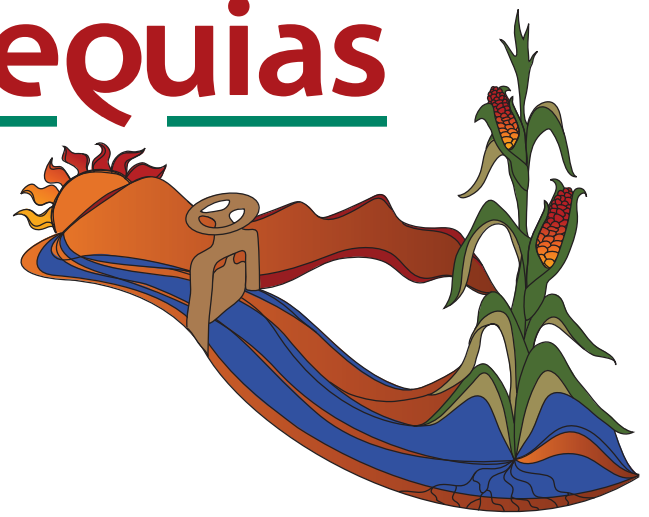


Noticias de las Acequias

New Mexico *Acequia* Association • Winter 2016



Pecos River: Past and Current Conflicts Over Water

by Paula Garcia, NMAA Executive Director



Pecos River. Photo by Janice Varela.

IF A RECENT PACKED ACEQUIA WORKSHOP AT THE SHERIFF'S POSSE IN PECOS IS ANY INDICATION, the people along the Pecos River care deeply about the water that flows through the river and its acequias. The NMAA along with collaborating partners Cow Creek Basin

Acequia Association, New Mexico Legal Aid, and the American Friends Service Committee met with over 50 local acequia parciantes on the topics of agricultural revitalization and water rights. On the surface, there were numerous questions about a proposed water transfer from the West Pecos Community Ditch in Pecos to the Strickling Ranch downstream on the Pecos River. But looking deeper into the history of the river, the current conflict over the transfer of agricultural water rights out of Pecos to a wealthy landowner downstream is part of a larger context of struggle over water on this river that has a storied history and legacy of deep convictions over its use and allocation.

The Pecos River begins in the eastern slope of the Sangre de Cristo Mountain range and snakes through West Texas, merging into the Rio Grande at the border of Mexico. This river has one of the most controversial histories of any river in the western United States. The Pecos River is to eastern New Mexico and southwest Texas what the Nile River is to Egypt, a source of water to make the arid and desert lands of the area come to life. In the southern region of New

Mexico, the Pecos River main stem is the water source for the Carlsbad Irrigation District and it is also tied to the water resources of groundwater uses in the Pecos Valley Artesian Conservancy District, the two of which combined are some of the most significant areas of irrigated agriculture in New Mexico.

The extensive use of the Pecos River in southeastern New Mexico has long been a point of contention with downstream Texas, which demands that a certain flow or volume reach the Texas border through agreements codified in the Pecos River Compact between the two states. The river has been the subject of epic litigation over water because of Texas claims that New Mexico failed to live up to its commitments in the compact. As a result, New Mexico spent many millions of dollars to settle litigation and, in the early 2000s, spent over \$100 million to buy land and agricultural water rights in southeastern New Mexico to ensure an agreed-upon flow reaches the Texas border. That litigation shaped the administration of the river for generations to come and sent reverberations through New Mexico water policy.

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2017 Legislative Outlook for Acequias

by Paula Garcia,
NMAA Executive Director

The NM State Legislature will convene on January 17th for a 60-day regular session during which they will consider legislation on changes to statute (policy changes) as well as to approve a budget for fiscal year 2017 which starts July 1, 2017. In addition, because of a budget shortfall in the current year, the legislature will consider measures to balance the budget for the current fiscal year (ending June 30, 2016).

In terms of policy, the NMAA will be supporting legislation that strengthens acequias as local institutions of government and that protects rural, agricultural water rights. As of the date of printing, NMAA will have two policy priorities that will benefit acequias:

1) Notice of Water Transfers. Current law requires that an application to transfer a water right, which is a change in point of diversion, purpose of use, or place of use, be published in a newspaper of general circulation. The policy objective of this statute is to ensure that an individual or entity affected by the water transfer can raise concerns about the impact of the transfer. In the 2017 session, Senator Carlos Cisneros will introduce a bill to require that notice also be published

on the website of the Office of the State Engineer. This would improve the existing notice requirements to ensure that those potentially affected can raise concerns about the application.

2) Definition of Local Public Body. State law defines a "local public body" as one that receives \$10,000 or more annually in revenue. The rules of the Department of Finance and Administration require that local public bodies are required to submit draft budgets, final budgets, quarterly reports, and budget adjustment resolutions. These requirements are often burdensome

for small volunteer acequias. Separately, the audit act has a tiered reporting system that requires that entities under \$10,000 and under \$50,000 to have a simplified reporting procedure. NMAA is proposing legislation to change the definition of "local public body" so that it is based on a \$50,000 level rather than the current revenue of \$10,000.

Other bills that are in draft form that NMAA leadership will review and consider for policy positions include the following:

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The New Mexico Round House at the State Capitol in Santa Fe.

**NEW MEXICO
ACEQUIA ASSOCIATION**

Concilio (Board of Directors):

Harold Trujillo

*La Asociacion de las Acequias
del Valle de Mora*

Antonio Medina

*La Asociacion de las Acequias
del Valle de Mora*

Don Bustos

*Rio Quemado, Rio en Medio,
Rio Frijoles, Rio
Santa Cruz Acequia Association*

Alfredo Montoya

Las Nueve Acequias del Rio Grande

James Maestas

*South Valley Regional
Association of Acequias*

Jackie Powell

*Upper Hondo
Water Users Association*

Gilbert Sandoval

*Jemez River Basin
Coalition of Acequias*

Stephen Trujillo

Taos Valley Acequia Association

Medardo Sanchez

*La Asociacion de las Acequias
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Yolanda Jaramillo

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*Communications and Outreach
Coordinator*

Toribio Garcia

Acequia Education Coordinator

María Gallegos

Program & Development Coordinator

En Memoria:

Remembering Our Acequeros

It is because of the work of our ancestors, elders and maestros that 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.

Joseph C. Gallegos, 1957-2016

We note the passing of a defender and protector of the acequia way of life.

In 1987, after completing a Bachelor of Science degree in mechanical engineering from Colorado State University and a four-year stint as an engineer in jobs that took him to the planet's oil patches across Texas, Louisiana, North Dakota, Wyoming, Ireland and West Africa's coast off Angola, Joe C. Gallegos, returned to his native Mexican land grant hometown of San Luis, Colorado. Little did he realize that this homecoming would be the first step toward a vital decades-long role in the nation's environmental justice, land rights, and sustainable agricultural movements. Within months of his arrival, Joe was among a small group of local organizers that established the Costilla County Committee for Environmental Soundness, a grassroots group that led the local resistance by acequia farmers to a vast cyanide leach vat and open-pit gold mining operation by Battle Mountain Gold, Inc. (now Newmont Gold).

On December 8, 2016, 'Joe' Gallegos passed away at the too young age of 59. He was a 5th generation acequia farmer and rancher in Costilla County. At the time of his death, Mr. Gallegos was serving his fourth term as a County Commissioner. As a public servant of the county he managed to attract millions in government and private foundation grants to rebuild and expand public and health services in the underserved community. Among his accomplishments were the construction of Colorado's first county-owned and operated biodiesel plant that made the road and bridge construction crews self-reliant. He also led work toward the construction of a medical and health clinic and restoration of the historic county courthouse.

Gallegos was a founder of the Sangre de Cristo Acequia Association, a founding board member of the Acequia Institute, and was a published author of essays addressing environmental justice and acequias. In 2009, he played a central role in the drafting and passage of Colorado's Acequia Recognition Law (HB 1233-09). ♦



Joe Gallegos making Chicos from his freshly harvested corn.

Joe Gallegos irrigating his fields in Costilla, NM.



**NEW MEXICO ACEQUIA ASSOCIATION:
MISSION & VISION**

The New Mexico Acequia Association is a state-wide, 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.

In the northern reaches, the Pecos River was the site of one of New Mexico's largest Pueblos prior to Spanish colonization and later became the home of several Hispano villages where the acequia system took root. Tributaries to the Pecos, along the Rio Hondo in Lincoln County near Ruidoso and the Rio de las Gallinas in San Miguel County near Las Vegas have been the sites of ongoing conflicts over scarce water between municipal entities and the acequias. This includes the decades-long litigation between the City of Las Vegas and the Rio de las Gallinas acequias over a claim by the city for an "expanding water right" under something known as the Pueblo Water Rights Doctrine. A 1950s case (Cartwright) before the state Supreme Court established that doctrine but it was later abolished in another Supreme Court decision in 2004 in a case brought by the acequias and the State Engineer to challenge that doctrine.

The Pecos River may be one of the few if not the only river in New Mexico that has been adjudicated TWICE. Because of issues between New Mexico and Texas, the Pecos River was one of the earliest to be adjudicated in the state resulting in the Hope Decree (named for Hope Community Ditch on the Lower Pecos) of 1933. The entire Pecos River was adjudicated to determine quantity and ownership of water rights. However, beginning in 1956 there began a re-adjudication of the same river and agricultural lands. For the acequias subjected to the re-adjudication, the result has been a tremendous loss of water rights through forfeiture and abandonment along the Rio de las Gallinas, a tributary to the Pecos that flows through Gallinas Canyon, the City of Las Vegas, and downstream villages before joining with the main stem Pecos River.

Recently, the State of New Mexico, via the State Engineer, began a re-adjudication of the Cow Creek River, the upper tributary to the Pecos River near the

river's namesake of Pecos, New Mexico. Notices of the adjudication were sent to potential water rights claimants on the Cow Creek earlier in 2016 and the acequias of that basin formed the Cow Creek Basin Acequia Association to provide for a united legal defense in the adjudication. They are represented by N.M. Legal Aid.



Board of the Cow Creek Basin Acequia Association. Photo by Serafina Lombardi, NMAA Staff.

Within this context of legal wrangling to quantify water rights on the Pecos River, there has also been historically important water transfer cases that illustrate the conflict over scarce water and the competing demands for agriculture versus other uses. In the 1990's there was a series of proposed water transfers in that area, one which was from the Anton Chico area to the Pecos River Learning Center. They were some of the early water transfer cases on the Pecos River that involved traditional acequias. It was a time when many acequias in the north were first becoming aware that acequia water rights could be separated from the land. Some described the notion of severing water from irrigated land as a foreign concept. Nevertheless, in New Mexico law, like in all western states subject to the prior appropriation doctrine, water rights are transferable if they meet certain criteria. Acequia parciales who filed protests made articulate pleas about the importance of water not only to rural economies but to the social fabric of acequia communities. The protest to the water transfers also gained the support of county elected officials who

passed resolutions opposing the transfers out of the acequias. One transfer to the PRLC was withdrawn and another was later denied by the State Engineer. However, two other proposed transfers in that area were approved.

Another tributary to the Pecos that has been the site of conflict over water

transfers has been on the Upper Hondo. In recent years, the acequia leadership in the area has been vigilant in monitoring the water transfers and leases by the Village of Ruidoso of water rights downstream from the Upper Hondo river. Locals have filed numerous protests to applications that they argue could have had resulted in significant impairment of downstream water users. They were particularly active in protesting water leases that appeared to violate basic due process protections for protestants. This struggle between the downstream irrigators and the village is ongoing but the State Engineer has started to exercise more caution in monitoring leases that potentially deplete the river.

Adding to the long saga of conflicts on the Pecos River, a recent water transfer case has gotten significant attention from acequias, policymakers, and the media. Strickling Ranch, a large ranch along the Pecos River near and formerly owned by the celebrity Val Kilmer, filed applications to transfer several acre feet

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2017 Legislative Outlook for Acequias continued from page 1

1) Category of Taxation for Open Space: An ad-hoc group in Taos and the Western Landowners Alliance introduced legislation in 2015 to create a category of taxation for lands that are not in agricultural production but that, for several reasons, including the potential of returning to agriculture, those lands should not be taxed as residential land. This year, for the 2017 session, an updated version of the bill will be introduced. The bill would create a separate category for "open space" for lands that would receive a special method of taxation. Agriculture would

continue to have the lowest rate of property taxes but an open space category would be an alternative to having historic agricultural land not currently in use to jump to a residential rate of taxation. This legislation could potentially benefit landowners who want to keep lands in open space rather than develop the lands.

2) Food Tax: Several years ago, the State Legislature abolished the food tax because it was considered a regressive tax that disproportionately affected low income families. The bill had

broad support from advocates for children and low income families as well as from the grocery, agriculture, and food industries. Because of the state's budget woes, there will likely be a package of tax proposals to generate revenue. In the past NMAA has not been active on this issue but may be more involved as part of the broader agricultural community to raise concerns about reinstatement of the tax.

Other Issues that NMAA will monitor but no bills drafted at this time:

1) Water Leasing: In the 2015 session, with the support of NMAA, Senator Peter Wirth introduced legislation clarifying that a water lease can only be effective after approval by the State Engineer through the statutory process. It was a response to instances where water leases proceeded while protests to those applications were pending, which was a violation of due process protections for protestants. The bill passed the Senate but died in the House.

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NMAA Legislative Summit, April 2016. Photo by NMAA Staff.

Preparations for Season Extension with the Farmer Training Program

by Donne Gonzales and Noberto Armijo

In the month of October the AFSC farmer trainers Noberto Armijo and Donne Gonzales focused on helping farmer trainee Andrez Juarez with Fall/Winter crops on his land in Chimayo. The following is their account of the work done to plant in a hoop house:

We are now coming to the end of our program for the year of 2016. One of our goals is to leave trainees with farm land that has been worked, planted, and growing beautiful vegetables. We have hopes that Andrez will keep his farm running and soon down the line, we will be able to aggregate vegetables together and produce larger quantities as part of our farmer's co-op called Cosecha Del Norte.

Andrez has a 30x70 hoop house along with much land. He has planted and worked his land in hopes to make it fertile, as it is a little barren. Chimayo has a lot of very sandy soil, so he has spread many cover crops for soil nutrients. However, we found when we started tilling it was not as healthy as we hoped. It was still very sandy, full of stickers, and didn't want to retain any water. We decided as a small team that we needed to give some love to this soil!

We began our work and decided it would be best if we used a broad fork first, to loosen the hard, barren soil. (A broad fork is a great tool for this kind of task!) As we did so, we brought some clay to the surface in exchange for the sand. We started adding compost immediately. Andrez had his own pile of compost that he had been working on, and while it wasn't super rich,



l: Just started tilling. r: Planted and ready for winter. Photos by Donne Gonzales.

it was definitely fair. It consisted of scraps, straw, soil, potting mixes, cover crops that had been raked in, and worms which the soil didn't have. After adding a layer of compost the tilling process began. We cleaned a foot path and tilled only the beds to break up larger pieces of soil, mix the clay, sand, and compost, as well as aerate. We also added a small amount of manure to add nitrogen and help retain some water. The compost and manure will add phosphorus, nitrogen, and potassium back to the soil, all of which healthy plants and healthy soil need.

Then we planted a very nice variety of greens in his hoop house: All-star salad mix, rainbow chard, red Russian kale, and spinach- all of which do good in the colder season. We assisted in hooking up drip irrigation to his beds. It took us awhile, but the end result turned out exactly how we wanted.

At the end of the month we returned to assist in planting some garlic on his land. We are so happy and excited that his seeds took, his soil is retaining moisture, and his beds are full of green veggies! This is exactly what we are working towards in the farmer training program. 💧

Pecos River continued from page 3

of water rights from irrigated land on the West Pecos Community Ditch to his ranch for purposes of pumping from the river to irrigate formerly non-irrigated lands to attract elk for commercial hunter purposes. The proposed transfer has been through two applications. The first one, filed in 2014, was not protested by anyone, in part because the publication in the legal section of the local newspaper went unnoticed. The State Engineer approved the transfer of 10 acre feet.

A second application was filed in May 2015 to transfer water rights from the



AAA Farm in Sena, NM on Acequia de la Fragua. Photo by Janice Varela.

same landowner and acequia to the Strickling Ranch. Unlike most acequias, the West Pecos Community Ditch has not taken advantage of a new state law allowing them to put into their bylaws the power to make their own decisions on proposed transfers. So that acequia does not have the local control and is at the whim of the State Engineer. After the application was published in the local papers in November 2015, nineteen individuals and acequias filed protests. The protestants included some from the Pecos area who were concerned about moving water rights out of their community. There are also other protestants in the Anton Chico area who live downstream from the Strickling Ranch and were concerned that pumping directly from the river would deplete surface water supplies and impair their water rights. The protestants also raised concerns about conservation of water and detriment to the public welfare. With assistance from NMAA and NM Legal Aid, the protestants organized themselves and secured the services of a private attorney who immediately filed a motion to withdraw the application because of some technicalities. In November 2016, a judge ruled that the application be republished. Therefore, individuals or governmental entities, such as acequias, who have not yet protested this transfer have the opportunity to file new protests if they believe that their water rights might be impaired or if the application is contrary to the conservation of water or detrimental to the public welfare.

At a workshop in Pecos on December 8, NMAA and collaborators gave presentations about water rights, adjudication, and agricultural revitalization, but the workshop also became a forum to discuss the Strickling water transfer. Numerous individuals asked about the laws governing water transfers, with some expressing concern and dismay that water rights can be severed from irrigated land. It was also apparent that a water transfer in a small rural community is a sensitive issue because of close-knit relationships between neighbors. Individuals were concerned about the long-term impacts of drying agricultural land and moving water rights out of their community, and were careful to not make the transfer proposal personal or express undue criticism toward their neighbor who has agreed to transfer his water rights to the Strickling Ranch. It was clear that most people were opposed to the water transfer largely because of concerns about the loss of agricultural land and water rights from the community and they generally articulated their concerns in a respectful manner. Some of the individuals who protested the original application urged others to join in the protest and asked that anyone interested in filing a protest to the application after publication contact them personally to get involved. Anyone who wants to learn more about the water transfer should contact the NM Acequia Association at 505-995-9644. 💧

See also "Lessons Learned from the Recent Pecos Workshop" on page 15

ASK A FARMER

ADVICE COLUMN FOR FARMERS

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

Gael Minton and husband Ty are the owners-operators of Squash Blossom Farm (SBF), a 2.2 acre parcel of historically irrigated land on the Acequia del Monte del Rio Chiquito in Taos, NM. They have operated SBF since 2001. In New Hampshire Gael helped start a CSA (Community Supported Agriculture) and after gardening for 2 summers in Taos, she started SBF-CSA & Apiary, which is now in its 13th season with 17 member families plus the Minton family. Gael believes small farms are the backbone of a healthy community and is encouraged by the revival of local agriculture in Northern New Mexico.

Question: How do you compost and/or maintain your compost pile in the winter?

Composting is an age-old worldwide method of utilizing field biomass/dry crop residues, animal manures, green hay and kitchen waste to increase soil fertility and water retention and to decrease soil erosion. I have been composting for my gardens for 45 years in 4 states: Vermont, Maine, New Hampshire and New Mexico. Conditions are very different in the high altitude arid state of NM from the 3 wet New England states. New Mexico soils are rich in minerals but very heavy with clay and compact easily. Organic matter like compost rich in microbial activity must be added to loosen the soil so that plant roots are supplied with oxygen, nutrients and water.

In northern NM, it is important to protect compost from drying out during the spring, summer and fall seasons by surrounding the piles with hay bales or covering compost rows with heavy carpet and occasionally adding water. The compost process requires moisture and heat to break down dry materials (carbon) and kitchen waste, grass clippings, green hay and animal manure (nitrogen). I aim roughly for a balance of 30 parts carbon/dry brown materials to 1 part green nitrogenous materials to obtain nutrient and humus rich compost.

The activity of millions of different microorganisms (microscopic, living, single- and multi-celled bacteria, some fungi) and larger organisms including animals like rotifers and worms can take place in a cold pile or a hot pile. Finished compost, complete breakdown of all the materials to a soft dark brown fresh scented mix, can take from 6 months and up to 18 months depending on heat, moisture and turning/mixing of the pile. In



Gale making compost at Squash Blossom Farm in Talpa, NM.

order to inactivate pathogens in animal manure a pile must reach a temperature of 130°F and up to 170°F for 3-4 days after each addition of manure before spreading on edible crops. The process of breaking down materials occurs if there is a relatively steady temperature of 120°F for prolonged periods during the growing season. Breakdown biological activity continues at a slower pace in lower temperatures.

In early winter, I continue to add in layers of kitchen waste, hay, manure and dry crop debris that I clip, crush and break into small pieces. Some farmers use a shredder. Before frost settles in to the piles, the temperature is between 40°F-50°F and it is possible to dig a trench or a hole in a pile to bury kitchen waste and to mix materials. Later as the piles become frozen and covered with snow, I cover the kitchen waste additions with hay and sometimes a tarp and discontinue any digging or mixing.

In early spring, late March, I turn the piles down to the most decomposed layer to expose the unfinished materials to the billions of living organisms for digestion. When the piles are fully thawed in late April and early May, I fork off the top 1-2 feet of un-decomposed material into the bottom of an empty bin and roughly screen the finished compost to turn in to the vegetable and flower beds. I dig out my compost bins every 12-18 months and begin again.

Among my favorite references: *The Soil and Health* Albert Howard, *Teaming with Microbes* Jeff Lowenfels & Wayne Lewis, *The New Organic Grower* Eliot Coleman, and *A Biodynamic Farm* Hugh Lovel. For practical composting tips: *Gardening the Southwest* Carole Tashel and *Compost* Clare Foster. 💧

Farmer Training Opportunity!

Are you interested in learning how to be an organic acequia farmer in northern New Mexico?

Do you want to learn how to increase your production to sell commercially?

Are you looking for ways to put your agricultural land and water rights to use?

Are you interested in learning best practices and techniques from other local farmers?

NMAA is proud to announce that we will be starting a year-long Farmer-to-Farmer training program based in northern NM in 2017! The program will use a hands-on approach and a 15-point curriculum created by our partners American Friends Service Committee, based on the successful farm model pioneered by Don Bustos.

Training includes: farm planning, business planning, season extension, fertility and soil health, maintenance of equipment and usage, planting and harvesting techniques, organic pest management, marketing, value added processing, and an emphasis on network development/ aggregation of food.

All training is free and will take place on farms located in the greater Española Valley and Taos County. Training is Mon/Wed/Fri for approximately 6-7 hours per day, from February 2017 to December 2017. Trainees will receive a monthly stipend.

Participation is limited to 3 trainees and trainees must commit to the full year of training!

Interviews will be scheduled for January 2017.

If you are interested in applying for this program, please contact Pilar Trujillo at pilar@lasacequias.org or (505) 995-9644.



NMAA 17th Annual Congreso Nuestra Agua, Nuestro Futuro: *Acequias Rising!*

by NMAA Staff

On Saturday November 19th 2016, over 250 acequia farmers, ranchers, and the next generation of acequia leaders gathered at the Sagebrush Inn Convention Center in Taos to celebrate the future and resiliency of acequia culture and land-based ways of living across the state of New Mexico.

Some of the highlights of the day were:

El Bendición de las Aguas



Acequeros came together to offer water from their respective acequias to the community olla which was then blessed by Taoseño Deacon Larry Torres of the Holy Trinity Parish in Arroyo Seco. Acequeros were invited to take some of the blessed water home and NMAA collected a container of the blessed water to send to Standing Rock as a symbol of solidarity.

Hermanimiento between NM and San Luis Acequias



Many of us understand that political boundaries do not honor cultural regions. The NMAA has been in a relationship with the Sangre de Cristo Acequia Association of Southern Colorado for years. We often present at their annual Congreso. This year NMAA decided to formalize the friendship with recognition of "Hermanimiento" (union, or brotherhood). We were grateful that a delegation of acequia leaders who joined the Congreso to receive the recognition. Experience the deep connection we have with our neighbors to the north: vimeo.com/186250637

Stories in Defense of Water and Acequia Success Stories



Acequia de las Joyas.

Edward Romero, Mayor-domo of the Acequia for 35 years, humbly explained that their acequia is the first RCPP project in the United States that used the Alternate Funding Arrangement for project funding. The acequia replaced a flume that was built in 1947 that was suspended with cables and a welded steel pipe flume that is self-supporting.

Taos Valley Acequia Association.

As the Taos Valley finalizes the Abeyta Water Rights Settlement, the acequias are preparing to strategize and prepare for the future. Sylvia Rodriquez, board member of TVAA spoke on behalf of the newly formed TVAA Leadership & Education Committee. The committee is helping re-envision the work of TVAA and organize the acequia communities in preparation of administration of the water rights, including providing education and outreach.

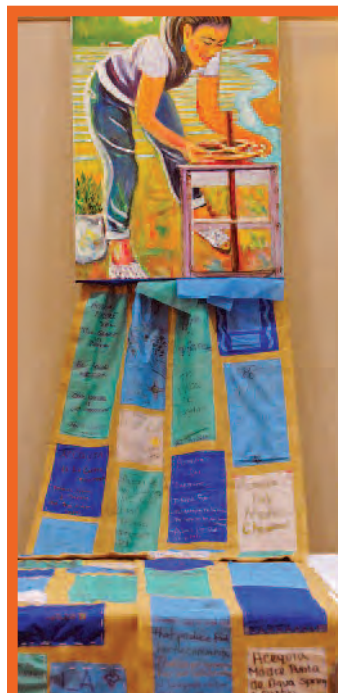


Las Nueve Acequias del Rio Grande

Alfredo Montoya, Board member of the NMAA and President of Las Nueve del Rio Grande Acequia Association spoke on behalf of the techniques the association is taking in order to do pre-adjudication organizing. "We are campaigning around water rights declarations and ensuring that every association has updated bylaws, active leadership, and is aware of the land with water rights that is at risk. We hope to continue organizing and accounting for every drop we have as a basis for argument when the adjudication comes around."



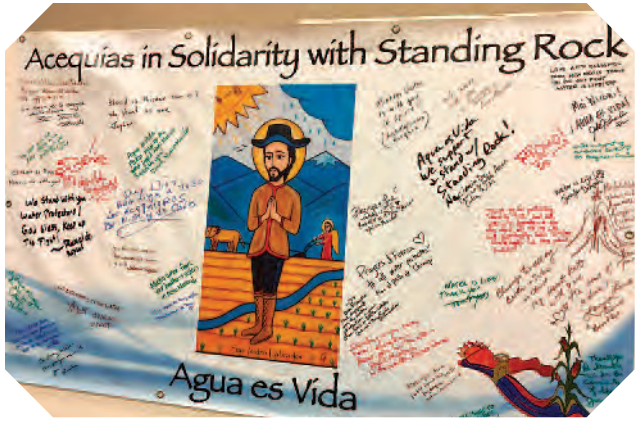
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El Plan del Movimiento de las Acequias

For the year of 2017 NMAA is sending a Call to Action to all Acequia communities to participate in El Plan del Movimiento de las Acequias. Here are the ways you can get involved!

- **Plática/Visita** - Host a community based conversation to engage and organize community members and parcientes around acequia issues. NMAA will hold a training in the Spring of 2017 for those hosting pláticas and visitas.
- **Community Event** - Host a community event such as a blessing, meal, celebration, etc. to celebrate acequia culture. Suggestion: *El primer agua*: invite youth and community to celebrate the first day water is released in the acequia.
- **School Presentation** - make a simple presentation at your local school or educational institution to bring awareness to acequia issues and engage youth. NMAA will hold a training in the Spring of 2017 for those doing school presentations on acequias.
- **Regional Acequia Meeting or Workshop** - Organize acequias in your regional association to strengthen your region and increase participation. A training will be provided in the Spring of 2017 for those hosting regional events. (Note: Only regional delegates can host a Regional Acequia meeting or workshop with NMAA.)
- **Please contact NMAA to sign up and learn how to get more involved!**
- **Become a member of NMAA** • **Follow NMAA on Facebook**



Acequias Stand with Standing Rock

Congreso delegates and guests were given a short briefing of the situation in Standing Rock by NMAA Staff Olivia Romo and Maria Gallegos. We screened a short video produced by Indigenous Rising Media titled: Shutting DAPL Down by Water Protectors of the Indigenous Peoples Power Project. In a call to action to stand in solidarity, Maria Gallegos asked everyone to write a message on the NMAA Stands with Standing Rock banner; purchase a t shirt or print - all proceeds raised to be donated to support the effort of the Water Protectors in Standing Rock.



Nuestro Futuro: Our Youth at the 17th Annual Congreso



This year's Congreso welcomed many youth as participants and presenters. Youth from our Sembrando Semillas program made the long journey to be with us and share their stories from Abiquiu, Mora, Chamisal, Atrisco/South Valley, and Santa Clara Pueblo. Fourteen youth presented to the entire congregation on the importance of acequias to them as young people. They received a standing ovation for their powerful words! Here are just a few things they shared:

"We nourish our crops through the water and for that we are eternally grateful for the acequias, for feeding us. The acequias aren't a thing of the past but a passage for a better future." Tayler, Abiquiu

"Acequias are important because without acequias we wouldn't be able to pass on our knowledge of how to farm, irrigate, and how to make a living out of it." Ignacio, Chamisal

When the youth weren't presenting, they were busy in the back room learning how to make screen prints with graphic artist Eddyberto Cardenas of La Plazita Institute, and hands-on activities with Donne Gonzales. We also hosted a fundraiser for Sembrando Semillas by soliciting donations of local food products. Besides the food products, we gratefully received a beautiful donation of a Corn Maiden from artist R. Rivera. Thank you to all who made donations; this will be a yearly tradition to help support the next generation of acequier@s!

In addition to the Sembrando Semillas youth, we also highlighted the great work of 5 youth who participated in an acequia mapping project with Taos Soil and Water Conservation District as part of a Youth Conservation Corps grant. Emily Quintana, Brandon Martinez and Jason Torrez presented on the project and how it impacted them, alongside instructors of the project, Miguel Santistevan and Peter Vigil. The Taos SWCD-Youth Conservation Corps Program was presented with the Acequia Advocacy award for their innovative acequia mapping project that engaged youth in better understanding the condition and resiliency of the acequia system in the Taos Valley.



2017 Acequia Awards

Every year NMAA honors Champion Acequia Leaders across the state of NM. Here are the awardees who were recognized at this year's Congreso:



Eduardo Romero from Canyoñ was awarded the **Mayordomo of the Year Award** for his devoted time in maintaining the acequia and ensuring participation of all 90 parciantes where they do not have any delinquencies.

For **Acequia Farmer/Rancher of the Year**, **Leroy Graham**, Board Member of the Taos Valley Acequia Association, was awarded for his outstanding commitment to maintaining his family ranch, exercising the acequias, and being a life-long advocate for the survival of the acequia system.



Finally, the **Commissioner of the Year Award** was given to **Norval Bookout** from Tularosa, a champion chile farmer and dedicated acequia leader for over 35 years. Norval, with a bashful smile, humbly received his award, following in the footsteps of his ancestors who instilled in him love for the land, water and community.

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SPMDTU Colonial Music Performance



As Congreso delegates and guests enjoyed lunch they were treated to a wonderful showcase of Spanish Colonial music and dance by beautifully gifted youth musicians (who have only been practicing since August 2016) from the Soceidad Proteccion Mutua de Trabajadores Unidos, Concilio #18, Ranchos de Taos.

Congreso Resolutions



A key piece of Congreso is the annual membership meeting of NMAA delegates voting on resolutions that set the course of our work and determine our policy priorities.

Resolution concepts are solicited from the regional associations. All recommendations are then reviewed and completed by the NMAA Policy Committee, or generated by the Policy Committee.

Thank You!



NMAA Staff (l to r): Patricia Quintana, Allayne Scott, Lori Spillman, Toribio Garcia, Maria Gallegos, Travis McKenzi, Olivia Romo, Serafina Lombardi, Pilar Trujillo, Juliet Garcia-Gonzales.

The NMAA would like to thank **Seth Roffman** of Green Fire Times for his continuous contribution in photographing the Congreso every year, and **Robin Collier** of Cultural Energy for recording the meeting. NMAA would also like to recognize all our volunteers; **Priscilla Romo, Cassidy Spillman, Ignacio Gonzales, and Donne Gonzales.**

NMAA would also like to give a big recognition to all of our sponsors and donors for their valuable contributions:

**American Friends Service Committee,
Middle Rio Grande Conservancy District,
Natural Resource Conservation Service (USDA),
Tewa Women United,
Farm Service Agency,
Four Bridges Traveling Permaculture Institute,
Agrarian Trust,
Guadalupe Credit Union,
Sangre de Cristo Acequia Association,
Acequia del Rincon,
NM Land Conservancy,
Bio-dynamic Association,
Fire and Hops,
Johnny's Selected Seeds,
Payne's Nursery, Rancho de Chimayo,
Rio Grande Ace Hardware,
Trader Joe's**

Resolutions Approved by the NMAA Delegates:

Definition of Regions - Resolution 2016-01

**Supporting Engagement of Families and Youth in Acequias - Resolution 2016-02
Presented by Las Comadres Caucus**

**Supporting Acequia Farmer Training and Youth Farmer Mentorships - Resolution 2016-03
Presented by the El Puente Caucus**

**Supporting Removal of Lands with Acequia Infrastructure from Wilderness Areas - Resolution 2016-04.
Submitted by Nacimiento Community Ditch Association**

**Requesting that the Office of the State Engineer Support Mediation in Water Rights Adjudication -
Resolution 2016-05**

Supporting Continued Infrastructure Funding for Acequias - Resolution 2016-06

**Supporting a Change in the Definition of "Local Public Body" for Purposes of Budget Reporting -
Resolution 2016-07**

**Supporting Efforts to Keep Water Rights Attached to the Land in Rural and Agricultural Communities -
Resolution 2016-08**

Requesting Exemptions from 404 Permits for Acequia Infrastructure Projects - Resolution 2016-09

All of the resolutions that have direct policy implications will be pursued in the advocacy efforts of NMAA. For full resolutions please visit the NMAA website.

Nuestra Agua, Nuestro Futuro: Acequias Rising!

AFSC: A 40 year history of accompanying the people of New Mexico

Since 1976, the American Friends Service Committee (AFSC) program in New Mexico has identified with the struggles of local people, with particular attention to water and land use.

Our mission is to create economic viability by training small farmers in sustainable agricultural practices, thereby protecting land and water rights and traditional cultural practices. We are part of a social justice organization founded by Quakers in 1917, and work in 16 countries worldwide to overcome injustice.

In September we celebrated our 40th anniversary at the Indian Pueblo Cultural Center. Former staff, volunteers, partners, farmers, acequeros, and Quakers who were part of the past four decades attended the celebration.

It was wonderful to hear Luis Torres, the first AFSC director, share his stories of our first decade. Our first board members included Dori Bunting, Clark DeSchweinitz, Jerry Ortiz y Pino, and Gilbert Vigil. The program focused on land rights and economic viability for people in northern NM. With AFSC support, residents organized to stop the Taos Ski Valley resort from dumping their sewage into the community's water. Another victory was stopping a sawmill polluting the air in Embudo.

The program focused on water rights under Fred Vigil, director from 1985-2000. We helped form the Río Chama Acequia Association, which brought together 28 acequia associations into a single consultative body which advocated for historical water rights.

We also supported traditional grazing and stock raising in Río Arriba County, in collaboration with Ghost Ranch and sheep growers with Ganados del Valle in the Chama Valley.

In the 1990s AFSC supported the formation of Acequias Norteñas, an organization of eighteen ditch associations above Abiquiu Dam, that concluded a water lease from the Jicarilla Apache Nation, without litigious conflict – a unique situation in struggles over water rights in New Mexico.

In 2002 David Lujan became the director and the office moved to Albuquerque, where water adjudication issues loomed. The board included Santiago Maestas, Pablo Lopez, David Henkel and Lauro Silva. The focus was on Native American leadership and AFSC helped convene the Indigenous People's of America International Symposium. Don Bustos joined the staff in 2003 and worked with the Red Wolf Clan to establish small backyard farms.

Sayrah Namaste joined the staff and Don Bustos became the director in 2008. We helped establish Dragon Farm on the campus of the South Valley Academy and created a New Mexico school gardens curriculum. AFSC co-organized the annual San Ysidro Day in the South Valley with Santiago Maestas and La Plazita Institute.

In 2009, we launched a farmer-to-farmer training program in the South Valley of Albuquerque. The three year project resulted in the training of 10 new organic farmers, 12 new farm sites, 8



Sayrah Namaste, AFSC staff, with Luis Torres, first AFSC director.



Patrick Jaramillo, AFSC staff, with Luis Torres, first AFSC director. Photos by Nina Simbana.

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Talking Water Law

by David Benavides,
N.M. Legal Aid Attorney

What effect would there be if part of our acequia would fall within an area that is proposed to be federal wilderness area?

This question is coming up more often now because of the proposed expansion of wilderness within the Santa Fe National Forest. For many acequias, a portion of the acequia currently lies within Forest Service lands. But if the wilderness boundaries are redrawn, many acequias would suddenly lie partially or completely within a federal wilderness area in addition to lying within Forest Service lands.

The short answer is in three parts: (1) the law as written should protect acequias from burdens and regulations that federal agencies can impose on other forest users, because the acequias existed on these lands before they were made national forest or wilderness lands; but (2) the U.S. Forest Service in New Mexico has a record of ignoring the pre-existing rights of acequias, which has created unnecessary costs and legal problems for acequias; and (3) if an acequia wants to significantly change the *location of the point of diversion, course, or size*, of the part of acequia that is on federal land, there is probably no avoiding new permit requirements and new regulation, but if the acequia comes within the wilderness boundaries, those changes can even be blocked.

Acequia rights on federal land. The rights that acequias have on federal lands are easement rights that federal law granted to irrigation ditches that were in place on federal land before 1900.

An easement is a right-of-way across someone else's land, and includes the right to go onto the land to maintain or repair the right-of-way. As the uses of federal lands have become more regulated over time and as national parks and national forests and wilderness areas have been created, all of these new laws specifically stated that pre-existing rights on these lands are to be undisturbed. In other words, acequias' easement rights are "grandfathered in" so they can operate freely without the regulations or permit requirements that newer forest users have to comply with. The 1964 federal Wilderness Act is no different—it states that wilderness areas are subject to pre-existing rights.

Issues with the Forest Service. Over the last 20 years, The Forest Service in New Mexico has acted as if the national forests came before the acequias rather than what is historically true. They have tried to deny the easement rights of acequias by demanding that acequias apply to the Forest Service for special-use permits every time an acequia wants to repair or replace ditch works located on federal land. They also demand that these projects be delayed for environmental studies and in some cases even demand that the acequias pay for a share of these studies—which can cost an acequia many times more than the acequia's annual budget. In the case of wilderness areas, the Forest Service has taken the position that it can be even stricter and can dictate what materials or equipment are used for acequia maintenance or repairs.

The Forest Service Should Not demand these things and acequias do not need to agree to them. With an easement, the acequia has the *right* to be on federal land, and the *right* to make repairs, so permission or a permit from the agency is unnecessary. Permits are inferior to easements, because permits usually can be revoked or restricted without the agreement of the acequia, whereas an easement is a protected property right that cannot be diminished. Federal court cases in our region of the country (the 10th Circuit) have protected the rights of holders of easements on federal land to operate and maintain their ease-

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Reflections by Las Comadres de las Acequias

Women have had a historical role in the support and survival of acequias throughout the generations, including serving as part of the labor, providing 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 and empower and bring other women in leadership together porque acequieras unidas defender agua, tierra, y familia! The New Mexico Acequia Association opened a space for women in the Noticias de las Acequias to reflect on the 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.



Juanita Lavadie, Board member of the TVAA, speaks about her vision for empowering young people to get more involved in acequia traditions.

Greetings fellow parciantes and friends of NMAA,

We have made it through another successful Congreso! Many resolutions were brought to our attention which will help the progression of our acequia community. As many of you may be aware, we as the Comadres Caucus, had a resolution as well. Our resolution focused on the education of the younger generation of acequia parciantes and future farmers, we are proud to say that our resolution passed without conflict!

For me personally, it was my first year and it was nothing short of amazing, the love for the water and traditional ways of farming definitely showed by every single person who attended. As the morning rolled into the afternoon we were very fortunate to experience the blessings of our acequia waters, eating traditional foods, as well as enjoy the music of our youth, and holding prayer and well wishes to all of the water protectors defending Standing Rock. Being around so many people who care about the acequia is inspirational. If you have never attended the Congreso I highly recommend that you do! You will not be disappointed with the wealth of information you will acquire in just one day.

This upcoming year we as Comadres have vowed to focus our efforts on “finding ways to elevate youth as leaders and engage them in all aspects of acequias, including governance, food traditions, and leadership development”. We think it is important to hear our families and encourage our youth to be more involved in the planning process with the acequia associations. We vow to keep the traditions alive by holding workshops, farming demonstration and training days, and being available as

women leaders to help raise and nurture the future generation of acequia leaders. We will also “encourage all acequias to invite families and young people to participate in “el primer agua” or the opening day of the acequia”. This is where we are able to see the beautiful waters rolling in for the very first time, saturating the ground in which it was intended. We will encourage communities to gather and celebrate this day by showing our children and youth that this is something to be thankful for. We encourage having activities and letting the community themselves plan the celebrations.

Lastly, we vow to “support local community members to volunteer as acequia community educators to give presentations, workshops, and walking tours by creating an educational tool kit” in our efforts to keep the acequia traditions alive and running strong for our next generations. We hope you are all able to take part in the involvement of our newly implemented resolution and gladly accept any volunteers. If you are interested in taking part or would like to join the Comadres group please email Maria Gallegos at maria@lasacequias.org

We are focused on keeping our families involved and educated so that our youth have an easy and knowledgeable transition to become the next acequia farmers and ranchers.

We hope your 2017 farming season is enjoyable and prosperous!

Charlotte Madueño y Los Comadres

Que Vivan Las Acequias!

2017 Legislative Outlook for Acequias

continued from page 3

2) Water Transfers and Water Exports:

In the 2014 session, a bill was introduced by then-Senator Tim Keller to address concerns about water rights speculation related to large-scale transfers of water that effectively would export water out of rural communities to other parts of the state. The bill was not germane in the 30-day session, but the issue could be the subject of a similar or revised bill for the 2017 session. 💧

See also “The Capital Outlay Outlook for New Mexico” on page 12

Acequia Day! at the NM State Legislature

Join the NMAA to celebrate acequias at the 2017 Acequia Day at the State Capitol!! On February 16, 2017, acequia leaders from around the state will gather to share our policy agenda with state legislators and to have a strong show of support for acequias.

NMAA will work with our legislators to host acequia leaders from their respective districts as special guests. We will have a press conference at 1:30pm in the Rotunda where NMAA, along with local acequias and partners, will have educational display tables to educate the public and policymakers about acequias.

Governance Tips:

How to Complete an Infrastructure Project: Opportunities & Support

Repairing infrastructure provides acequias with opportunities beyond the physical improvements. The work completed may increase the availability of water in the ditch, this can in turn increase parciante participation in irrigating and in the acequia's business, which may increase folks actively paying dues. Approaching an infrastructure project can be an exercise in building community and involvement in the ditch as the commission rallies members around a project.

There are four stages for a successful infrastructure project. NMAA stands at the ready to assist your acequia on any or all of these phases.

1. Assessment

- a. What are the infrastructure issues interfering with the effective functioning of your ditch. What are the concerns of the mayordomo and parciantes?
 - Are these fixes that can be done internally? Do regular repairs continue to fail and require a longer term remedy?
- b. Once you have an internal handle on your concerns we recommend contacting NMAA for a referral to the New Mexico Association of Conservation Districts (NMACD).
 - An NMACD expert will walk the areas of concern with you to evaluate solutions and help you prioritize areas of work.
 - NMACD will develop a cost estimate with general details of each project.
 - It is highly advisable to bring the proposed projects to a vote at a membership meeting to create buy-in early on and avoid confusion or controversy later. Explain the benefits of the project to the parciantes, listen to and weigh concerns and impacts.
 - This is particularly important as you may need to raise dues temporarily to raise funds for the project.
 - A large scale project (i.e., diversion dam in a larger water way) will be referred to the Army Corp of Engineers.
 - For large scale projects it is particularly vital to engage the parciante and wider community in evaluating the potential impacts of the project

2. Planning and Design

- a. Create an Infrastructure and Capital Improvement Plan (ICIP) through NMAA.
- b. The ICIP is a planning tool where we will identify priority projects and funding sources.
- c. Funding a design is a crucial step. There is limited

funding for designs. Once your acequia has a design funded the construction phase can proceed.

- d. Procurement Code must be followed when putting a design project out to bid.
- e. Submit applications to appropriate funding sources for construction funds. Call NMAA for a complete listing.

3. Construction and Inspection

- a. Once a design is complete and funding is secured for construction the acequia will follow procurement code in putting the project out to bid (ISC offers technical assistance on this for projects that go through them).
- b. Be sure to include inspection of project in the contract with the engineer.
- c. ISC will do final inspection of any projects it funded.

4. Financial Reporting and Audits

- a. Consider starting construction at a time when all project monies can be spent in 1 calendar year (if your acequia operates on a calendar year), this helps alleviate the reporting burden.
- b. Before you embark on a new project be sure you are already in compliance with state, this is a requirement of all funding sources.
- c. Anticipate Financial reporting. As political subdivisions of the state we must do detailed reporting of any annual revenue over \$10,000 to the Department of Finance and Administration (DFA).
 - Preliminary and final approved budget with a resolution (using a DFA template)
 - Quarterly budget reports
 - Budget amendment resolutions when the budget changes
- d. Report project expenditures online through the Capital Project Monitoring System (CPMS).
- e. Office of the State Auditor (OSA) requires a modified audit based on the tier system once expenditures are complete. Register online with OSA-Connect ahead of time.
 - The Agreed Upon Procedures (AUP) or modified audit will come at a cost to the acequia. Consider saving money for this and applying with the OSA for financial assistance, usually in July of each year.

Don't forget NMAA staff is here to support you every step of the way. The above is meant to give you an overview of what to expect, or a reminder to reference. We want to work closely with you to ensure a successful project. Good Luck! 💧



Acequia de Cecilia, Gallina, NM. photo taken by Victoria Suazo Chanza.



Taylor Suazo.

Children Walking

by Taylor Suazo
Acequia de San Jose de Barranco
Sembrando Semillas, Abiquiu, NM

*The sun—
wakes the moon from its slumber to accompany the sky.
Slowly going down after it gave us its light.
Day by day pass, he sees generations growing.
This grandfather was also once a boy.*

*Family—
is the foundation on which we stand on
where children walk on the same paths as their ancestors.*

*Digging the same dirt that once ran through the hands their great-grandfathers.
The sky as old as time, shelters our essential spheres—
for when dawn and dusk come, they overlap to say hello
to the generations that continue to grow.*

A New Horizon for the Taos Valley Acequia Association

by Sylvia Rodriguez

Taos Valley Acequia Association (TVAA) was established as a non-profit corporation in 1989 for charitable, educational and scientific purposes in order to serve the needs of acequias in the Taos Valley. The TVAA Articles of Incorporation list among its purposes:

To educate, inform, advise and assist acequias and their members about their water rights, the laws and regulations pertaining to their water rights, and historical uses, agreements, and customs and water uses.

Related purposes are to educate, inform, advise and assist acequias about water rights adjudication suits and other administrative proceedings, water conservation practices, community development, and the 'protection and defense of the water rights of acequias and their individual members in water rights adjudication suits.'

The protection and defense of acequia water rights in the Taos or Abeyta federal and state water rights adjudication suit became the primary focus of the TVAA from its inception until a final decree was issued on the case in 2016. As a representative body made up of commissioners from seven stream systems, the TVAA coordinated acequia participation in the adjudication process that culminated in a negotiated settlement between Taos Pueblo, the TVAA, the Town of Taos, the El Prado Water and

Sanitation system, twelve Mutual domestic Water Associations, and the state and federal governments.

The Abeyta case has lasted a lifetime since it was filed in 1969. Several leaders who helped to found the TVAA and took part in the negotiations have died. The settlement was reached in 2006 as an alternative to litigation after seventeen years of painful struggle and hard-won, mutual compromise on the parts of Taos Pueblo and the TVAA. It took hundreds, perhaps even thousands, of meetings. Scores of public meetings have since been held to explain it. More continue today as the implementation phase gets underway.

The handful of original TVAA Board members who persevered in order to "keep the acequias whole" by protecting and maintaining their water rights performed a great service. Still, not everyone appreciates, agrees with, or understands the terms of the settlement. Some Taoseños have voiced confusion, skepticism or mistrust. A few have spread misinformation about the consequences and negotiators' motives.

But regardless of whether the Abeyta settlement satisfies every Taoseño, the fact remains that the coming years will



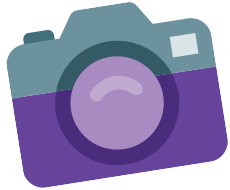
Taos Valley Leadership & Education Committee

bring escalating threats to acequia survival caused by a combination of economic, social, and political conditions as well as by climate change. Acequias' ability to survive will depend on dogged persistence, cooperation, mutual trust and respect, dedication, education, effective organization, and unrelenting defense and advocacy.

Therefore, in order to continue its mission, the TVAA Board has created a Leadership and Education Committee charged with envisioning and charting a post-Abeyta role for the association. Starting in 2017, the L & E Committee will embark on a program of community outreach in order to ascertain the most pressing needs and concerns of their membership; to collaborate on practical and educational programs; and to develop new leadership. Stayed tuned. 💧

The Capital Outlay Outlook for New Mexico

The Capital Outlay outlook for New Mexico is grim. Projections estimate less than \$60 million for the whole state which may be allocated entirely to statewide projects needed by state government leaving little or no Capital Outlay for local governments, including acequias. Individual acequias are urged to communicate directly with your legislators to find out if any funds will be available. If funds are available, NMAA will be available to consult with acequias on preparing their funding requests. NMAA recommends that acequias have either an engineering design (for larger projects) or a cost estimate (for smaller projects not requiring design) if requesting construction funds. For larger projects without a design, acequias may want to consider asking for funds for a design. NMAA also recommends that projects have matching funding from other sources and not to rely solely on Capital Outlay for projects funds. Call NMAA at 505-995-9644 for more information.



NMAA 2016 Acequia Photo Contest Winners

NMAA would like to recognize all the participants in the 2016 Acequia Photo Contest. Thank you for all your beautiful submissions that honor acequia culture, traditions, and practices.

Our top three winners are:

1st Place:
Daniel Sonis, "Bailing Hay"

2nd Place:
Donne Gonzales, "Regando fields of ajo"

3rd Place:
Donatella Davanzo, "Acequia in the farolito evening"



First Place: Daniel Sonis, "Bailing Hay"



2nd Place: Donne Gonzales, "Regando fields of ajo"



3rd Place: Donatella Davanzo, "Acequia in the farolito evening"

AFSC: A 40 year history *continued from page 9*



AFSC Staff: Patrick Jaramillo, Sayrah Namaste, Eisha Mason, Sonia Tuma, Maria Brazil.

passive solar coldframes, and the flourishing farmer co-operative Agricultura Network.

In 2012 Patrick Jaramillo became our Statewide Farmer Trainer and we ran farmer training programs in Río Arriba, Mora, Bernalillo, and Doña Ana counties. Susan Vigil and later Maria Brazil joined as administrative staff.

From 2012-2016, we trained 34 new farmers, gave technical support for 140 farmers, incubated two farmer co-operatives (La Cosecha del Norte in Española and Sol y Tierra Growers in Anthony), and co-organized the annual Garlic Festival at Northern NM College.

In the 2015 state legislature, alongside Patricia Quintana and NMAA, AFSC advocated for funding for local public schools to purchase from local farmers. As a result, five public school districts received recurring funding, serving 32,000 school children with local food.

This year we piloted new work supporting farmers in Pecos and Jemez Pueblo with advanced farmer training. We partnered with the Southwest Conservation Corps at Acoma Pueblo, erecting a hoop house that enables year-round food production for Acoma elders. We have been working with NMAA to transition our northern NM farmer training program in 2017.

We are grateful to the many people who have made our work possible, including our sister organization NMAA.

More information at: www.afsc.org/newmexico 💧

Talking Water Law

continued from page 9

ments without permits and without the environmental studies and costs that permits trigger. If a governmental agency is requiring you to get a special-use permit for your acequia, you should get legal advice. Do not sign anything until you do. If you have already signed for a special-use permit, you may still be able to assert your easement rights, and should get legal assistance.

There should be no dispute over improvements to those sections of the acequia that are outside the boundaries of the national forest, since the Forest Service has no jurisdiction there.

Changing the easement. The protections described above do not apply if the acequia wants to change the easement, for example, if it wants to significantly change the routing of the acequia across federal land or the location of the point of diversion or significantly increase the size of the ditch, or install significant new infrastructure that was never part of the delivery system. The price the acequia would have to be willing to pay for making such changes would be to be subject to a special-use permit. In the case of a wilderness area, it is possible that the agency could block the proposed change altogether.

Conclusion. The Forest Service came into acequia communities after those communities were already in place. However, the Forest Service has not always been a respectful neighbor toward the legally-protected rights that existed before the national forests were created. Until this particular "guest" shows better manners and stops trying to take that which belongs to the acequias—namely their rights—acequias are certainly justified in being wary about inviting them further into their "houses" than they already are. 💧

Rio Pecos Agricultural & Water Rights Workshop



Patrick Jaramillo, American Friends Service Committee, spoke about the assistance they provided to farmers in building hoop-houses and restoring pieces of agricultural land in the Pecos. Photo by Olivia Romo, NMAA Staff.

by Olivia Romo, NMAA Staff

On December 8, 2016 the NM Acequia Association, in partnership with American Friends Service Committee (AFSC) and the Cow Creek Basin Regional Acequia Association, hosted an agricultural and water rights workshop in Pecos, NM. The intent of the workshop was to empower and educate the water users of the Pecos River about current water challenges facing acequeros and farmers of this magnificent basin. The Pecos River is under development and debate by current proposed expansion of the wilderness, water being transferred off agricultural land, and the re-adjudication of Cow Creek, a tributary of the Pecos River. All environmental resources are being encroached upon and are at risk, mobilizing farmers to organize to protect their rights to the land and water of this region.

It was a cold night in Pecos yet over 50 acequeros huddled at the Sheriff's Posse to eat a warm meal prepared by Sofia Valencia and discuss water concerns of the area. Paula Garcia, Executive Director of NMAA gave a welcome and introduction to the services NMAA provides. An extended welcome was given by Ralph Vigil, Pecos local and President of the NM Acequia Commission who proudly recognized the leadership of acequias present. The workshop began with Enrique Romero, attorney for NM Legal Aid and Legal Counsel for the Cow Creek Basin Acequia Association, who defined the elements of a water right and how farmers can better protect their legal rights as water users. In a state that is "use it or lose it" in terms of water rights, Enrique argued that the best way to protect your water is to irrigate through your acequias. Water must be put to beneficial use, even in times of shortage. While water-banking is a legal mechanism for protecting water rights on fallow land—water rights in a water bank are considered "in use" while placed in the bank—many acequias still require members to take some action to deposit those water rights in the bank. In addition, water-banking is only a temporary measure; even water-banked water rights are subject to loss if enough time passes and water is not beneficially applied to the land with those water rights. Therefore, when adjudication, or "re-adjudication," occurs, parciantes should be prepared to demonstrate continuous beneficial use on their irrigable land, the best proof being actual agricultural activity.

Following Enrique's presentation, Richard Valencia, President of the Cow Creek Basin Acequia Association, testified that "the adjudication caught us by surprise as many of us were struggling to repair our ditches and irrigate after multiple environmental disasters." Cow Creek was adjudicated in the 1933 Hope Decree as a legally fixed amount of water rights to the recognized surface water users of the Upper Pecos Valley; those acequias are still functioning today and bring water to the descendants of the settlement. However, as we moved from an agrarian economy to a cash-based one, people left Pecos to work in Santa Fe or Las Vegas, postponing, sometimes indefinitely, an agricultural way of life. Many parciantes work full time jobs and in the irrigation season still work the land every chance they get. Because state law requires continuous beneficial use of water in order

for water rights to remain valid, many of the farmers in Cow Creek have acted to restore their land, repaired infrastructure, and have reached out to absent landowners who have moved away to come back home and tend their land.

Struggling with issues of infrastructure, drought, devastating forest fires, and illegal stock ponds having been built and later breached, the acequia leaders in Cow Creek have brought land back into production. They have restored their acequia's infrastructure, improved governance, and encouraged land owners to get involved in the adjudication and restore their parcels of land. The re-adjudication of Cow Creek is in its beginning stages; water right offers will likely go out in the spring of 2017 and Cow Creek parciantes need to be vigilant. The State Engineer's hydrographic survey is only recognizing about one-fourth of the irrigated acres recognized in the Hope Decree which adjudicated these rights. Acequeros in Cow Creek have their work cut out for them during the next stages of this adjudication. Parciantes in the upper reaches of the Pecos River should heed the lessons learned from this particular adjudication and both re-engage in their respective acequia's governance and work to get fallow land into production.

Patrick Jaramillo of AFSC spoke about the work they have been doing in Pecos through their farmer training program. AFSC brought many skills to Pecos and helped several farmers raise hoop houses and restore pieces of land that otherwise would have been impossible to farm without skilled labor or heavy machinery. Last but not least, Tom Dominguez, Ag Extension Agent of Santa Fe County, was happy to offer his services, including season extension to the farmers in Pecos, and various trainings on other topics like food preservation, soil testing, etc.

The NMAA encouraged participants to pursue USDA programs through the NRCS and FSA for on farm improvements. NMAA offers technical assistance in getting fallow land back into use and supporting existing operations to take full advantage of federal programs. Additionally, we offer assistance to Commissions in funding acequia repairs. Please contact NMAA Staff Serafina Lombardi at (505) 995-9644 or serafina@lasacequias.org for more information.

We were also honored to have County Commissioner Elect Janice Varela, former NMAA staff, to present on the West Pecos Ditch water transfer. Janice engaged the community in a dialogue and action plan for protesting the transfer now that it will be re-published and the short window to protest the application is re-opened. Janice also discussed how to prepare our acequias for managing future water transfer applications.

Thank you to all our partners and participants for caring about the water rights of the Pecos. May the organizing continue and if you need any assistance in filing a protest to the West Pecos Ditch transfer, learning more about agricultural land restoration, or protecting water rights, please call NMAA at 505-995-9644.💧

Cuentos Del Mayordomo

Over the years, acequia leaders have not only dedicated their lives to protecting water and feeding our communities, but to holding our cultural narrative deep inside their hearts. Sharing stories, food, water, and occasionally a strong word or two with fellow parcientes or the Mayordomo, are some of the daily occurrences that are part of living on the acequia. We believe it is important for us to memorialize, share, and honor the experiences, language and stories that can only be found in our traditional acequia communities. NMAA is opening a section in the Noticias de las Acequias to highlight the stories of Mayordomos and Commissioners statewide with the hope of bringing a smile, laugh or tear to our readers. We think many readers will relate to the cuentos shared here and will feel proud to be a part of such a special culture!

by Frederic Chavez, Pajarito Acequia Association

Lessons Learned from the Recent Rio Pecos Workshop

1. **The best defense for water rights in adjudication is to put them to beneficial use. But it is also essential to have an attorney to defend your water rights. Acequias should work together on a united defense in adjudication.**
2. **Water transfers out of acequias can negatively impact the acequia or its members. Acequias can ensure they have a say in water transfer applications by adopting bylaw language authorizing the acequia to approve or deny water transfer applications. NMAA and N.M. Legal Aid have examples of language you can use.**
3. **Beyond the acequia, it is also important for other acequias and individuals on the same stream system or in the same basin to closely monitor published notices of transfers and to raise concerns if they believe their water rights might be impaired.**
4. **The existing notice provisions in state law may be inadequate in providing notice to affected stakeholders. At the very least, an up-to-date website with applications before the State Engineer would improve notice procedures. 💧**

It was a beautiful September morning in the South Valley of Albuquerque; the sky was clear and the weather was perfect for a walk along the ditch bank. I was approaching the main ditch and checked the gate that holds water for the Rubi Lateral which my property is served by, and connects to the Pajarito Ditch, la acequia madre. To my surprise, there was a small pool of water but a huge fish, struggling to breathe and swim out of the pool. Immediately, I begin thinking about how to save the fish!

I ran to one of my daughter's house where I found a piece of rope about 10 feet long and then walked to my house to get my long pole. I proceeded to make a noose with the rope and tied it around the pole so I could catch the large fish. Back at the ditch, I lowered the noose inside the pool of water and waited for the fish to swim through the noose; as soon as it did, I yanked the pole and the rope tightened around its belly. I have been a fisherman all my life, taking my son and grandchildren fishing for many years but I have never caught a fish this large. When I pulled the fish out of the water it was barely breathing and wiggling with its last strength. It was a carp, two-and-a-half feet long and about 20 pounds, with a mouth span as large as a cantaloupe.

Excitedly, I lowered the fish back into the water and tied the rope to a nail that was sticking out of one of the boards on the gate and ran home to get my wife to show her the fish I caught without a hook! I found her in the kitchen making plum jelly but she dropped what she was doing, grabbed the camera, and walked back to the acequia with me. I brought the fish out of the water and held it up against my leg so my wife could take a picture. The fish was almost as high as my knee and as round as my leg. Finally, I let him loose in the Pajarito Ditch where he could swim his way downstream and on his way to Elephant Butte Dam where there is a lot of water to make him very happy! 💧



Fred's Carp!

CONSIDER A GIFT TO NMAA THIS Holiday Season!

Acequias continue to be the lifeblood of our communities, providing nourishment through locally grown food, economic livelihood and aquifer recharge. This year we witnessed the declaration that "Water is Life" in the national coverage of Standing Rock, affirming that we are not alone in our dedication to protecting land-based ways of life and the sacred elements which support us.

Our call to action as we create our "Plan de las Acequias" for the future of our acequia communities is to join the movimiento en defensa del agua today. We need your support! NMAA has a comprehensive approach to fulfilling our vision of acequias flowing with clean water and people working together to grow food and celebrate our cultural heritage. Some of the highlights of our work in 2016 are:

- Leadership development, training, and technical assistance to 846 acequia elected officials and members in 37 meetings and workshops, including our statewide conference for commissioners and mayordomos. We provided nearly 500 technical assistance services.
- An additional \$3 million Federal dollars have been allocated to acequia infrastructure projects through our successful partnership with NM Association of Conservation Districts, NRCS and ISC, via the Regional Conservation Partnership Program (RCPP).
- Youth and family engagement in intergenerational food projects with 263 activities in 6 communities, with 12 schools and 14 partners through our Sembrando Semillas program.

As acequias confront the challenges of an uncertain climate, commodification of water, and other pressures, we also see the resurgence of local agriculture and the need for healthy local produce for our communities. **NMAA needs your support to meet these challenges and secure a healthy future for the next generation of acequeros.**



Above: Ethan Vigil, Youngest Parciante on the San Jose de la Cienega Community Ditch. Photo by Marty Vigil.

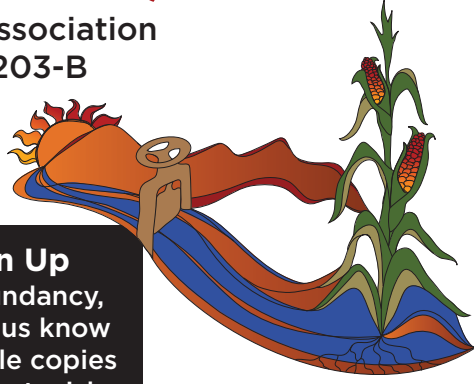
Will you join the NM Acequia Association TODAY with a donation and membership to advance *el movimiento en defensa del agua*?

- Maiz \$1000
- Chile \$500
- Hava \$250
- Alverjon \$100
- Acequia membership \$40
- Parciante/Supporter membership \$20

Membership includes a newsletter subscription. Note: Donations to NMAA are tax deductible. Make checks payable to New Mexico Acequia Association, 805 Early St. Bldg B, Suite 203 Santa Fe NM 87505 Or visit: www.lasacequias.org/donate

¡Mil Gracias!

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NMAA Database Clean Up

In an effort to reduce redundancy, we are asking that you let us know if you are receiving multiple copies of this newsletter and do not wish to. Please contact Lori Spillman at 505-995-9644 or lori@lasacequias.org

Winter Events:

- ❄️ **NEW MEXICO ACEQUIA COMMISSION MEETING**
Friday, January 20, 2017 and the 3rd Friday of every month
Location TBA
amosfnm@msn.com to receive meeting announcements
- ❄️ **NAP COVERAGE**
Tuesday, January 31, 2017
NAP provides financial assistance to producers of noninsurable crops when low yields, loss of inventory, or prevented planting occur due to natural disasters.
Contact your local Farm Service Agency Office for locations - call: (800) 410-2067
- ❄️ **ACEQUIA DAY AT THE NM STATE LEGISLATURE**
Thursday, February 16, 2017 • 1:30pm Press Conference in the Rotunda
Acequia leaders from around the state will gather to share our policy agenda with state legislators and to have a strong show of support for acequias.
Call the NMAA at 505-995-9644 or visit www.lasacequias.org for more information.
- ❄️ **ORGANIC FARMING CONFERENCE**
Fri-Sat, February 17-18, 2017
Albuquerque Marriott Pyramid North, 5151 San Francisco Road NE, Albuquerque
To register: sagefaulkner@yahoo.com
- ❄️ **NM STATE ACEQUIA INITIATIVE, NEW MEXICO WATERSHED INITIATIVE**
Saturday, April 15, 2017
Program funds infrastructure improvements. NMAA offers technical assistance to prepare for this application.
Contact Kristin Graham Chavez, Assistant State Conservationist for Programs, NRCS, (505) 761-4404 or kristin.grahamchavez@nm.usda.gov
And/or the NMAA Office
- ❄️ **REGISTER WITH THE FARM SERVICE AGENCY**
Ongoing
Become eligible for USDA programs and get counted in the Ag Census. Visit your local USDA service Center