. The NMAA continues to advocate for sustainable water policy that recognizes the contributions of a diversity of water uses in New Mexico, including the benefits of irrigated agriculture to food security and the interconnectedness of irrigation to healthy rivers, aquifers, and riparian habitat.

A copy of the presentation by Paula Garcia, NMAA Executive Director, is available at www.lasacequias.org ♣

“Tó bee iina, El Agua es Vida, Water is Life” *continued from page 5*

ization, Kiva Club, from the University of New Mexico of Albuquerque organized the “Animas Toxic Spill: Diné Relief Initiative” that provided 5 tons of water and \$900 to Shiprock and Aneth chapter houses on the Navajo Nation. More specifically, they delivered about 225 gallons to local farms on the San Juan who were on the verge of letting their crops die because the costs and time to haul water was impossible. Next, they delivered 1 ton of drinking water to the Aneth chapter house and 3 tons to elders in need of clean drinking water.

Students engaged in stories, histories of contamination, and food among one another in the Navajo Nation keeping in mind that not just now but for decades the Diné have been living among contaminated water, corruption, and poverty. For the Diné, the San Juan river is a sacred spirit, an ancestor they pray and give offerings to for protection and in times of war. These are times of hostility for the Navajo Nation who have had difficulty obtaining clean water to begin with, not to mention that many do not have connections to a public water system. Elders have had to haul water from as far as Gallup and Cortez for drinking, cooking, and bathing especially in times of contamination beginning with Uranium exposure. These populations, farmers, and young people are fighting every day for clean water, opportunities, and for the resources to restore land and their communities back to health. In addition to Kiva’s efforts, fundraisers and benefits have sprouted all over the state in community centers, schools, and bars where musicians from the Navajo Nation are raising consciousness and proceeds to go to the farmers and people on the reservation. On September 4th in Albuquerque, Discotays, Laughing Dog, Lilth, Klee Benally, and other Navajo musicians rocked out at the Launchpad, where many environmental and indigenous organizations gathered to fundraise and raise critical awareness not just around the Gold Mine spill, but the numerous episodes of contamination and violence against indigenous people in New Mexico. Although

these fundraisers have built a network of support for those impacted by the Gold Mine spill, there is a lot of work to be done to clean up our rivers, Acequias, and backyards.

In a recent Op-Ed piece in the NY Times, La Plata County Commissioner Gwen Lachelt noted that one of the great challenges facing communities and regulatory agencies is the complexity and cost of clean-up activities. The highly mineralized and mined region in Southern Colorado and Northwestern New Mexico have a long history of acidic drainage into surface water. Part of it is naturally occurring but undoubtedly higher levels of pollution are exacerbated by mining. Community groups including the Animas River Stakeholders Group have advocated for remediation and have urged action by federal and state agencies to conduct remediation activities. In some cases where there has been some remediation, fish populations have recovered to some extent but only after multi-year and concerted efforts specific to certain mines. In other areas of the country, there have been some improvements in environmental quality from remediation of abandoned coal mines that could serve as a starting point to developing policy reforms for abandoned hard rock mines.

Lachelt pointed to some recent efforts to reform the 1872 Mining Law, H.R. 963, the Hardrock Mining Reform and Reclamation Act of 2015 introduced by Raul Grijalva of Arizona. The legislation would create a fund to clean up abandoned and inactive mines by establishing a royalty on mining operations. Regardless of the extent or nature of contamination or who is responsible for pollution or its release from old mines, one fact is clear: any type of cleanup, remediation, or containment of mining pollution will take resources. Lachelt points out that there is much to learn from other cleanup efforts and that much expertise is yet to be gained. But it appears that creating a fund to contribute to clean up and remediation is a step in the right direction. ♣

Lung Remedy

by Juliet Garcia-Gonzales

Last year I had the opportunity to take a her-
bology course with Lucy McCall at UNM Taos.
She provided a syllabus outlining what we
would cover during the semester, and I was
excited about all of the information that she
would be sharing. I have studied remedies for
many years, but I took this course to learn
how to put together herbal tinctures, syrups,
and ointments.

2014 had an early start to the cold and flu
season, and a nasty respiratory virus was hit-
ting the Midwest, hospitalizing many children
and teenagers, and requiring intensive care
especially for those who were already sus-
ceptible to asthma. The virus was quickly
moving in, affecting individuals in Colorado,
Utah, and Oklahoma.

I have four beautiful children, but one who
has always been very sensitive to the cold
season. He has been hospitalized with
asthma, and this particular illness made me
nervous. The lecture on the respiratory system and instructions on making syrups were scheduled for late October, but I was feeling a little anxious and asked the instructor if she would please walk us through that process earlier than planned. Ms. McCall was just great and understanding, and almost immediately gave us a recipe for a tincture to be used for the respiratory system.

The recipe calls for mullein leaves, grindelia, elecampane, malva, echinacea, osha, reishi, and elderberry. It was still early enough in the season to pick some of these herbs, and so I did. I was able to pick mullein leaves, grindelia, and malva. Ms. McCall gave each of us some elecampane in class, and I had osha stored at home. I could not find echinacea, reishi or elderberries, and was not in a position to purchase them, so I used what I had.

I simply broke up the herbs and put them in a jar. I poured brandy over them and let them sit for a couple of weeks. When the tincture was strong for an individual, I made a syrup, which is 3 parts tincture to 1 part of honey.

I made enough of a batch to share, and so I did. My son took it when he felt himself being taxed, and we were all so glad that it was a season without many trips to the Doctor's office. I share this with you now as we are entering the cold season because there is still time to harvest or find these herbs to make your own remedio for the winter! 💧



Lung Remedio

The Art & Commitment of Land Restoration continued from page 1

order to actively farm the land; many do not understand the true sacrifice and dedication.

The walk back from the farm was beautiful, participants munching on fresh apples and plums from neighboring trees with a better understanding of the community, spirituality, support, and sharing that must happen again in order for the Taos valley to restore land that has fallen fallow. Times were once like this, and over lunch, participants engaged in stories of the past, of food preservation, harvest time, and how difficult it is in modern times to restore lands that were once agricultural.

After a hardy bowl of stew, beans and blue corn bread, participants journeyed around the corner to Talpa, at the "Squash Blossom Farm" where Gael and Ty Minton have retired and dedicated twelve years to restore the land into a functional Community Supported Agricultural (CSA) model. Gael and Ty began the restoration process in 2001 and their first steps were irrigating the entire 2 acres they had in conjunction to establishing a 20' x 30' garden with help of a big load of finished compost. While participants weaved in and out of the rows of vegetables and flowers many questioned why there was little to no insect intrusion that Gael happily answered and advised, "It's all about the dirt! We built a permanent 4-bin compost structure that has helped us recharge the soil. Healthy dirt prevents pests and is high in nutrients and oxygen giving your plants a healthy foundation to grow and produce." Squash Blossom Farm has a very diverse and dynamic balance, not only including crops but livestock, irrigation system, and wildlife. Gael had Rio Grande turkeys for about five years and recently has been a honey bee keeper for eight, increasing the productivity and pollination on the farm in a holistic way. In addition to this, Ty has the crops on a drip irrigation system as a way to conserve and water the plants more accurately. Overall, participants were very excited and inspired by how the Minton's utilized two acres to the fullest of their capacity, helping restore the ecology of the land and nurture their neighbors and community by producing food within a model that emphasizes sharing, traditions, and sustainability.

A CSA is a venture where farmers and community members share a commitment to creating a viable local organic farm. A community member may purchase an annual share in a farm in return for receiving freshly picked, organically grown vegetables. A share at Squash Blossom Farm is designed for a household of 2 adults and 2 children, or 2 couples may share a share. The season begins in early June and ends in early October. In addition to this, Squash Blossom Farm has been certified: "Naturally Grown" since 2012 and is a champion example of how acequia agriculture is a premier model for healthy community sharing and connection to sacred land traditions. At the workshop a general reaction to first seeing the garden was, "All I see here is a lot of work," because indeed it was; only recently in

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"Squash Blossom Farm" - Gael & Ty Minton's CSA in Talpa, NM.

3rd Annual Acequia Conference for Commissioners and Mayordomos



Acequia rock star Peter Vigil sharing his wisdom and animo.

by Serafina Lombardi, NMAA Staff

It is hard work being a Commissioner or Mayordomo. Our elected officials must balance tending their own fields, family, employment, other community duties as well as the growing and shifting responsibilities of guiding their local bodies of government. It is a duty that we pay honor to and respect. Informed and supported Commissions are key in the struggle to protect water rights and keep them in our acequia communities. Thus, NMAA has committed to the Conference for Commissioners and Mayordomos being a regular fixture in our annual calendar as a tool to serve and support. We also want to encourage youth, the next generation acequia leadership, to participate in this conference to build the skills *para fortalecer el movimiento en defensa del agua*.

This year we had 75 participants from acequias across the state. We thank and celebrate all of you for making the time and effort and for bringing the knowledge back to your communities. For those of you who could not be there, or who would like a reminder, here is a little recap: Given the extreme weather fluctuations of drought and flood cycles and the damage they bring, we hosted two sessions to address these issues: “21st Century Acequias: Infrastructure Designs and Funding Availability” and “Adapting to Drought and Floods.” In the first session on funding we featured Steve Carson, a parciante on the Acequia del Rancho in Santa Fe County and the Owner of “Range Hands,” an outfit that offers Natural Channel Design Irrigation Diversions. Mr. Carson explained the basic science of how this works and how by pushing the flow of the river to the center less damage is done to the banks, as well as how certain diversion structures and special presas they install greatly reduce sedimentation. He can be reached at (505) 470-3542. Peter Vigil from the Taos Soil and Water Conservation District then got us on our feet and made sure we were all feeling the motivation and urgency of maintaining our acequia’s infrastructure. He reminded us that at the heart of this work is our *querencia*. Norm Vigil of New Mexico Association of Conservation Districts reminded us what the new Regional Conservation Partners Program has to offer acequias. This Federally funded program established by a coordinated effort of various groups, including NMAA, which offers technical assistance to acequias in assessing their needs and offers funding to acquire designs as well as implement designs, ideally matching

up with other funding sources as well. The first application deadline closed in June 2015. The program was inundated with requests, affirming the needs of acequias. Our very own Paula Garcia rounded out the plactica with perspectives on capital outlay, Interstate Stream funding and how to manage and tie together all of the funding options. As always, NMAA is here to support your acequia in wading through the paper work and making sense of it all. Don’t hesitate to call us!

In our Adapting to Drought and Floods section, Jan-Willem Jansens of Ecotone wowed us with an array of options of how to prevent flood and erosion damage while warding off the effects of drought. Brian Williams of the New Mexico Homeland Security and Emergency Management reminded us bureaucrats can be compassionate. He was real with us about the challenges to accessing FEMA funds when your acequia has experienced a disaster, while also encouraging us and coaching us on the process. The most important thing to remember is that when your acequia has damage due to an extreme weather event be sure to report it to your county’s emergency manager.

After a delicious lunch we were treated to a panel of acequia leaders speaking to “Cultivating Leadership to Serve as Commissioners and Mayordomos.” Every acequia had its own unique story to tell of

the challenges and triumphs of filling its leadership roles. NMAA created a hand out to help each acequia prepare and brainstorm in order to develop a plan for your own acequia. As stated before a strong commission informed of its rights and knowing its history is one of the best ways to ensure a healthy future for acequias. We urge all acequias to carefully consider how you will train the next generation of leadership and encourage you to share your stories with us.

Finally, our dear friends and allies, lawyers David Benevides and Enrique Romero of New Mexico Legal Aid, shared on the importance of including the water transfers appendix in your acequias bylaws. They emphasized the need follow the legal process to best protect the acequia when water transfers come up. NMAA and NMLA can assist acequias, both with the bylaws and in how to manage a transfer when it comes up. This was followed by the ever-popular question-and-answer session. A plethora of interesting questions came up. Some of those that we did not have time to answer will be addressed in our new “Ask a lawyer” series in our quarterly newsletter.

We are already busy planning for next year’s Commissioner & Mayordomo Conference. We invite you all to join us again next year. In the meantime, keep calling when questions arise, and thank you for your service. 💧



Angelo Sandoval (Acequia Atras de la Plaza) presents on “Cultivating Leadership” along with Toby Velasquez (Acequia Mesa del Medio), Lucia Sanchez (Acequia de Alcalde), and Cathy Underwood (Acequia de la Plaza de Dixon).

Invasion of Grasshoppers: “Chapulines Chomping Away at Crops”

by Olivia Romo

For two years now it's been raining grasshoppers, dense clouds storming across New Mexico that have even been detected by weather radar! In Albuquerque and parts of Northern New Mexico people have witnessed hundreds of grasshoppers bouncing off window shields, blanketing sidewalks, and invading gardens. This summer in the South Valley, farmers were devastated with the annihilation of crops like kale, chard, corn, and beans. Sadly, the only strategy against the hungry insects were to aggressively re-plant, specifically using shade cloth and row cover to help the plant get established so it could battle off the bugs. Joseluis Ortiz, a farmer in the South Valley stated that, “It's been a really hard season; we got a lot of rain and then intense heat, creating a thriving environment for grasshoppers and harlequin beetle. Ya han comido los quelites y verdolagas!”

Despite the hard work and loss of crops Joseluis still gave thanks and in reverence said, “I am very thankful for this rain, and I believe that our antepasados like Estevan Arellano and Tomas Atencio are praying for us and watching over our crops in this time, sending us rain and helping us grown more food in spite of the infestation”. In addition to this, he recommends using organic sprays like Nolo Bait and Pyrethriun as a last resort to help save your crops in times of economic uncertainty.

Nolo Bait contains naturally occurring *Nosema locustae* spores. When this is consumed by the grasshoppers they become infected with the spores and die more quickly. As *Nosema locustae* builds up in the gut of heavily infected grasshoppers the insects become lethargic and reduce their feeding. Infected grasshoppers are seen by healthy grasshoppers as additional food sources and are cannibalized. This natural behavior further spreads *Nosema locustae* throughout the grasshopper population. The progression and persistence of this organism provides long-term benefit to the landowner without environmental damage.

Pyrethrum is also a natural insecticide made from certain species of the chrysanthemum. Originally pyrethrum was made by grinding dried chrysanthemum flowers into a powder. Today, pyrethrum is extracted with solvents but is still widely used in household insect sprays where it is usually combined with another chemical called piperonyl butoxide. About 200 years ago



Grasshoppers eating corn stalks.

people in central Asia discovered that dried, crushed flowers of certain chrysanthemums were toxic to insects. Pyrethrum insecticide, either alone or in combination with other compounds, is a very effective, safe and environmentally friendly garden insecticide. They are very effective against a wide array of garden pests and can often be used right up to the day of harvest.

Some farmers have found letting chickens free range in the garden to be beneficial to reducing the grasshopper population, while others have made a hobby of hand picking them an offering as a supplement to their chicken's diet (don't forget they make a great fried treat for people too!) Another strategy is re-planting with grasshopper resistant plants including many herbs particularly Calendula and Cilantro.

For those of us living along the acequia, grasshoppers populate more along ditch banks and destroy living herbs, vegetation, and wild foods that grow there disturbing the overall ecology of the plant life on a healthy acequia. Farmers from up North will chuckle and say, “Un año si, uno año no” just let nature take its course. Many farmers continuously replant every season regardless of insects and allowing nature and the years when insects are more intrusive take their course. We continue to be thankful for the rain, the work, and keep in mind that like all the unexpected events we see on the land, this too shall pass. 💧



ASK DON ADVICE COLUMN FOR FARMERS

Have a question
for Don? Email
questions to:
pilar@lasacequias.org

Don Bustos is a certified-organic farmer in Santa Cruz de la Cañada. He has over 35 years of professional farming experience, including traditional and commercial methods. He is the Co-Director of American Friends Service Committee where he helps oversee a statewide farmer training program. He also serves on the Concilio/Board of Directors for NMAA as Secretary. He is the recipient of numerous awards, including the most recent James Beard Leadership Award for 2015. In this column, Don will answer some of the most common and challenging questions related to farming.

It's chile time! One of the questions I was asked the other day was about red and green chile: **How do I know it's time to harvest my red chile and how do I get it ready to dry? And how do I dry my green chile?** The daylight and nighttime temperatures affect the chile because it's starting to turn cooler, while the days are getting shorter and the nights are getting longer. This makes the chile turn red. In northern NM you want to harvest it when it's still a little fresh, you don't want to let it dry on the plant completely because it tends to freeze. If the chile is *pintando* (meaning that it's still partly green but turning red) it's okay to harvest it because it will turn red if you leave it in a shady and airy spot. You want the red chile to be pliable and still a little soft when you pick it, then you want to de-stem and de-seed it and lay it out flat on drying racks for a week or so.

The other method if you don't have a drying rack is to tie your red chile three stems at time on a piece of string, and keep adding chiles until it's long enough to hang up. You can hang this up somewhere where it gets lots of air. If you want, you can make your ristras out of the stringed chile. Let it dry for several weeks and you'll have good chile available all winter and into the spring.

For green chile, you want to rinse and wash it as you pick it off the field. Then roast it on the barbecue or in a chile roaster; peel it and then you can start tying one chile at a time on a string to hang up and dry. When I was a kid we always had that dried green chile hanging there on the stove; my grandma always had it in a *saco* and would use it to *guisar* everything.

The other question I've been asked lately is **what should I be doing now in the Fall to get ready for next year?** I tell everybody that the first thing to do is harvest all the crops you have, clean your field, and one of the most important things is to plant your fields with cover crops so you can start adding organic matter and fertility for next year. Always plant your cover crops on time. For the Fall I recommend hairy vetch, triticale and cow peas- plant them all together because they go really well together. Water them, but if you can't irrigate the moisture from the Fall should be enough to get them to germinate. Next Spring your soil will thank you!.

Don's Tip: Before you prep the chile for cooking, wash it lightly and dry it, then roast it on the stove or oven until you get a nice smell; then you're ready to prepare it anyway you like. 💧

Acequia Photo Contest: Deadline Extended to October 16th, 2015



"Acequia Apple Blossom" taken by Tim Viereck, Acequia del Gavilan off the Rio Ojo Caliente, Rio Arriba County.

Enter your photograph and you could win a \$250 prize and your photo will be featured in our 2016 acequia calendar!

4 PHOTO CATEGORIES:

1) Acequia Landscape

Photos in this category include the acequia landscape that show off your farm or ranch, including but not limited to scenic photos of your crops and/or animals, or photos of family working in the field.

2) Acequias

This is an opportunity to capture the unique acequia features that show off the ingenuity of our ancestors' traditional engineering. This category includes anything and everything about your acequia - some examples include photos of your limpia, unique infrastructure, first opening of the acequia in spring, picturesque winter photos, etc.

3) Regando

Photos in this category include photos of parciantes irrigating fields, and other photos related to irrigating.

4) Food and Seed Traditions

Photos in this category should cover acequia food traditions. Examples include making chicos, food preservation, harvesting, close-up photos of your produce, seed saving, and traditional family activities, etc.

PHOTOS MUST BE SUBMITTED BY OCTOBER 16th, 2015

Submissions must be sent electronically, in high resolution jpeg format. Please email photos to olivia@lasacequias.org along with the following information:

- Name of photographer
- Acequia Name
- Region (if applicable)
- Town
- County
- Photo Description

Participants are limited to one photo per category.

Terms and conditions: Upon photo submission, you agree to the use of your photo(s) in NMAA materials including, but not limited to, publications, calendar, website pages, and outreach materials. Photo credit will be given where appropriate.

USDA Deadlines

Livestock Indemnity Program Benefits Available to New Mexico Producers, (Albuquerque, N.M.), August 31, 2015 – New Mexico USDA Farm Service Agency (FSA) State Executive Director, Molly Manzanares reminds producers who suffered qualifying livestock losses due to attacks by animals reintroduced into the wild by the federal government or protected by the federal government that they could be eligible for the Livestock Indemnity Program (LIP) – this includes losses from wolves and avian predators. LIP also covers livestock death losses caused by adverse weather conditions including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat and extreme cold.

"A notice of loss must be filed with FSA within 30 days of when the loss of livestock is apparent. Livestock that die within 60 days of the date of the qualifying event will be considered eligible for loss benefits," says Manzanares.

For more information on LIP, please contact your local County FSA Office or visit FSA online at <http://www.fsa.usda.gov/nm>



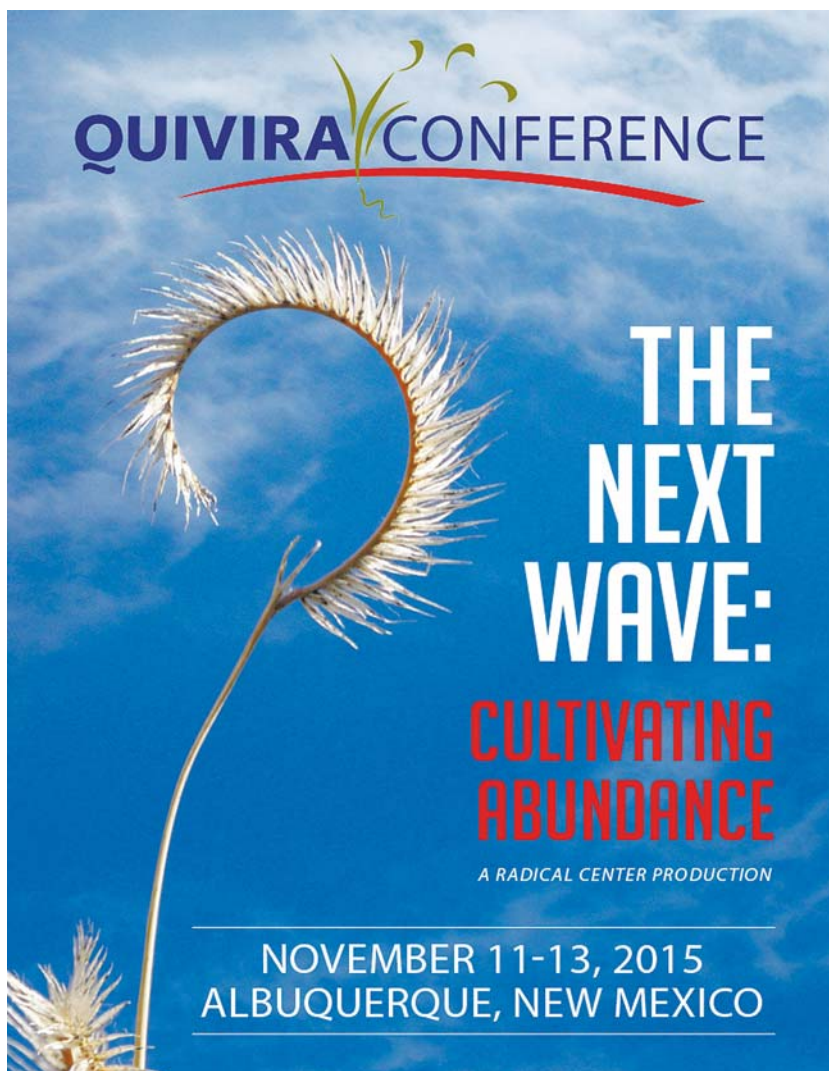
Taos USDA Demo Workshop (The Art & Commitment of Land Restoration) attendees (l to r): Theresa Webb, Olivia Romo, Marisela Trujillo, Virgil Vigil, Isabel Vigil, Serafina Lombardi, Pilar Trujillo, Paula Garcia, and Patricia Quintana.

The Art & Commitment of Land Restoration *continued from page 11*

2014 did Gael finally finish expanding the garden beds and paths in addition to a small green house. The Squash Blossom Farm right now has 22 fruit trees and a raspberry patch, a variety of herbs, and livestock that help restore harmony to the land and community. Everything we once did in our community was a sustainable system: House, gardens, pastures, flowers, the animals all who have a basic role in the system, but one that is importantly about family, community, and helping one another. Our society is very segregated and people now have a hard time working together and making these connections between farmers. Many farmers feel elated, exhausted, discouraged but because of the profound connection they have to the land and their neighbors these farmers have endured and overcame many challenges in order to live off the land.

This commitment was best described by Patricia at the end of the workshop, "One evening when plowing the land, the grandmother heaved with pleasure and the smell of moist and healthy earth just brought tears to my eyes. I was working in the dusk, as most farmers do, squeezing every moment of light in the day to work the land, until I saw the moon rise over the mountains giving me light and energy to complete plowing the field. These two fierce females guided me, a woman, and gave me the strength on the tractor to finish the last parcel of my land."

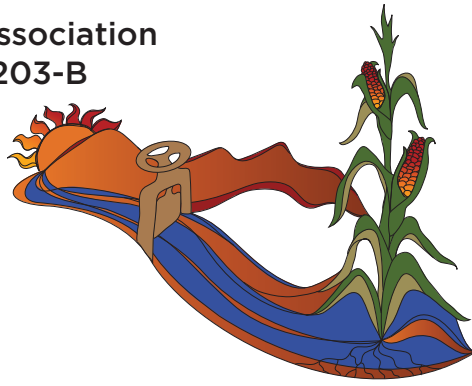
NMAA is grateful for a grant from the USDA that helped to sponsor this event. 💧



Fall Events:

- 🌱 **NMSU: DRYING FOODS AND JERKY MAKING**
Wednesday, October 14th • 1-4pm
 United Church, Graves Hall Kitchen,
 CE Building, 2525 Canyon Rd in
 Los Alamos, NM
- 🌱 **NEW MEXICO ACEQUIA COMMISSION MEETING**
Friday, October 23rd (4th Friday of every month)
10am-12pm
 Bataan Memorial Bldg. Old Senate Chambers
 Rm. 238, 407 Galisteo St. Santa Fe 87501*
 *The location for the NMAC meetings are subject to change.
- 🌱 **NMSU: DESERT COMPOSTING WORKSHOP**
Saturday, November 14th • 9am-5pm (various different classes)
 Albuquerque Garden Center, 10120 Lomas Blvd. NE
- 🌱 **NEW MEXICO ACEQUIA COMMISSION MEETING**
Friday, November 27th (4th Friday of every month)
10am-12pm
 Bataan Memorial Bldg. Old Senate Chambers
 Rm. 238, 407 Galisteo St. Santa Fe 87501*
 *The location for the NMAC meetings are subject to change.
- 🌱 **NEW MEXICO ACEQUIA COMMISSION MEETING**
December TBA • 10am-12pm
 Bataan Memorial Bldg. Old Senate Chambers
 Rm. 238, 407 Galisteo St. Santa Fe 87501*
 *The location for the NMAC meetings are subject to change.
- 🌱 **CONGRESO DE LAS ACEQUIAS**
Saturday, November 21 • 9am-4:30
 National Hispanic Cultural Center, 1701 4th Street SW,
 Albuquerque, NM 87102
 See back page of this newsletter for details.

New Mexico Acequia Association
805 Early Street Suite 203-B
Santa Fe, NM 87505
(505) 995-9644
www.lasacequias.org



16th Annual
**Congreso
de las Acequias**
Saturday,
November 21st 2015

National Hispanic
Cultural Center, Albuquerque

SAVE THE DATE!

co-hosted by the New Mexico Acequia
Association & South Valley Regional
Association of Acequias

*¡Unidos, Defendemos
Nuestras Aguas!*



*Celebrating Acequias &
the movement in defense of water!*

FOOD • MUSIC • POETRY • CULTURE • YOUTH ACTIVITIES

Please join us as we celebrate our 26th year of advocacy for New Mexico's acequias! The Congreso de las Acequias is the annual membership meeting of the New Mexico Acequia Association (NMAA). It's the largest gathering of acequia members and supporters in New Mexico. People are joined together from around the state to rally in support of our work to protect our precious water, inspire people to grow food, and to celebrate our cultural heritage. The event will be co-hosted by the NMAA and South Valley Regional Association of Acequias.

TO REGISTER visit

www.lasacequias.org/congreso-de-las-acequias or call (505) 995-9644 for more info. Register now to take advantage of \$20 early bird registration fee (available until Nov. 6th). Student registration fee \$15 with ID. Children 12 & under, free.

Congreso de las Acequias Agenda

- 8:00am Registration
- 9:00am Welcome and Opening Remarks
Santiago Maestas, South Valley Regional
Association of Acequias
Harold Trujillo, New Mexico Acequia Association
Canción de las Acequias - David Garcia
Roll Call of Delegates and Call to Order
- 9:30am Bendicion de las Aguas
- 10:00am Unidos Defendemos Nuestras Aguas:
Stories of Defending Water Rights and
Renewing Acequia Agriculture,
Paula Garcia, NMAA Executive Director
- 11:00am Levi Romero, New Mexico Poet Laureate
- 11:15am Break
- 11:30am Working Across Generations to Grow Food
and Strengthen Acequias: Cornelio Candelaria
Organics and Grow the Future
- 12:00pm Luncheon
Acequia Awards Ceremony
Music
Sembrando Semillas: Cultivating Food and
Culture with Family and Community
- 1:30pm Water and Acequias in New Mexico: Current
Issues and Vision for the Future
Tom Blaine, New Mexico State Engineer
- 2:30pm Break
- 3:30pm 2015 Congreso de las Acequias Annual Meeting
Approval of Agenda
NMAA Annual Report
Resolutions
Election of Concilio
Adjourn
- 4:30pm Closing