Noticias de las Acequias
New Mexico Acequia Association • Spring 2016

Unidos, Defendemos Nuestras Aguas!
Testimonials in Defense of Water

Acequias Receive Federal Funding

WASHINGTON* - Earlier this month, U.S. Senators Tom Udall and Martin Heinrich and U.S. Representative Ben Ray Luján announced that the U.S. Army Corps of Engineers has awarded $2.55 million for New Mexico acequias, including design of the Chamisal y Ojito acequia and other acequia projects if funds remain. Acequias, or community irrigation ditch systems, have provided irrigation water to thousands of small family sustenance farms for centuries. The lawmakers had pressed the Army Corps of Engineers to include in its 2016 work plan investments in Chamisal y Ojito and other acequia projects.

This marks the third year in a row that the Army Corps has funded New Mexico acequia improvements in its work plan. The 2015 work plan included $3.35 million to fund the Llano acequia construction costs and other projects. In 2014, the work plan included $530,000 for the Villanueva acequia in San Miguel County.

"The acequias hold historical and cultural significance for many New Mexico communities, and I’d like to thank the Army Corps of Engineers for this funding to help strengthen the economy and support the acequia program including Chamisal y Ojito and its members," said Udall, a member of the Senate Appropriations Committee. "I’m proud to support our state’s traditional communities and fight for smart investments in our water infrastructure as a member of the Senate Appropriations Committee. I will continue to push for resources to help New Mexicans use water more efficiently and find long-term sustainable water solutions that enable our communities to prosper."

"The Army Corps of Engineers has been integral in helping New Mexico’s communities address their water needs," Heinrich said. "Acequias are the life blood of New Mexico’s rural communities."

I’m pleased this smart investment will support the acequia system in northern New Mexico, including the Chamisal y Ojito acequia project which will help provide a secure water supply and help support New Mexico’s rural economy."

"Acequias do more than sustain our crops and water our herds. They are a part of who we are as a people, our culture, and our deep-rooted history," Luján said. "That is why these federal funds are so critical to our communities in New Mexico, and that is why I will continue to advocate for investments that will help protect our precious water resources and strengthen our acequias."

The construction contract award date for the Chamisal y Ojito project will be determined during the design phase. The acequia projects are funded through the Army Corps of Engineers’ discretionary fund for flood control, which the lawmakers successfully pushed to include in last December’s omnibus appropriations bill for fiscal year 2016. "


Highlights of the Movement to Protect Water in New Mexico

by Olivia Romo, NMAA Staff

At this year’s Congreso de las Acequias on November 21, 2015, acequieros and other “water warriors” passed the torch around the room to speak on behalf of the many acequia projects, protests, and water right protections successfully accomplished in their regions. Let us celebrate the struggle, accomplishments, and dedication that nuestra gente have given para la agua sagrada!

Que Vivan Las Acequias!

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Acequia Projects Vetoed by Governor

by Paula Garcia, NMAA Executive Dir.

After the State Legislature had appropriated nearly $1 million for local acequia projects, acequias took a major hit from Governor Susana Martinez when she vetoed all of the individual acequia projects. With the stroke of a pen, acequia funding was vetoed for 25 individual projects totaling about $836,000. The following is the text of the Governor’s veto message:

It is important to note that in this year’s capital outlay bill, I vetoed numerous small projects to improve acequias and ditches throughout the state. These projects tend to appear in each year’s capital legislation and are usually funded at levels far lower than what is actually needed to complete the intended work. Unfortunately, acequia funding also tends to be some of the hardest money to get expended in a timely manner. For all of these reasons, I vetoed acequia projects, with the hope that these entities would utilize two funds in state government instead that are specifically designed to support acequia projects and ensure that they are done in a technically sound manner. The two acequia funds are at the Office of the State Engineer Interstate Stream Commission and at the Water Trust Board within the New Mexico Finance Authority, both of which have substantial available funding. I appreciate the importance of acequias to our way of life in New Mexico and believe that utilizing a different funding approach (one that comes with requisite support) will ultimately improve our acequias in more substantial ways.

NMAA has agreed with lawmakers and the Governor that the Capital Outlay process should be reformed. However, by vetoing acequia projects before the reforms are made, the Governor rendered the existing process unfair by suggesting that any acequia is not eligible or qualified to obtain Capital Outlay. It is true that there are other funding programs available to acequias, but excluding acequias from Capital Outlay hot from one year to the next was a very abrupt change in policy for the Martinez administration. NMAA agrees that acequias are better served by having well-prepared plans and engineering designs as well as complete funding for construction of acequia projects, or functional phases of those projects. The fact is that acequias have been well-aware of this need and, along with state and federal agencies, acequias have made great strides in working toward this goal:

• Of the 25 project that were vetoed, 17 of them were for acequias that had completed Infrastructure Capital Improvement Plans (ICIPs).
• Several of the acequia projects vetoed were from acequias that have a successful track record of completing past projects. They have successfully matched Capital Outlay with a variety of state, federal, and local sources and completed projects.
• Some of the projects had engineering designs available for the construction phase of the project or are in the process of completing those designs. Acequias in many cases are utilizing resources from the NRCS, Interstate Stream Commission, or past Capital Outlay appropriations to complete their designs.

The fact is that in 2016, there are more acequias involved in the ICIP planning process than at any other time in the past, suggesting that they are making incremental changes that will be necessary as the Capital Outlay process is reformed through changes in public policy. Acequia leadership has been anticipating the opportunity to provide input to legislative or administrative changes that could lead to Capital Outlay reform and has much to offer as those policies relate to acequias. However, in her veto message, the Governor is suggesting that acequias will not be eligible for Capital Outlay and that acequias should apply to the Water Trust Board or the Interstate Stream Commission.

NMAA would like to give warm congratulations to Toribio Garcia, NMAA staff, on the arrival of his new baby Toribio Garcia Jr., born on February 8th 2016. This bright soul has chosen a beautiful family rooted en la cultura, amor, y justicia. We are excited to have a new baby in the organization and aspire to support, nurture, and motivate all our acequia babies to join the movement.

Welcome Baby Toribio: 12th Generation Acequiero

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Congratulations to Toribio, Olivia, Juliet and their families!
1. Centro Santeinas (Bernalillo County, NM): Multiple organizations opposed the Santolina Master Plan. “Unfortunately, the Santolina Master Plan was approved, showing how democracy works or not works for the people. To turn the tide, we need to support each other and be vigilant. Legislation, green orgs, community, and students protected a city in the West Mesa that will affect the water basin, especially in the valley of Acres. This should be a state-wide call of action, we need to make a stand for our derecho a la tierra y el agua.” —Virginia Nunez

2. Aciquia Rosa de Castilla (Placitas, NM): For twelve years, Lynn Montgomery protested the abandonment of his water rights that were going to be transferred from farm land to a subdivision in Louie Allen in Placitas. Taking his case to the NM Supreme Court, Lynn and the aciquia’s able defense was lost but mostly only the water struggle in their community. The Office of the State Engineer then decided that the aciquia using the spring was detrimental to the natural flow and thus fell past attention to the protection of the spring or aquifer as more and more wells were being dug. It’s been 30 years since he has even had water — not to mention that there is little agricultural land in Placitas left!” —Lynn Montgomery

3. Communities for Clean Water (Santa Clara Pueblo, NM): “The East Mountains is the church where the Tewa people preserved and protected our water. Our water, our sacred place! Now, LANL has one of the most significant water permits in the United States due to our efforts and fight to protect our sacred water and mountain.” —Marian Nacap, Santa Clara Pueblo, and Director of Honor Our Pueblo Existence (HOPE)

4. Estancia Ranchers (Torrance, NM): “Te 2004 city of Santa Fe wanted to take our water and prepare it into Santa Fe and we started organizing. With over 200 people we were ready to hire attorneys and at times took hundreds of people to city council meetings to protest. I ask everyone to join together now to work as a team because the only way it’s going to get anything done! We are a diverse and powerful force and can preserve and protect our livelihood and the future!” —Tom Cardenas

5. Aciquia del Monte del Rio Chiquito (Taos, NM): “During the 1960s Enriquillo was a very active area in irrigation and farmland and land and we were afraid.” —Gilbert Sandoval, President of the Jemez River Basin Regional Aciquia Association

6. Concerned Citizens of Wagon Mound Village - Protect perpetual water rights for Village of Wagon Mound (Huerfano, CO): “Our aciquias were destroyed in 1969 and we were displaced to the bottom of the Wagon Mound River. One rancher wanted to take away our perpetual water right and we all felt at the research to prove that the Santa Clara springs have fed for centuries for centuries and that in no such things as perpetual, you have water rights! We all went to court and struggled but we defended our understanding of the water right meant. We won even after we appealed!” —Sofia Martinez, President of Concerned Citizens eWagon Mound Village in Huerfano County and Founder/Director of Las Jorobas Institute

7. Rio de Las Gallinas (Las Vegas, NM): “I have dedicated 23 years of my life to the Rio de Las Gallinas, beginning in the fall of 1991 with the adjudication of water rights. We are currently in the inter tephy phase, 6 months to 1 year away from a settlement. However, in the process we lost 1,000 acres of irrigable land due to claims of abandoning by the State of NM. That 1/4 of our agricultural capacity in the valley in the short time of 66 years not to mention that drastically decreasing the number of parciantes with less water, labor, and power to get water to the land with action. Despite all that, we will continue to fight, work and stand. It is not yet about sharing water in the aciquia its sharing stories, culture, language. We endured the great depression and historic drought because of the aciquia and we will survive this!” —Bill Gonzales, President of San Augustino Communities Ditch & NM Aciquia Commissioner

8. Jemez River Basin Coalition of Aciquias (Jemez Springs, NM): Multiple Aciquia projects completed. “In 1989 the tribunales of the Jemez Aciquia Basin was being used by the Public in a large adjudication. We formed a coalition of 12 aciquias in the valley and prepared infrastructure plans through the Capital Outlay program. We received the fund and the NM Aciquia has helped in those ventures. We were awarded $35,000 for the aciquia in the interim phase, to install new diversion dams, to pull out silt from wild fires, and distribute the rest of the funds to the aciquia in the intersay phase, 6 months to 1 year away from a settlement.” —Gael Minton, former Commissioner of the Aciquia del Monte and Board Member of Taos Valley Aciquia Association

9. Santa Cruz Dam (Chamayo, NM): Reservations - benefits multiple Aciquias. “We have been challenged by wealthy individuals but at the end we won by creating new regulations that ensure that no water would leave the district. With the help of NMAA, Senator Cisneros, and the Water Rights Board in the state house we helped obtain a 35.5 million capital outlay grant, the Office of State Auditor decided that the money should go to us with the emergency plan report, permit, and all the documents before we could get started. But now we are providing water to 39 aciquias and two mutual entities. We are striving as a community to get clean water to the people.” —Romey Salazar, Chairman of the Santa Cruz Irrigation District

10. Murphy Lake (Murphy Lake State Park, NM): “As President of the Aciquia de La Hilda, I have been involved in getting funding to rehabilitate the dam, in addition to monitoring the operation of Murphy Lake Dam. The dam was classified a high hazard dam in February of 2015. As a result, we had to divert water away from the area, lower the level of the dam and monitor the level of water within the embankment. Over the last five years, we have received over half a million dollars from the legislature and the Office of the State Engineer for the studies and design. The design is now complete; however, it has been a real struggle getting funding for construction. The dam is in Murphy Lake State Park and provides fishing and recreation to more than 50,000 thousand visitors from Bernalillo, Santa Fe, San Miguel, Mesa, and Taos Counties, generating significant tax revenues to the local, state and federal government. The aciquia has managed despite the DSR emergency procedures, vandalism, and life threats by phone over the operation of the dam. We should award a purple heart metal for commissioners and majors – demons that have experienced threats and fire arm discharges.” —Harold Trujillo, President of the Aciquia La Hilda & NMAA

* NMAA will be highlighting the water defenders and their stories in the next two editions of Noticias de las Aciquias. The above is the first half of those who presented at the NMAA Congress last November we who are highlighting this Spring! Que Vivan las Aciquias!
It Takes a Community to Run a Ditch

by Felix Chavez, President of Acequia Del Rancho, & Olivia Romo, NMAA Staff

We are entering a time when our people are having difficulty farming and living off the land. The people in our community and across the State are working hard to keep their land clean, planted and irrigated while they maintain part time jobs, a family, and other vocations. Our Acequia began more aggressively looking at how we could help our vecinos keep their land clean and irrigated when either they were in the service, out of state, or no longer living in the community. For example, one of our parciantes is a veteran who is 95 years old, his family and he is unable to clean his portion of the ditch or irrigate his land but does not want to let his property or practices go. As a community, we decided to clean his portion of his ditch and even irrigate for him since he is a very active parcante and always has his dues paid.

For three years now, the acequia had been taking the initiative as a group to help one another so we could protect our water rights and be sure that our lands are clean and irrigated. Every year, the commission will identify parcels and parciantes that need support y como familia we help one another do the work because it takes a community to run a ditch. Times are hard, and yes it’s a lot of work I really don’t know what else to say but too many people are giving up and throwing the pala to the side saying, “I can’t afford or have the time to farm anymore” and it’s difficult to watch something our ancestors worked so hard for to be given up on.

Anyone can see the bad and challenges in the acequia world but I feel the sunshine and there are a lot of good things happening. We are not better than anyone else we are just picking the pala back up before it gets rusty. It’s great to have parciantes who all have the same goal, keeping water in the system at any cost! Even more so now as we see more stringent laws around water we are doing our best to keep up to date, in compliance, and be sure that the rules and water works for everyone! Water is precious now more than ever and we need to keep it flowing for the future! As an acequia we try to remind and inspire people about how important it is to keep planting and be involved. Back in the olden days, people worked together by sharing work, seeds, and the burden of any problem so as neighbors they overcame any environmental, economic, or personal disaster. It is those values, culture, and thought that we need to carry forward into the modern world so we can empower our youth and one another to work the land and still keep our jobs and water rights while using technology to modernize the way we irrigate, farm, and live.

*Editor’s Note: This is an account of the work being done on Acequia del Rancho as told by Felix Chavez. Edited by Olivia Romo, NMAA Staff.

Acequia Projects Vetoed by the Governor continued from page 1

• The 90-10 program of the Interstate Stream Commission is a successful program and should continue. NMAA generally advises that this program one of their primary sources of funding. With a dedicated but small staff, the ISC has successfully completed numerous acequia projects.

• On the other hand, the Water Trust Board may not be the best funding option for acequias, as the current policies stand. The application for the main pool of funding is highly competitive forcing acequias to be ranked against better equipped and staffed entities such as agencies and municipalities. An acequia project fund at the Water Trust Board and NMFA has never been funded by the legislature. Presumably, if funding were appropriated to the acequia project fund, the WTB would have application guidelines suited to acequias. That may be a worthwhile goal for acequias, the State Legislature, and the Water Trust Board for the coming year.

The Governor’s message can serve to open a dialogue on an improved process to fund acequias but it is important to

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Attention! Claimants of the Cow Creek Adjudication

by Enrique Romero, NM Legal Aid

Do you know anyone who owns irrigable land in Cow Creek? If you do, please alert them that the adjudication is underway. Water right owners on Cow Creek, Bull Creek, and all other tributaries in the Cow Creek area need to do three things:

1) Notify the Court of your current mailing address so that you can receive notice of proceedings through subscription to the Court’s monthly adjudication report;

2) Notify the State Engineer of your current mailing address; and

3) Fill out a change of ownership of water rights form with the State Engineer if you have acquired property with water rights and have not filled out the form.

Please call NMAA for information and assistance at (505) 995-9644.
As we approach the beautiful and hard work of la limpia y esperamos la primera agua, we encourage commissioners, parciantes and landowners to keep awareness of acequia easements in order to avoid any potential conflict. Acequias generally have easements that date back several hundred years that exist because of historic use. No legal documents are required, however, good documentation of the easement will help protect this important right. There are two proactive ways that acequias can document their easement.

1. Include a section in the bylaws that defines the acequia easement and traditional points of access. Ensure that all parciantes and landowners receive a copy of the bylaws so they know about the declared feet or regulations of the easement and repercussions for violating the easement.

2. File a map of the acequia easement including all laterals, points of diversion, points of access, and desagues, with your county clerk. You can use an available map or draw one of your own. Ask your county clerk where the map will be filed, so that you can advise people how to access it. The information will likely not appear on title searched unless current parcel and owner information for each piece of property is also provided.

Easements are defined in state statute as being “as wide as necessary for reasonable maintenance.” This means when you have a big project you will need to use a wider easement than a year where you simply need a foot path along the ditch.

Acequia officers should monitor any actions by landowners that may be violations of the acequia easement laws. Examples of violations include:

- Building a fence across the acequia that prevents walking or using equipment along the length of the ditch
- Building a structure like a house, deck, or corral within the easement or across the acequia
- Blocking a traditional access route to the acequia. It may be a good idea to educate a new property owner if there is a traditional access route across his or her property (NMAA has a template letter to send to new property owners).
- Locking a gate to the easement
- Allowing a dog or animal to create a potential threat within the easement
- Overgrowth of trees and vegetation along the bank within the easement

If a landowner is in violation of an acequia easement law, the first thing an acequia should do is communicate with that landowner. This communication should be initiated by an acequia official, and can be verbal or written. However, in some cases such an understanding is not reached and the acequia must pursue other legal remedies.

TIPS FOR AVOIDING POTENTIAL CONFLICT

1. Send out a note advising all parciantes and affected landowners of the date(s) of the annual cleaning.

2. If many trees are to be cleared from the easement with the landowner first. Any trees on the easement belong to the property owner, though it is the right of the acequia to keep the easement clear and accessible if the owner does not.

3. To avoid erosion of the bordos and reduce evaporative losses consider leaving some trees (that do not interfere with your easement needs) along the banks such as cottonwoods that may have been historically planted for these purposes.

Don Bustos is a certified-organic farmer in Santa Cruz de la Cañada. He has over 35 years 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 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.

Q: As a farmer, how do the new food regulations affect me?

Don: I have been involved in USDA and federal food programs for quite a long time now and it’s important to take a step back to read the information and do the research that allows us to make a decision with the facts that are out there. I would like to address some of the rules in the Food Safety Modernization Act. Many people have a preconceived notion that many farmers are going to be negatively affected; however, I believe that many New Mexicans are going to be okay because we are under the exemptions.

One of the exemptions I understand in the food modernization act is that if you make less than $500,000 dollars you could be exempt. Secondly, if you distribute to direct markets less than 275 miles away, or sell half of your produce through a coop for example, you could be exempt. Another exemption is called a pure or simple exemption meaning if you sell less than $25,000 you are likely exempt. Note that this doesn’t really affect meat producing and exemptions, processed foods or grains; I am only talking about fresh produce.

If you have any more questions or need more information on the food regulations please visit the Food Drug and Administration’s website: http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm

Or visit the NSAC website for more information: sustainableagriculture.net/fsma/who-is-affected/

Farmers Tip: Stay healthy this irrigation season; we have lots of water and a long season coming up so we need to stay healthy so we can be outside working and planting some great food!
The Food Safety Modernization Act and You

The Food Safety Modernization Act (FSMA) is the first major overhaul of our nation’s food safety practices since 1938, and it includes new regulations for farms that grow fresh produce (fruits and vegetables) and for facilities that process food for people to eat. NMAA is reprinting a section of a flowchart created by our friends at the National Sustainable Agriculture Coalition, to help you determine if the new rules may affect you.

If you have questions regarding how FSMA may affect you, consider contacting your local extension office.

Chart prepared by the National Sustainable Agriculture Coalition. For the complete flow chart see: http://sustainableagriculture.net/wp-content/uploads/2015/02/NSAC-FSMA-flowchart-final-v2.pdf

El Peon Grande

by Toribio Garcia, NMAA Staff

After months of waiting, preparing and partera visits, I was blessed with the arrival of my first born child on February 8th 2016. Now being a father, I can reflect on how my own father has been such a hard worker. Someone who could do any job placed in front of him, work until it is complete and be able to take pride in that work. For this reason, I have always taken much pride in being his son.

As a father I want the best for my child; I will do my best to make sure he grows up to be both intelligent and hardworking. While sitting with my family recently, I overheard my father calling my son “El Peon Grande”. When I heard this, a feeling of contentment came over me. All my life I have heard the term “peon” used in a positive manner, referring to someone who works hard and completes what they start. I began to think about how my family, my community and those who work hard to provide for their families, take pride in being called a peon. I reflected on how the term is used in Spanish as a prideful word and when used in English can be very derogatory.

According to the Merriam Webster Dictionary a Peon is “a person who does hard or boring work for very little money: a person who is not very important in a society or organization.” Disappointed, but not very surprised, I realized those who do not value a hard work ethic could use this word so ignorantly. This realization inspired me to challenge the definition and shed a positive light on the word. I agree that a peon is “a person who does hard work,” and usually those who work the hardest as laborers are paid the least. It’s important to recognize that cleaning Acequias will not get you rich, but as a parciante and peon I will testify that the sense of accomplishment and gratification one feels at the end of a hard day’s work is beyond any satisfaction you can gain monetarily. Knowing you can water continued on page 7

Candido Dominguez, Mayordomo of Acequia del Medio in Chamisal leading the Limpia.
Acequias Recovering from Disaster

by Olivia Roma, NMAA Staff

The New Mexico Acequia Association recognizes that community ditches face great risk of damage from catastrophic wildfires, superfund contamination from dumping of mining, and other pollutants in our watersheds. In addition to this, it has been a challenging year for acequias and other irrigators as one example of many contamination incidents happening in New Mexico. NMAA interviewed Earnest D. Smith, President of the Lower Animas Community Ditch to better understand the threat to water in the area and to share this experience with acequias statewide.

On August 26th 2015 the Lower Animas Ditch Association experienced a massive flash flood that completely wiped out the ditch, filling arroyos with trees, trash, and even washed vehicles out of its path. Not only was this devastating for acequia farmers, but the weight of so many disasters back to back was very difficult to overcome. Earnest Smith, president of the Lower Animas Ditch recalls that after the tragic Gold mine spill into the Animas River in San Juan county in August of 2015, “the Office of the State Engineer called a state of emergency closing all acequia headgates to the rivers in order to protect any sludge to contaminate the ditches. In the heat of summer, the community was left without water for 10 days”.

After lots of testing and controversy farmers were allowed to open their headgates but then 10 days later, mother earth decided to cleanse herself, releasing a powerful flash flood. For the Lower Animas Ditch Association, “It took three trackhoes and another ten days to dig out the ditch to get some water for the end of the season”. By that time, gardens were dead and hay fields were dry and brittle. “Financially, it was a blow to the acequia. We had to put $50,000 to recover from such devastation with no guarantee that crops would survive even if it was safe to use the water, many were skeptical”.

After the contamination, “farmers who made their living by selling their produce at local farmers markets went out of business as people were afraid to buy food that was high risk of being contaminated”. When the Animas river was contaminated last year, all the heavy metals were pushed deep into the river beds. The concern now is that the runoff will stir up all the contaminants and bring them to the surface. According to Earnest, “although the river is going to be monitored, there is a possibility that the OSE will shut the headgates of the acequias until the runoff is over, impacting our irrigation and planting season now and for years to come”. Not only has the contamination and current flooding impacted acequia farmers physically, it has also brought grief to the community economically and culturally as people were afraid to buy food that was high risk of being contaminated. When the Animas river was contaminated last year, all the heavy metals were pushed deep into the river beds. The concern now is that the runoff will stir up all the contaminants and bring them to the surface. According to Earnest, “although the river is going to be monitored, there is a possibility that the OSE will shut the headgates of the acequias until the runoff is over, impacting our irrigation and planting season now and for years to come”. Not only has the contamination and current flooding impacted acequia farmers physically, it has also brought grief to the community economically and culturally as people were afraid to buy food that was high risk of being contaminated.

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The Lower Animas Ditch Association currently applies for the San Juan Water Coalition grant that is working on studies and support for those who are affected by the contamination. “With this funding and hopefully other aid we will be able to build silt fencing that will protect the cyphers and the ditch from debris, sand, and other organic matter. In addition to this, an important goal is to install new headgates that seal properly, ready to cut off any water from the river that is contaminated. Some acequias in San Juan do not have this infrastructure in place and have experienced a lot of seepage and poisoning.”

I advise that acequias around the state implement and work on infrastructure projects that will protect the ditch from flooding, fire, and even contamination. This could mean having a cleaning crew that evaluates trees, stumps, or areas that rocks, silt, and sand could fill up the ditch. Fires are also very detrimental so cleaning the brush and trees nearby could prevent a fire from spreading. For acequias in our area, it’s important to get your ditch tested not only for heavy metals but also for e-coli and other bacteria that would be detrimental to livestock and crops. San Juan County, USDA, and the EPA have the capacity to work with acequia leadership on testing and having clean water strategies that people in our area need to utilize”.

Contamination and environmental disaster is an issue that people from all over the world are struggling with, look at Flint. In order to save a little money an entire water system was polluted. Similarly, New Mexico is the host to companies and mines that use our water and pollute our streams with no accountability. Money can no longer be the boundary for protecting our water, lives, livestock and crops to feed our families in the future! NMAA will continue to work with acequia communities in the face of disasters.

At the 2015 Congreso de las Acequias, NMAA passed a resolution encouraging and supporting disaster planning strategies for acequias addressing environmental and weather related threats. The goal of the planning is to increase resiliency and coordinate with state and local government. Disaster planning may be a tool to secure acequia irrigators access to clean water to grow food, provide water to animals and raise their families.

EL Peon Grande continued from page 6

your garden, grow food for your family and provide fresh water to your animals makes every strain on the body worth it.

I would also argue that a peon is a very important member of society, and one of the most important elements for the health and well-being of an acequia association in all acequia communities. After reflecting on the significance of peons and the importance of a worker taking pride in their work, I began to question what exactly it does mean to be a good peon.

With the irrigation season fast approaching and the need for acequia limpias, the need for good peones is very important. I felt it would be the perfect time to question my elders, and those who have influenced the way I work, and question what they feel “makes a good peon”. I decided to seek the input and wisdom from the Mayordomo in my Community.

Candido Dominguez has served as the Mayordomo of the acequias in Chamasil for the last 19 years. I asked him “what makes a good Peon?” He answered “A good Peon is somebody that obeys the Mayordomo and does what is asked. Someone who dedicates themselves to complete that task at hand whatever the job may be. A good peon is someone who takes the initiative to not only clean their tarea, but also help their neighbor finish a tarea if needed.” After the interview I appreciated his answers and know, that one day, my son will grow up to be a good peon.

With that said, I encourage everyone this the spring to grab a pala and partake in your local community’s acequia limpia. Knowing that you deserve to hold your head up high, and feel proud the next time someone calls you a peon.

*Definition of Peon: http://www.merriam-webster.com/dictionary/peon
Ask a Water Lawyer: Water Transfers

by Enrique Romero, New Mexico Legal Aid Land and Water Rights Program

Since 2003, acequia communities have the ability to keep decision making power over water transfers local. Many of New Mexico’s 800-plus acequias have adopted a water transfer bylaw—a statutory requirement if the acequia wants to have jurisdiction over water transfers affecting their members. The New Mexico Acequia Association’s template water transfer bylaw requires that transfers of water rights served by the acequia, or transfers of water rights so that they are moved into and then served by the acequia, be approved by the acequia’s commission before proceeding to the State Engineer. If the transfer would be detrimental to the acequia or its members, the commission may deny the transfer.

The demand for water transfers has not diminished since 2003 and acequias continue to take advantage of this legislative grant of authority by adopting the transfer bylaw, conducting meetings, hearing from their members, and issuing decisions on proposed transfers. Most acequias that have received applications to transfer water rights have received assistance from New Mexico Legal Aid or the New Mexico Acequia Association. Because following the 2003 acequia water transfer law requires attention to a lot of detail, we STRONGLY encourage you to contact one of these organizations ANY TIME your acequia receives ANY document relating to a proposed transfer of water rights—we very much want to help your acequia implement this important law!

Over a decade has passed since the Legislature granted this authority to acequias, but many acequias still have not adopted a water transfer bylaw. In addition, resourceful, and perhaps disingenuous, water transfer applicants have created a need for acequias to be vigilant and become informed about the water transfer process even if the acequia has a water transfer bylaw.

So, what is a water transfer exactly? A water transfer under acequia jurisdiction is simply a change in one or more of the following elements of a water right: point of diversion, place of use, and/or purpose of use. Every acequia water right shares the same point of diversion (POD): the acequia’s point of diversion from a water source like a stream or a spring. When an applicant wants to change the POD in any way—for example, from the acequia’s POD to a well, or to a pump from the river that is the source of the acequia’s water—the water transfer bylaw requires that the applicant seek the acequia commission’s approval. Another possible water transfer involves a change in the purpose of use. Most acequia water rights are associated with irrigation use only. If an applicant wants to change all, or a portion of, his water rights from irrigation to say, sand and gravel washing, he has to get the commission’s approval first.

The clearest example of a water transfer is when an applicant wants to move his acequia water rights off the acequia completely to a different place of use—for example, to a municipal well for use on locations throughout the municipality. This type of transfer is actually a change in the POD (from acequia POD to a groundwater well POD), place of use (from applicant’s irrigable land within the city limits) and purpose of use (from irrigation to municipal/domestic).

Regardless of whether the proposed change is permanent or temporary, partial or complete, a supplemental or additional POD used to supplement an irrigation water right, or labeled an “emergency transfer” — to name a few ways applicants have presented these changes to acequias and the State Engineer — if there is a change to the POD, purpose, and/or place of use of the water right, the acequia makes the decision about whether to allow the transfer in the first instance. If the acequia approves it, the State Engineer must then review the application and provide an analysis before approving it. If the acequia denies the transfer, the State Engineer is foreclosed from considering the application.

Because of some confusion at the acequia and State Engineer levels about what constitutes a type of transfer that falls within the jurisdiction of the acequia, NMAA has updated its bylaws template to include new provisions that clarify the types of transfers acequias may regulate and the actions commissioners must take in order to ensure the integrity of the water transfer process. If your acequia does not have a water transfer bylaw, or you would like to amend your bylaws to include the new language from NMAA’s template, please call NMAA for assistance. If your acequia has received an application for a water transfer, or someone has presented the commission with a document to sign regarding a proposed change — like an affidavit or a letter purporting to approve a change — contact NMAA or NMLA immediately and we will guide you through the process to ensure the acequia follows the law and its bylaws with regard to water transfers.

For further advice or questions on water transfers, please contact NM Acequia Association (505) 995-9644 or NM Legal Aid (505) 501-7997.

Enrique Romero and his son Taiyari entre milpas de maíz. Photo by Rita Topola.

Santero by Levi Romero, NM Centennial Poet
Dedicated to Patrociño Barela and the Third Generation of Santeros de Taos

què a gusto
qué a gusto te miras, Pate
quítate de penas
sentado resolaniando
hechandote un Vel'

ay, compadre
nos corre la sangre negra
venas gotearé gotas de vino
y estas lágrimas pegajosas
como trementina sobre me cara
que no se me quieren secar

pero tu sonrisa aprietada
y ojos brillando
son testigos de que entera
la vida de cabeza comienza
pero se acaba en pedazos
sobre los pies

entra más lindo el arbolito
más presto cae
y aquellos hachasos helados
quebrando por las cañaditas
en un diciembre

con los años nos parecemos
bultos doblados
asistiendo lumbres
con cuipas y cascaras
que al fin de centiza a centiza
han de volver

me tuvieron en recuerdo
de que el mismo resuello
que nos da vida
también es el mismo cual
nos la puede quitar

Photos: (Top l) Painting of Patrociño Barela by Dorothy M. Peterson. (Top r) “We are working hard to keep Grandpa’s Legacy alive.” (Bottom) Legacy of Santeros. A small clip of the private collection of Luis E. Barela representing “Santeros of the Barela family, beginning, left to right, with pieces from Patrociño down to his great grandsons. All photos by Olivia Roma, NMAA Staff.”
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 put a spotlight on different acequia communities to encourage our readers, parciantes, and acequieros to reflect on what makes their acequia special and to share their remarkable story.

Acequia de las Jollas, A True Gem Of New Mexico History

by Olivia Romo, NMAA Staff

Edward Romero is currently the Mayordomo of Acequia de las Jollas and has been for an impressive 35 years. He graduated de la Jolla built 1947. Photo by Edward Romero. Acequia de la Jolla replaces an old flume with a self supporting steel flume this year! Photo by Edward Romero.

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

I could imagine that the original people who came to this valley saw that the land was perfect to farm, getting its name, Acequia de las Jollas. The word Jollas means “flat and fertile earth” but as time and the Spanish language progressed, the word has changed to “Joyas” meaning gems or jewelry. One could argue it is both—the productive land of the Pojoaque valley es un brillante tesoro de los trescientos años de historia de esta Acequia en Nuevo México. According to the priority date of 1716, Acequia de las Jollas is the oldest ditch on the Pojoaque stream basin where the soils are deep and free from rocks. I was told that many years ago the farms were so much larger and supported many families—my grandparents were one of them.

My Grandfather, Teodoro Trujillo, raised a large family on the acequia and farmed for a living – it was his job. Between him and my grandmother Ninfa, they made their livelihood from pigs, dairy cows, and all their crops. As a young man I remember my grandfather being the Mayordomo. Watching all the men and landowners show up with their kids for the limpia is one of my fondest memories. The acequia is about 3 miles long and it took everyone to clean it. My grandfather would assign tarea, taking steps along the ditch he would designate numbers to every person—uno, dos, tres—and then inspect the ditch to be sure that it was done correctly. I can still hear his counting, and who would have ever guessed that years after it would be me, who would be the Mayordomo, just like him. I mean, I never liked the city anyway and when my parents were living in Santa Fe I decided to live with my grandparents to continue farming and being on the land, I guess it really stuck with me, their practices and ways of life.

What kinds of crops does your acequia community grow?

Mostly hay lands, orchards, and small jardines with organic row crops. But back in the day it was a whole variety of oats, wheat, sweet corn, and feed corn. I remember that my grandmother’s portal used to be filled with rows of chile ristras double strands and she would make cheese and often trade for other goods.

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

We are just generally trying to maintain the agricultural life as much as possible but mostly we use commodity involving new parciantes and landowners as well, very educational.

What is your irrigation season? (Time frame)

It depends on the snowpack and there are years when we do not have sufficient water but generally irrigation time starts in the middle or beginning of April until the second week of October or the first frost. We have a schedule, two hours per irrigated acre. We irrigate 24/7 on a rotation of 16 days. One good thing about our acequia is that we have ojitos and they have never gone dry! A few years ago the water went down but we had enough to feed our gardens.

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

We held our annual meeting and discussed that the limpia will take place during the first part of April, right after the Cuaresma.

What makes your acequia special?

The parciantes have always been super cooperative and because of our people we have a beautiful and active acequia. For me, that makes it the most special!

Please describe your current infrastructure project. What is being built or repaired? How long has it taken the acequia to make this happen? Where did you all obtain the funding etc.

We are currently replacing a flume built in 1947 that was suspended with cables with a welded steel pipe flume that is self-supporting. This is the bottle neck for the volume of water to be pushed downstream allowing all the water to irrigated lands at the end of the ditch. This repair is going to impact the future of water efficiency and equity by getting everyone the water they need and rightfully own. We hope to be finished in a few weeks but it has taken 7 years to get a design and secure funding. We have received funding from the Interstate Stream Commission and the Regional Conservation Partnership Program which we hope will speed up this process in the future. For acequias out there not applying for funding I want to let you know that you cannot get intimidated by the process, and now with RCPP this should expedite the process to get a design and funds. Just keep in mind that there are a lot of acequias in the state applying and not everyone can receive funding so be persistent, make connections and follow up! It is also important to reach out to NMAA or NRCS to help you apply and get on track with all your funding needs and projects, they are an incredible resource.
Gracias, Madre Mía, Great Spirit, Divine Beloved,
For the gift of food,
beautiful and vitalizing.
Thank you for the colors that sing together on
our plates:
the greens and reds of our chiles,
the golden yellow of corn and squash,
the earthly browns of beans and bread.

Let us pause as we receive your bounty into our bodies,
And give thanks for the invisible steps that lead to this moment:
the busting of grains from their husks inside the womb of earth,
the breaking through of slender stems that unfold into vegetables,
the gentle touch of rain,
the dangerous explosion of hail,
the healing radiance of sunlight,
the strong hands that harvest what we eat,
the innocent animals who surrender their flesh.

Let us remember the people in need around the world,
and utter a silent prayer that all who hunger will be filled.
Thank you for your love, offered as the gift of good food.
Amen

Panocha
(Wheat Pudding)

Recipe from “The Gift of Good Food Cook Book.” Talpa Community Center, Taos NM

2 c. panocha flour
1 c. all purpose flour
2 Tbsp. butter
1 1/2 c. Sugar
6 c. Boiling Water

Mix both flours together and set aside. In a skillet: brown and melt the sugar, add water and continue to stir. Boil for 15 minutes. Add butter. In a crock pot, pour flour and add the liquid mixture. Stir well. Set the crock pot on low and leave overnight.

Sprouting wheat is a time-honored method of obtaining sweetness, especially for early settlers who had no sugar and honey was scarce. Wheat berries can be easily sprouted in a wet bag in a warm pot. When sprouted, dry in the sun, then grind seeds to make a flour. After long cooking with flour, the sprouts become a delicious pudding-like dish. Today, cooks can buy ready-sprouted and ground Panocha flour and add all the sugar and spices desired. It is commonly served as a Lenten dessert along with Capirotada.

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Reflections by Las Comadres de las Acequias

Women have had a historical role in the support and survival of acequias for generations, including their role as farmers and irrigators, serving as elected officials in some cases, providing labor and meals for other laborers, and teaching children the values of land-based culture and way of life. Las Comadres Caucus is a group of women in acequia leadership that hope to nurture, empower and bring other women in leadership together. The New Mexico Acequia Association is opening a space for women in the Noticias de las Acequias to reflect on seasonal land based traditions, organizing, and other personal endeavors or struggles they are a part of in order to develop and strengthen support systems for women leaders, particularly in acequia communities. Acequieras unidas defenden agua, tierra, y familia!

¡Adelante Comadres! For sure you have been preparing lunch to feed peones y parciantes on your acequias for the limpias and have surely attended meetings to see how things will run smoothly this upcoming summer. Now it is time to do a little something extra for yourself. As Comadres, we are obligated to look out for all of the young along our acequias, keeping in mind the youth involved with Sembrando Semillas in areas of Mora, La Madera, Española, Abiquiu, Chamisaal and Atrisco-Albuquerque sites. Their leaders are Antonio Medina, Deborah Rivera, Luis and Beata Peña, Isabel Trujillo, Lorenzo Candelaria, Dora Pacias and Travis Mckenzie respectively. We ask that you share your experience and knowledge about a seasonal vegetable, fruit and/or any type of special techniques needed to accomplish food planting, harvest or storage. Entonces, acuerdense de la pleve that rely on their elders to keep traditions alive and to share the ways we have learned from our own ancestors. Remember especially to offer volunteer time at least once this summer to teach our acequia youth how to do anything that you feel is special and should continue! Call Pilar Trujillo at the NM Acequia Association (505) 995-9644 if you are in need of anyone's phone number listed above. It is very important that women get involved in teaching youth how to get the animo required and long-lasting interest which only our nurturing can accomplish!

With Love, Comadre Isabel Trujillo de Abiquiu

ISC 90-10 Program Benefits Acequias Statewide

by Paula Garcia, NMAA Executive Director

The 90-10 program, which is administered by the Interstate Stream Commission (ISC) through the Acequia Construction Program, has been successfully funding acequia projects for about the past three decades. It is a cost-share program in which the state funding covers 90% of the cost of a project with the acequia covering 10%. The funding is also administered so that it can be matched with federal funding, including past funds from the Army Corp of Engineers or, more recently, available funds through the Natural Resource Conservation Service (NRCS). ISC funds are also available for low interest loans to acequias to cover their portion of the cost share or to fund projects generally.

The 90-10 program is funded by the New Mexico State Legislature through the budget process and has received consistent support over many years. It is important to note that in 2013 the legislature approved a change in the program from an 80-20 cost share to a 90-10 cost share. Support for the 90-10 program continued during recent legislative sessions. HB 2 includes recurring funding to the Interstate Stream Commission for $1.9 million from the Irrigation Works Construction Fund to use for cost share and $300,000 to be used for engineering services.

This program continues to be a vital and essential program for acequia project funding. However, the program as currently structured is dependent on continued recurring funding from the Irrigation Works Construction Fund (IWCF). According to state statute, the Fund is intended for investigations and construction of projects or charges directly chargeable to such projects (Section 72-14-23, NMSA 1978). The IWCF receives about $7–8 million in revenue from State Trust Lands on an annual basis. That funding plus allocations from the corpus of the fund are appropriated to the Office of the State Engineer and the Interstate Stream Commission. The pending problem with these appropriations is that the corpus of the fund is nearly depleted, making future funding for both the OSE/ISC and the acequia program uncertain.

The State Legislature, at some point, will have to decide how to fund the OSE/ISC when the corpus of the IWCF is depleted and the recurring IWCF funds are not enough to fund the agency. This is important to the future of the Acequia Construction Program at ISC. The NMAA leadership is strongly supportive of continued funding for the acequia program with funds from the IWCF. During the upcoming legislative interim committee, NMAA will be bringing this issue to the attention of policy makers in the hope that a budget solution can be found to properly fund the OSE/ISC and to continue this successful cost-share program for acequias throughout the state.

The acequia program is currently funded for FY 2016 and the budget for FY 2017, which was passed by the state legislature and signed by Governor Susana Martinez, will continue the program. Any acequia or community interested in applying for funding through the ISC 90-10 program should contact Jonathan Martinez at JonathanC.Martinez@state.nm.us or at (505) 827-6134.

Acequia Projects Vetoed by the Governor

acknowledge that some acequias are working diligently to have well-planned projects and to complete engineering designs before they apply for construction funding. Acequia leadership has good insights about how the funding process can be reformed and we can build on the positive relationships built in past years with state and federal agencies that work with acequias. Some of the policy objectives for the coming years could include the following:

• Support the continuation of the ISC 90-10 Program which is funded through the Irrigation Works Construction Fund.

• Support appropriations to the Acequia Project Fund of the Water Trust Board for future acequia projects.

• Through interagency collaboration, ensure every acequia gets the technical assistance needed to have either an engineering design (or design specifications for simpler projects) and assistance and training on project management.

• Continue to allow acequias to receive Capital Outlay funding and provide clear and specific guidelines so that acequias (and the policymakers who appropriate the funds) can plan accordingly.
NMAA Spring Calendar

SATURDAY, APRIL 9TH • 9AM–4PM
11th Annual Seed Exchange
Nambe Pueblo Wellness Center
(#28 NM 109, Nambe, NM 87506)

THURSDAY, APRIL 14TH • 9AM–1PM
Acequia Pathways to Funding Workshop
Mimbres Roundup Lodge
(91 Acklin Hill Rd, San Lorenzo NM 88401)

FRIDAY, APRIL 15TH • 5PM
EQIP Financial Application Deadline
Producers can apply by visiting their local
USDA Service Center or Online

FRIDAY, APRIL 29TH • 9AM–1PM
Acequia Pathways to Funding Workshop
Ribera Community & Cultural Center
(County Rd. B40 Hwy 3)

TUESDAY, MAY 10TH • 9AM–1PM
Acequia Pathways to Funding Workshop
Wines of San Juan
(233 NM-511, Blanco, NM 87412)

THURSDAY, JUNE 16TH • 9AM–4PM
Mayordomo/Commissioner Conference
Santa Fe Community College Jemez Room 6401
(Richards Ave, Santa Fe, NM)

“El arbol se conoce por la fruta.” Photo by Quita Ortiz.