For centuries, acequia systems have been the nexus for community activities as well as the lifeline for a powerful cultural landscape. The bond between water and culture in acequia communities has been passed down for generations, ensuring continuity through the centuries. Today, acequias remain essential to the culture, economy and social fabric of New Mexico. One might ask, “What is the status of acequias in New Mexico? What contributions do they make to our communities and to the state? What is their relevance in the 21st century?”

For generations and in the memory of our elders, acequias were the basis of survival during a time when our families relied on locally grown food for subsistence, trading, or sale. Although the economy has changed globally and locally, acequias have endured through profound changes. Families and communities have continued to sustain the flow and the institution of acequias during a time when irrigators tend to be part-time farmers, ranchers, and gardeners. In the 21st century, acequias in New Mexico are dynamic, living systems with engaged communities. Second, acequia agriculture is making a meaningful cultural and economic contribution to New Mexico. Third, acequia communities are actively defending their water rights and revitalizing agricultural traditions.

The NMAA has created a database of 611 acequias in New Mexico with active commissions, meetings, and projects. It would take extensive research to compile accurate and...
En Memoria:
Remembering Our Acequiero/as

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.

Josie E. Lujan
March 19, 1942–September 18, 2017

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

Our beloved Josie Lujan, long time acequia advocate and leader,
passed away on September 18th in the comfort of her home
surrounded by loved ones. Josie was known for her devotion to
acequias through her service in defending acequia water rights and
sharing her knowledge about acequia history and culture. She had
a long career of public service in promoting the health and well-
being of the community, supporting education and leadership
development, and cultivating acequia leaders through inspiration
and mentorship.

Her biography lists numerous awards and positions of honor in the
community including her service to the New Mexico Acequia
Association and the Rio Quemado, Rio en Medio, Rio Frijoles, and
Rio Santa Cruz Acequia Association. Those of us who worked with
her will remember the numerous books, maps, reports, and papers
that filled her kitchen table and countertops as she dedicated years
to the documentation and legal defense of acequia water rights. Her
warmth, love, wit, intelligence, and most of all her smile, will be
missed by all who knew her. NMAA sends our deepest condolences
to her family and loved ones.
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comprehensive data on all acequias, but to paint a picture of the extent of acequias, we can make some assumptions. If each acequia irrigates 200 acres, a very conservative estimate, there would be approximately 122,200 acres of irrigable land served by acequias. If we assume that each acequia has 25 active irrigators, also a very conservative estimate, there would be 15,275 parciantes in New Mexico. For thousands of families across the state, acequias are a source of beauty, identity, and cultural heritage. This has a positive effect as love of the land and love of place, which we call querencia and contributes to stability and resiliency in families and communities.

To gain an appreciation of the impact of acequias to the agricultural economy, one source of information is the US Census of Agriculture, conducted every five years, which collects data on the number of farmers, their crops, and their acreage. While there is no single category for acequias, NMAA gleaned information based on which counties were rich in acequias and assembling data from those counties.

Overall in New Mexico, agriculture is contributing $2.6 billion to the annual economy, measured in market value generated by the land and water by the work of farmers and ranchers. Broken down into acequia communities, the acequia number is a fraction of that overall figure but it is significant within the context of those local communities. Acequia-rich counties generated almost $200 million in market value through agricultural production. For some of those counties, the contribution made by agriculture is substantial, providing income. For example, both Rio Arriba and San Miguel counties generate about $18 million per year in agricultural revenue. This is income directly benefiting rural families who work the land. It is also important to note that the farms in acequia-rich counties make up 42% of all the farms in New Mexico.

Acequia leaders across the state are actively working to strengthen and defend their acequias. For decades, acequia leaders have had to organize and unite in defense of their water rights in adjudication. After years of negotiations, acequia leaders reached settlements with neighboring Pueblos helping to bring long-standing claims to resolution. Several other adjudications are ongoing. Acequias are getting organized to protect themselves from the detrimental effects of water transfers with bylaw amendments, and in some cases, with protests. In terms of infrastructure, New Mexico is seeing a renewal of commitment to sustaining irrigation works. Currently, there are over 100 acequia projects in some phase of planning, design, or construction. For this reason, it will be vital to protect local, state, and federal funding sources for acequias.

A challenge that will intensify in coming years is the administration of water by the state. This refers to the tools used by the State Engineer to allocate water rights in New Mexico. Although acequias self-govern, the state has powers over water allocation through water districts, water masters, and meters. In coming years, it will be important to clarify the role of local acequias, especially mayordomos, in local water management. Acequias will also need to advocate for their right to divert water adequate to provide enough pressure head for irrigation during a time that the State Engineer is expanding the implementing of water meters.

In conclusion, the state of acequias in New Mexico is strong and vibrant with acequia leaders organizing to protect and strengthen their acequias. Even as acequias have a strong history and culture, they are adjusting to modern day challenges including adjudication, water settlements, and infrastructure improvements. As people of the acequias continue to express their querencia through advocacy, organizing, and collective work, the future of acequias remains bright.

Que Vivan las Acequias! ♦
Acequia News Briefs

Town of Taos Ordinance
With the help of the NMAA, TVAA, and local acequias, the Town of Taos continues to fine-tune its ordinance passed in August that protects acequias from potentially damaging encroachment on any part of the acequia network. The current ordinance, known as the Hahn Amendment (after Councilman Fritz Hahn, an acequia advocate who proposed the amendment) enhanced the local land use development code to require acequia approval for any development on land that contains any part of the acequia network and easement, including the acequia madre, laterals, point of diversion, and desagues. The current version is found at 16.20.060.02 of the Town Code. Changes NMAA has advocated for include clearer process for what happens in the event that an acequia does not respond to a developer’s request for approval; a default setback requirement that mirrors the easement in an affected acequia’s bylaws, and in the case that an acequia does not define an easement in their bylaws, the broad statutory easement granted to acequias; and removal of language concerning abandonment.

The adjudicator’s report documents that the acequia did nothing wrong in conducting its annual meeting and election in Spanish. The NMAA, along with the New Mexico Land Grant Council, two acequias and two land grants, will file an amicus curiae (“friend of the court”) brief in the later part of December urging the New Mexico Court of Appeals to uphold the lower court’s ruling. The Court’s decision will likely have widespread implications for acequias and land grants that conduct their meetings in Spanish.

Rio Gallinas Acequias – City of Las Vegas
The Special Master presiding over the Rio Gallinas adjudication has issued a sixty-eight page draft report recommending an equitable remedy following the abolishment of the pueblo rights doctrine, a doctrine of law that the City of Las Vegas asserted for many decades as the basis for its claim that it is senior to all other appropriators, even the acequias whose priority dates are between 1848 and 1872. In his report, the Special Master recommends that 1200 acre feet per year (AFY) of the City’s 2600 AFY appropriations, even the acequias whose priority dates are before urging the New Mexico Court of Appeals to uphold the lower court’s ruling. The Court’s decision will likely have widespread implications for acequias and land grants that conduct their meetings in Spanish.

Santolina and the ABCWUA
On September 15, 2017, the State Auditor sent a letter to the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) questioning its handling of the giant Santolina development. The project would house upwards of 90,000 people and would require nearly 20 million gallons of water per day, at least 20 schools, and two I-40 interchanges. The total number of ace feet per year required for the development is 14,000 acre feet of water. Despite constant and frequent calls from concerned water advocates, the Bernalillo County Commission has allowed the proposal to continue through the permitting process without a concrete plan on where the water for the development will come from. While not directly addressing the lack of a water plan, the State Auditor is concerned about potential violations of the dedication clause of the New Mexico Constitution and the Water and Wastewater Expansion Ordinance in the ABCWUA’s handling of Santolina’s proposal. The ABCWUA is required to address the State Auditor’s concerns in its next audit.

Udall, Heinrich Introduce Legislation to Help Acequias and Land Grants Better Access Federal Conservation Programs
U.S. Senator Tom Udall introduced a bill to help acequias and land grants in New Mexico access additional federal resources for water and resource conservation projects. The bill, Providing Land Grants and Acequias Conservation and Environmental Services (PLACES) Act of 2017, co-sponsored by U.S. Senator Martin Heinrich, will allow acequias and land grants to access federal programs that provide funding and technical assistance to farmers to increase agricultural water efficiency and further conservation of soil, water and other natural resources.

Interstate Stream Commission Members Resign
Three members of the New Mexico Interstate Stream Commission (ISC) abruptly resigned in October. The ISC is a Governor-appointed body that oversees the agency charged with protecting, conserving, and developing the state’s waters along with ensuring compliance with interstate water compacts. One of the members who resigned, Jim Dunlap, expressed concern that the State Engineer was not regarding the ISC as a separate and distinct agency from the Office of the State Engineer (OSE). The two agencies are intertwined water management agencies and have roles that are sometimes conflicting. The OSE approves permits for drilling, appropriations, and water transfers which sometimes puts that agency in conflict with the role of the ISC to protect waters of the state. Dunlap cited concerns over the recent turnover in the staff at the Interstate Stream Commission and related concerns over the need to distinguish between the roles of the ISC and OSE.

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It is incredible to think that the crops that grow in our fields represent the accumulation of the stories in our bloodlines. Acequia culture has many of these relics in our gardens with crops like wheat, garlic, habas (fava beans) and alberjon (peas) of Europe and the Middle East growing alongside American crops like corn, beans, squash, and chile. Each of these crops have their own stories of origin, travel, adoption, and development in regions throughout the world and have arrived in their own way to each and every plaza, acequia, and many households in New Mexico. The seeds of acequia culture have combined and adapted to our region and have been collaborators in our co-evolution over generations. Ultimately, our agricultural identity and relationship with seeds is what provides our most intimate relationship with the Earth by creating the conditions for nourishment, celebration, and the development of mind, body, and spirit.

The current age is distracting from a traditional agricultural lifestyle but the root of our connection exists in that people are still caring for the land, maintaining acequias, planting gardens, harvesting, and preparing traditionally significant foods. So the seeds contain stories of people working together in the fields and in the kitchens over many generations with all the laughter, cooperation, and drama we have experienced. As we continue on in the future with the cycles of life and family, it is important that we are also intentional about bringing along the seeds which are also like family members that represent our connection to our place, history, and culture.

This is especially true as the world seems to be moving and changing at an unprecedented pace. New technologies have radically altered how we relate to each other in an age when information and products are almost instantly available. And yet the crops growing in the field provide a stark contrast and a reminder that life happens at its own pace and time, and that the best and most important things in life are not instantly available to us but have to be waited for. The modern age can be tumultuous and confusing, but the seeds remind us the miracle of life and the immensity of sacredness held in such a small and humble package.

So reconnecting with seeds can not only help us connect with our past while allowing us to eat local, healthy, and traditional in the present but we can also consider seeds as allies in forging our way through an uncertain future. The future has always been uncertain but our modern age provides additional challenges as we begin to understand the precarious nature of our food system and its dependency on fossil fuels. Seeds provide some answers and are the basis to reconnect with community and culturally based knowledge systems.

As seeds in prehistoric times were co-travelers with ancient peoples into new territory, the seeds will also help us restore our connection to the land, water, and food security in the most relevant of ways. The amazing ability of seeds to adapt is found in the corn varieties that grow in some areas year-round as well as in other areas that only have a three-month growing season. Other examples are with the legumes like habas and peas that can withstand frost as well as with garbanzos that can withstand extreme drought. As we save seeds through challenging seasons that are sometimes characterized by meager harvests, it will be important to look at the glass as “half full” and recognize that the seeds that survive these challenging times will have descendants that will carry our future generations through the uncharted territory of climate change. Our fields can be considered as training grounds to identify the most adaptable and resilient seed stock.

As the development of agriculture and seed saving has been fundamental to our story in the rise of civilization, the continuation of local agriculture and seed saving will be central to the story of our resilience. The seed learns, the seed remembers.

The collection of seeds in acequia culture represents the connection we have to many regions throughout the world. Photo by Miguel Santistevan.
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 del Rincon

Gilbert Joe Montoya proudly raising the maiz he grew.

by Martha Montoya-Trujillo

Martha Montoya-Trujillo, is a lifelong resident of Pojoaque, NM and is the current Secretary of Acequia del Rincon. Martha is wife to Alex Trujillo, Mayordomo of the Acequia del Rincon since 1995. She is also a board member of the New Mexico Acequia Association, Los Amigos de Los Luceros, and a member of North ern New Mexicans Protecting Land Water and Rights.

The name “Acequia del Rincon,” noun rincón: (ángulo) corner inside, is true to its name. The diversion point is within the corner of the Nambe and Pojoaque Pueblo exterior boundaries dating back to 1739, in the Nambe, Pojoaque, Tesuque Basin (NPT Basin).

Much of our history is documented in the odd shaped red on white journals, yes, the journals that everyone knew were not to be touched but treasured and preserved under the care of the Commissioners of the Acequia (ditch). In the possession of the commissioners is a recorded entry dated Abril 21 de 1900 documenting Reglas de la Acequia Del Rincon En Pojoaque, New Mexico. The history of our ancestors told with each handwritten entry, in script font penning the gastos (spending), the treasurers report, the reglas (rules), the derechos of the acequia and the lay of the land. Not only do we have the history of rules and water rights, but what a gift to see our ancestry of primos (relatives) passing down the roles and tradition to their children and their children’s children.

Over hundreds of years the legacy, dedication, and responsibility has not missed a beat! Past Commissioners and Mayordomos memories of yesteryears speak affectionately of their fathers as commissioners and mayordomos and the work that needed to be done out of necessity, all the while comparing those hardships to the luxuries of today. Rudy Roybal, a former Treasurer for 23 years recalls his father, Meliton Roybal, having to pull dirt from the Acequia Madre to stop the water and divert it into the lateral, year after year. With the luxury of a modern day community, Rudy’s life is much easier. You hear Rudy’s voice soften as he remembers his father and smiles.

Many of our farmers are between 60 and 80 years of age. The old traditions are hard for them to break because of their ingrained duty to work and love of land but the hardship of keeping the land thriving has proven to be an ever-growing challenge. For some producers the challenge is age, equipment to work the land, funds needed to plant crops and risk of loss due to lack of water and usage. The challenges ahead will prove to be a testament to us and the next generation, as we are all called to be good stewards of what has been entrusted to us.

A tradition, years ago, families with derechos would report for a day or two for the “limpia” (cleaning) of the acequia. In late April in preparation for the irrigation season, fathers and sons took a tarea (task, work) per derecho. Around lunch time, the peones (workers) would be close to our house, and mom would make a traditional meal of corn fritters with red chile, tortillas and beans. The back-ground music was usually the sound of shovels sharpening shovels and off to work, but still back home around 5pm with plenty of energy for an evening with a cold drink and a night out.

Today, our limpia is not celebrated. The cross road is cost and effectiveness, so it is now contracted. Water is released by March 1st, pushing through parts of the acequia that is cement, dirt or pipe. Each transition presenting a different challenge, but the water manages to make its way, enduring hundreds of years, never changing, and always ready for its yearly tarea coming out of a dry winter in a desert land.

As Commissioners, we have encouraged parciantes to use the land, be more creative in the delivery of water by using more efficient systems such as underground piping and drip irrigation systems. In 2017 we completed the reconstruction of a fifty plus year old Presa (dam or weir) in collaboration with the Pueblo of Pojoaque who are also parciantes of the Rincon.

How did we manage in the past? Pure NEED to survive. There was no romance in the back breaking work of digging a presa, cleaning the acequia after a flood, rebuilding a dam in the middle of the river, using rama (tree branches) and rocks to divert the water. But, that did not stop production of provision for families.

I know my dad planted out of necessity, with 12 mouths to feed. He planted fields of sweet corn (sometimes blue), beans and squash while managing to keep the pigs and goats contained (well at least most of the time). Now, this same land is divided into smaller parcels planted mostly with memories, our inspiration for the future.
Acequias are a centuries-old form of water governance in New Mexico. They are recognized as political subdivisions of the state and are responsible for the day to day management of the surface water rights on their respective rivers or streams. In many rural non-incorporated communities, acequias are in some instances the only form of local government that represent the well-being and livelihoods of thousands of families who irrigate and produce food for their family and community. As local governments, acequias hold annual meetings, abide by the Open Meetings Act, and comply with audit and budget requirements. They also have the unique authority to make decisions about water transfers.

One of the most critical ways that parciantes can influence acequia decision-making is through voting. Participating in acequia elections and decision making is a critical opportunity for parciente representation and is vital to the health of our acequia communities. Most acequias have a long-established method of voting codified in their by-laws, and with limited exceptions, no one method is more legally valid than another. Although it’s less common, an acequia may choose to vote one way for certain issues and another way for others. For example, the bylaws could specify that you vote according to acreage on financial matters, and by “one member, one vote” for all other issues, such as elections. If an acequia wishes to change its method of voting, it must do so using the existing bylaws.

Here are some methods of voting that acequias can use:

- **“One member, one vote”** means each member (or collective landowner or co-tenancy) on the acequia gets one vote, regardless of the amount of acreage he or she owns. In 1998, the N.M. Supreme Court decided in Wilson v. Denver that the various methods of acequia voting, such as one member one vote, are equally valid.

- **Vote in “proportion to irrigable acreage owned”** means that each member that owns a piece of irrigable land with water rights from the Acequia is entitled to vote in proportion to the size of the irrigable parcel. This could mean that the Acequia allows one vote for every acre or fraction of an acre that has water rights.

- **Vote according to “derecho, peon, tiempo, or water right”** are methods for allocating a vote to each member in proportion to the amount of water or irrigation time that member’s land is entitled to. A “water right” in this context can also be described as a “ditch right”, and does not necessarily align with the legal definition of “water right” used by the state. Whatever your system is, it should be set out clearly in your bylaws, and you should define the term “derecho”, “tiempo”, “share”, etc.

In addition to allocation of votes, the following tools can be used during voting:

- **Proxy votes** are a good method of voting to engage parciantes who are unable to attend the meetings or landowners who may live out of state but would like to participate in the governance of their acequia. The Secretary should note the proxy votes in the meeting minutes and save the proxy forms in the acequia records. The acequia should adopt a general or specific proxy and whichever method the acequia chooses should be codified in the acequia bylaws (see NMAA Governance Handbook for sample proxy forms).

- **Secret Ballot** is a form of casting votes. Secret ballots allow anonymity in elections or controversial votes. As a best practice, acequias should preserve ballots in the same way they do for proxy votes in case the results of the votes are challenged.

Acequias are some of the most democratic institutions in our country that share water to the very last drop. Parciantes participate with the annual saca, help create the agenda, and have equality in voting. Because of these strengths, acequias have survived under differed political regimes and eras in New Mexico and will continue to thrive despite modern day water policy or water scarcity.
Nuestra Querencia - Luz, Tierra, Agua, Vida

by Enrique Lamadrid

Professor Lamadrid (Ph.D. University of Southern California) is a Professor of Spanish and former director of Chicano Hispano Mexicano Studies. His teaching and research interests include Southwest Hispanic and Latin American folklore and folk music, Chicano literature, and literary recovery projects. His research on the Indo-Hispano traditions of New Mexico charts the influence of indigenous cultures on the Spanish language and imagination. His literary writings explore the borderlands between cultures, their natural environments, and between popular traditions and literary expression.

In the center of this sacred landscape are the native and mestizo peoples who have survived the rigors of the northern desert and the cost of each other’s desire. They are dancing. From Taos to El Paso del Norte they step in unison to the insistent but gentle music of drums and rattles, guitars and violins. Two intertwined traditions of Indo-Hispano danza emerged. The Matachines reconcile the spiritual conflicts of colonization. The Comanches honor the fierce struggles of our history and remember its victims and survivors, los Comanchitos. Both are rituals from which our communities draw their strength and desire to defend their heritage. Acequia culture is built in this bedrock.

In an arid land, home is always by the water. In the most primordial sense, Nuevo Mexico is P’osoge, the Río Bravo, Río del Norte, the great river that cuts its verdant course through the desert. Since all human beings need to be by the water, the banks of this river are by definition a contested space. The Españoles arrived with all the fury and suppressed desire of the Spanish peasant to possess the land and its waters. The price of arrogance was paid in blood in 1680 when the Río Grande Pueblos arose and reclaimed their heritage. When settlers returned in 1693, they were already calling themselves Españoles Mexicanos. In an alliance of necessity with the Pueblos, they all defended their valleys from the newlords of the land, los Comanches, los Apaches, los Yutas. Captives were taken by all sides in the conflict and an economy of slavery emerged. Human beings in trade were worth more than livestock, more than the produce of the land. In the space of a few mestizo generations, the newcomers who sought title to the land were instead possessed by the land. As they became Nuevomexicanos, indigenous to this place, the boundaries of the Campo Santo, the Sacred Ground, spread past the narrow church yard and the bones of the dead towards valleys, plains, and mountains beyond. Tierra sagrada.

NOTE: In this continuing series of cultural sketches, Olivia Romo, NMAA, and Enrique Lamadrid invite readers to submit poetry and cultural documentation of the rituals of water.

Comanches dancing for Día de Manuel in Talpa, NM. Photo by Miguel Gandert.

Matachines y Malinche blessing the waters in the South Valley for Día de San Isidro. Photo by Miguel Gandert.
On November 4, 2017 over 275 acequia farmers, leaders, and advocates gathered at the Santa Maria de la Paz parish hall in Santa Fe to honor the profound role acequias play in the future of agriculture in New Mexico. This year’s theme “La Sabiduría del Agua: Stories of Enduring Acequias” highlighted testimonies of farmers who are organizing to defend water from urban development, to defend their water rights in adjudication, and commemorate the next generation of farmers. This year we were honored to have Deacon Eloy Roybal who sanctified the acequia waters offered in our annual Bendición de las Aguas. NMAA was delighted to welcome esteemed candidates and elected officials as well to the annual meeting.

The Congreso was a day filled with laughter, music, tears, and celebration! A community memorial and altar was built in dedication of the recently passed acequia leader Josie Lujan who committed years of her life to the Rio Quemado, Rio en Medio, Rio Frijoles & the Rio Santa Cruz Acequia Association. Paula Garcia, Executive Director of the NMAA gave the 2017 State of the Acequias Address which celebrated and honored the powerful contributions of acequias to agriculture in New Mexico. A summary of her address can be found on page 1.

Next, distinguished acequia leaders and advocates discussed their organizing efforts in defense of their water rights. Peter Salazar and Andrew Chavez of the Cubero Land Grant spoke of their recent initiative in forming an acequia association in order to have a representative body in the Keer-McGee Adjudication. Afterward, a compelling testimony from Community Organizer Jenny Greb of CESSOS discussed the hydrological problems and opposition to the Santolina Development on the West Side of Albuquerque. Jenny emphasized “that the development would use one-and-a-half times more water annually than that consumed every year in Santa Fe and is only one example of an outside threat to local water.” The morning session ended on an inspiring note as Martha Trujillo, secretary of Acequia del Rincon presented a special video in honor of the recent rehabilitation project of the dam shared between acequia del Rincon and Pojoaque Pueblo. Another moving video was presented by Dustin Vigil, a participant on the Rio San Jose de la Cienega as a homage and sneak preview into a full fledged documentary initiative to celebrate, honor and teach about the organizing and agricultural tradition of the acequias in his region.

The room was then infused with youthful energy as Sembrando Semillas participants and Los Sembradores Farmer Trainees gave memorable presentations as the upcoming generations of farmers and ranchers. Shane Tolbert, Farmer Apprentice with pride stated, “For us it’s become a form of activism; we consider ourselves water warriors and as the acequia traditions changes hands to the next generation, we are looking for other young farmers to stand with us.” Nicanor Ortega, an apprentice, prayed and meditated with the crowd reflecting that, “The only thing that is going to keep us safe is water and seeds.” Matthew Encinas expressed his gratitude for the program creating community and giving him the tools to return to the land. Donna and Edward Gonzales who lead the Sembradores program shared the triumphs and challenges of the year.

We were then entertained by Teatro Acequiero, a group of farmers from the Taos Valley Acequia Association who are using Gorilla Theater to inspire and invigorate the acequia communities in Taos. They came in with shovels, boots, and told a story that left the crowd in laughter! A delightful lunch was catered by Theresa’s Tamales of Cleveland, NM.

continued on page 10
ing lunch the 2017 acequias awards were bestowed upon Wilfred Romero, recipient of the Mayordomo of the Year Award from Acequia de la Cañada Ancha and David F Garcia, Ph.D. recipient of Acequia Scholar of the Year from El Guache, NM.

The day concluded with a presentation by Enrique Romero, “21st Century Powers vs. 19th Century Powers of Acequias.” A summary of this presentation can be found on page 11. Enrique then introduced lifelong acequia leaders; Edward Romero, Mayordomo for Acequia de la Joya, Gilbert Sandoval, Jemez River Coalition of Acequias and Gabriel Estrada, Rio Gallinas Acequia Association to give presentations regarding community based governance and the challenges or opportunities in managing water. Gilbert Sandoval passionately testified about some of the water sharing negotiations between Jemez, Zia Pueblo and the acequias during their adjudication process. He shared a story of having a breakthrough on their adjudication process when “Governor Pino and we right there decided to hold a meeting with no bureaucrats or lawyers and crafted a shortage sharing agreement and took it to the judge for a blessing. I can still remember the words of my father, ‘We are going to settle in good will’ and because of that we are going back to mediation and hold lots of meetings.”

NMAA would like to thank in a special way our sponsors who helped us organize another successful Congreso: TEWA Women United, NM Land Conservancy, USDA, The Utton Center, Presbyterian Medical Services, Four Bridges Permaculture Institute, Santa Fe Audio Visual, Gregory Swift, Commissioner of Acequia de los Indios, USDA-NRCS, USDA Natl Agricultural Statistics Service, Acequia del Rincon, Maccaraffi-USA, Plants of the Southwest, Cow Creek Basin Regional Acequia Association, Taos Soil & Water Conservation District, Del Norte Credit Union, American Friends Service Committee, Ben Lujan Leadership & Public Policy Institute and Middle Rio Grande Conservancy District.

We also would like to give a special thanks to our dedicated volunteers! Our event would not have happened without all your muscle, time, and support: Priscilla Romo, Stacy Talachey, Cassidy Spellman, Antonio Gomez, Lucinda Vigil, Ignacio Gonzales, and Angelica Vialpando.

Special thanks to a few of our sponsors who made generous contributions to make our annual Congreso de las Acequias a huge success and who continue to support our mission to protect water and honor our cultural heritage:

NEW MEXICO ACEQUIA ASSOCIATION: MISSION & VISION

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

MISSION

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

VISION STATEMENT

In our vision, acequias flow with clean water, people work together to grow food, and communities celebrate cultural and spiritual traditions. People honor acequias as part of our heritage and express querencia through a strong connection to land and community. Knowledge and experience about growing food, sharing water, and saving seed are passed on from generation to generation. Guided by our core values, the New Mexico Acequia Association grows a movement of people of all ages and walks of life to defend and protect our precious water by resisting its commodification and contamination. Through involvement in NMAA, families and youth are inspired to cultivate the land, care for our acequias, and heal past injustices. Communities have an abundance of healthy, locally-grown food because we recognize agriculture as a respected and dignified livelihood and way of life.

Teatro Acequiero (l to r) John Gonzales, Olivia Romeo, Gabriel Olguin, Yolanda Jaramillo, and Christina Trujillo. Photo by Seth Roffman.

Gilbert Sandoval, Chairman of the Rio Jemez Coalition of Acequias. Photo by Seth Roffman.
Many acequias in New Mexico have operated for hundreds of years, and most have pre-1907 origins. What are some of the powers acequias exercise that have remained constant throughout the centuries? How have acequias’ powers changed over the years?

El agua es vida, and acequias, as the custodians of surface water, guide the health and welfare of our communities. At the turn of the 20th century, prior to statehood and prior to adoption of the territorial water code in 1907, acequias wielded considerable power. Em Hall has described pre-statehood acequias as “undefined, local, amorphous, community-based water institutions.” Yet, despite their nebulous character “controlled access to the water.” They determined who would share the source of water, set priority of uses during shortages, and offered the right to participate in local governance. Imagine for a moment being a member of a community ditch during this era. As a voting member, whose membership was likely based on your family’s contribution to constructing the ditch, you directed the who, when and how of water use for the primary purpose of keeping the community—not just the members on the acequia—alive. Your collective water management decisions potentially determined whether an entire community would thrive or merely survive.

With the adoption of the water code in 1907, water management shifted from mostly local control to mostly state control. While the internal “local or community customs” of acequias were to remain unaffected, the State Engineer was granted the authority to regulate the distribution of water to acequias. Concepts of prior appropriation and beneficial use—broadly defined throughout the years to include recreational use—were enshrined in New Mexico’s constitution. State officials, physically removed from local communities, now had the power to permit severance of water rights from the land as long as the proposal did not impair other water rights, was not contrary to conservation, or detrimental to the public welfare—not of the community as a whole, through ensuring effective deliveries of surface irrigation water. However, in addition to mastering the nuts and bolts of running a ditch—a full-time job in itself—acequias maximize their power when they take the long view of seeing how efforts on the ditch can contribute to the overall, long-term wellbeing of the communities in which they are located.

Acequias have always been key to the cultural, economic, and ecological viability of the community. At one time, acequias were essential in determining land use but are still vital to ensuring water stays in the communities through proper implementation of the transfer bylaw. As political subdivisions of the state, acequias receive the official recognition as local public bodies and are no longer “amorphous” or “undefined”. Of course, with the benefits of that status come added responsibilities. Still, there is no political subdivision of the state as local, as close to home, and as historic as acequias – they are still “community-based water institutions” that respond to community concerns regarding management of valuable natural resources – land and water. As the closest, and potentially the most responsive form of government, acequias continue to provide meaningful political participation.

In the 21st century, we tend to compartmentalize acequias and their functions. The primary goal during the irrigation season is to serve members in good standing and provide irrigation water to active irrigators. Obviously, there are tremendous benefits to members and the community as a whole through ensuring effective deliveries of surface irrigation water. However, in addition to the primary goal of serving members, acequias continue to provide meaningful political participation. 

Ask a Water Lawyer:
21st Century Powers vs. 19th Century Powers of Acequias

by Enrique Romero, NMAA Staff Attorney

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On Saturday December 2nd, 2017, Sembrando Semillas participants gathered for our annual year-end event at the Los Luceros River House in Alcalde. The morning started with a welcome and each participant giving a short debrief of their favorite activity of the year. We had 22 individuals in attendance, and their favorites included soap making, regando a newly owned milpa, making chicos, Acequia Day at the legislature, a remedio workshop, Sembradores workshops, seed exchange, and spending the summer with farmer trainee apprentices. Everyone shared stories of how they grew in knowledge and understanding by taking part in Sem-Sem activities.

The day continued with a Storytelling Workshop led by Miguel Santistevan. One element was that youth participants were asked to write a paragraph or draw a picture of either their earliest memory of acequias, why acequias are important to them? What’s the best part of Sembrando Semillas? Or what their hopes for acequias are. The participants were then able to share their story. Miguel then went around the room with an audio recorder interviewing the youth with the same questions, giving them practice representing their experience and building material for a radio program on Youth and Acequias. We also had a camera operator on hand for a documentary on acequias, enhancing our youth’s sense that they are being listened to.

We had delicious Frito pies for lunch, and then headed to the kitchen to bake pies. Individuals brought pumpkin, cherries and prunes. We had a flaky pie crust and also the traditional Pastelito dough available. Some participants rolled dough, others pitted cherries, and others mixed the fresh pumpkin filling. While the pies were baking, we led a block printing workshop preparing the arm bands that will be used for Acequia Day on January 25, 2018.

The event was memorable. It was a great ending to another successful Sembrando Semillas season.

Sembrando Semillas youth making pastelitos. Photo taken by Juliet Garcia-Gonzales, NMAA Staff.

As 2017 comes to a close, acequias can reflect on a fulfilling and challenging year! We enjoyed Summer rains and a bountiful harvest, only to be followed by an unseasonably dry Fall. With the ups and downs of the seasons, we continue our diligence in planning for the future while we hope for a good snowpack and Spring runoff. The NMAA continued the vital work of protecting acequia water rights and revitalizing our land-based economy. As we look to the coming year, we are asking for your support to continue our mission of protecting acequias through education, organizing, and advocacy.

Join the NMAA and together we can protect our acequias!

NMAA is a unique organization that honors our ancient legacy of water governance while also working to adapt for the future. For nearly 30 years, NMAA has been responding to challenges through communication, training, and education for acequias. Together we have built a movement around the principle that Water is Life, El Agua es Vida, and that we are defenders of the precious waters that nurture our communities. You can help NMAA grow in the New Year!

NMAA is a membership based organization that depends on your support to continue our vital work! For the NMAA, 2017 was a time of centering on key priorities of protecting acequia water rights and creating a new generation of acequia farmers.

- The NMAA assisted 333 acequias with assistance on governance and held over 20 workshops, acequia meetings, and events with 1,116 participants.
- We also launched Los Sembradores Farmer Training Program and completed our first class of apprenticeships!

Our impact resulted in stronger local governance with better agricultural use and protection of acequia water rights. During 2018, we will build on this success and continue to be a force for change in New Mexico by defending water, training community leaders, and building a new generation of acequia farmers!

Please join the NMAA or renew your membership on our website, www.lasacequias.org, or by calling our office at 505-995-9644. Thank you for all you do to keep our acequias vibrant and beautiful!!

Que Vivan las Acequias!
Los Sembradores 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 pleased to announce that we will be starting the second year of our Farmer-to-Farmer training program, Los Sembradores, based in northern NM in 2018! The program uses a hands-on approach and an 18-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, mar-keting, value added processing, community meals and an emphasis on network development/aggregation of food.

Applications are due January 3, 2018.
2018 Program dates:
Mid February – Mid December 2018

Participation is limited to three trainees and trainees must commit to 3 days a week for the full term of the training!

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

Los Sembradores Farmer Trainees working in the high tunnel. Photo by Donnie Gonzales, NMAA Farmer Training Coordinator.
Pre-Adjudication Strategies for Acequias and Parciantes

by Enrique Romero, NMAA Staff Attorney

Water rights adjudications can take many forms. An adjudication court (state or federal) can determine groundwater rights only, or both surface and groundwater, either at the same time or at a different time during an adjudication. Adjudications may involve a single stream system and its tributaries, or just a tributary of a larger stream. A large river, like the Rio Grande or the Rio Chama, may be broken into segments, and each segment may be adjudicated separately. Like any lawsuit, adjudications can result in settlements between parties. Despite the differences, water rights adjudications in New Mexico have several things in common. The purpose of this article is to describe some of the common characteristics associated with water rights adjudications and ways parciantes and acequias can best prepare for adjudication.

A water rights adjudication is a civil lawsuit that involves the State of New Mexico, via the Office of the State Engineer (OSE), and water right claimants. A claimant is anyone who may claim to be the owner of a water right in the adjudication. The State brings the lawsuit, and is therefore the plaintiff, and the claimants are the defendants, and therefore defend against inaccurate claims made by the State pertaining to the use of water. The bottom-line on this point is that lawsuits are time-intensive and require resources. Anytime someone defends a legal right in court, there is a lot at stake. While courts in most cases allow a party to proceed pro se—without an attorney—a water right claimant and an acequia will likely need to retain an attorney at some point during an adjudication. Because water rights are a type of property right—and in the arid southwest a property right of high economic, cultural and historical value—water right owners should assume that those rights will be challenged during adjudication. Do not wait for an adjudication to begin to understand the implications of losing your water rights. The better informed you are about the process and the full extent of your rights, the better prepared you will be to present your own defense initially and if you have to retain a lawyer, you’ll be ready to evaluate his or her advice.

Because a water rights adjudication is a type of lawsuit, proper notice and service is required for a decision of the court to be binding on the water right claimant. The Office of the State Engineer is required to review legal records, including its own records (change of ownership forms), records of acequias, and county clerk records to determine who potential water right claimants are and should therefore be included as defendants in the adjudication. Parciantes do themselves a disservice by not being informed of the pre-1907 water right claimed in the declaration. The best way for a parciante to have water rights recognized in a hydrographic survey is to irrigate. It is unlikely that a water right owner will receive advance notice that OSE prepared the survey determined that no irrigation was taking place at the time of the visit. Occasionally, the OSE completely leaves out tracts that are irrigated or have a history of irrigation. In those cases, it is possible that no offer will be made and it may be up to the claimant to file an omitted claim (“omitted” because it was not part of the hydrographic survey) during the adjudication.

Statute provides that the contents of the declaration are “prima facie evidence of the truth of [the declaration’s] contents.” This provision sets up a presumption that the information declared is the extent of the water right and the State has the burden of overcoming that presumption by presenting contrary evidence. So, the declaration serves two purposes. First, in conjunction with a change of ownership form, the individual parciantes named in the declaration may be notified when an adjudication is underway. Second, the parciantes, not the State, has established the basis of the water right that any party challenging the water right must come to terms with.

Every adjudication initiated by the State begins with a hydrographic survey in which the OSE maps out current water use and, in the case of surface water, assigns a tract number to the irrigated parcel. The hydrographic survey serves as the basis for an offer from the State for a water right. If the OSE’s staff that prepared the survey determined that no irrigation was taking place at the time of a site visit of a parcel, the owner of that parcel can expect to receive a no right offer or an incomplete offer that may only recognize the amount of land actually irrigated at the time of the visit. Occasionally, the OSE completely leaves out tracts that are irrigated or have a history of irrigation. In those cases, it is possible that no offer will be made and it may be up to the claimant to file an omitted claim (“omitted” because it was not part of the hydrographic survey) during the adjudication. The best way for a parciantes to have water rights recognized in a hydrographic survey is to irrigate. It is unlikely that a water right owner will receive advance notice that OSE is compiling information on each parcel served by an acequia. Therefore, parciantes should be vigilant in irrigating every few years so that they are not put in the position of having to contest a no right offer. After all, the New Mexico constitution provides that beneficial use is the basis, the measure, and the limit of the right to use water.

Finally, the importance of pre-adjudication organizing cannot be overstressed. Regional associations of acequias—before, during, and after adjudication—have proven to be a source of unity and strength in contesting claims of non-use or negotiating the best possible outcome for acequias within a stream system. Public money is available through the Acequia and Community Ditch Fund to help acequias during adjudications pay for legal and technical defense costs. While individual acequias have a key role in preparing parciantes for adjudications—especially by keeping membership lists current, having regular meetings and elections, and updating bylaw—regions associations can take a more expansive view and support and reinforce their member acequias’ efforts.

The recently formed Cow Creek Basin Regional Acequia Association Photo by Serafina Lombardi, NMAA Staff.

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On the High Road to Taos from España there’s a little bubble of Eden floating at 7,500 feet above sea level. It’s home to the Los Sembradores apprenticeship training farm of the New Mexico Acequia Association and it’s where myself and fellow apprentices went from knowing nothing to knowing how much we still have to learn. There’s been a rigorous series of training sessions ranging from topics of irrigation, pest & weed management, navigating government funding, season extension, cold storage, food safety processes and hoop house construction. Through our training it always came back to the ability to be still and listen to the land. Push the water and it will never be enough. Walk the water and the land will meet you with abundance. Everything is learned by practice (with blood, sweat and blisters) and made all the more enjoyable by the shared efforts with my colleagues (admittedly, now close friends; okay, family). Through the shifting seasons we’ve learned how to work together, celebrate our victories on the farm and in life, confide our goals and dreams, and support one another in the struggles of daily life on and off the farm. After a bad wind storm that tore through the hoop house plastic and tossed our bracings (which were bolted in) across the field we arrived devastated from all the lost labor, but ultimately humbled by nature. We collectively learned the inherent life lesson of flexibility and the understanding that things won’t go your way, but it comes down to your resolve to keep at it.

I’ve also learned how to swing a hoe. All. Damn. Day. And when it’s dull, how to clean up those edges with a file just right. Nicanor, a Sembrando Semillas alum and now family, got the three of us to work in a line and truly inspired to work the soil, clear the bind weed with such efficiency, finish and lift our heads to the cleared soil and buoyant plants that live another relieved week before the weeds creep back in.

CONGRATULATIONS! ¡FELICIDADES! to our Sembradores for completing NMAA’s 10-month Farmer Training Program.

We have been so enriched by their enthusiasm and drive. The NMAA Team and community wish Matthew, Nicanor and Shane all the best in their farming endeavors!

Chamisal Water
mountainvalley
farm life

by Shane Tolbert, NMAA Los Sembradores
Farmer Trainee Program Graduate

Shane Tolbert harvesting cucumbers. Photo by Donne Gonzales.

NMAA Newsletter Corrections:

- In the story “Healthy Watersheds = Healthy Communities,” Fall 2017, page 5, Mayordomo Vicente Fernandez was incorrectly named Martinez.

- The dedication poem to Dia de San Antonio, Fall 2017, page 12, incorrectly sites the photo as a Santo carved by Horacio Valdez. The sculptor is unknown from South America.
Harvest

by Maya Peña, Santa Clara Pueblo, Youth Art Contest Winner

Follow your gaze
Across lighting split skies creating nitric oxide,
Percolation reaching roots that in turn will help life reach for light.
Roots of water obey shovel’s petitions,
Performing a symbiotic cycle of water and farmer.
Commissioning heirloom seeds to feed another generation,
Memories of famine and starvation fading with every basket of corn.
Pride is palpable as relatives present gifts of harvest,
In that moment The Earth is Our Earth,
Because life is a consequence of collaboration,
And land is our most faithful partner.

Winter Events:

NMAA PATHWAYS TO FUNDING: FINANCIAL COMPLIANCE WORKSHOPS • TBA
TBA. Check the NMMA e-newsletter for dates and locations. Every Acequia is required to be in Financial Compliance with the State -please send a commissioner. Call NMMA for more info 505-995-9644

NEW MEXICO ACEQUIA COMMISSION MEETINGS
USUALLY EVERY 3RD FRIDAY OF THE MONTH, 10AM
Location varies
For details contact Chairman Ralph Vigil 505 603-2879, molinodelaisla@gmail.com

ACEQUIA DAY AT THE NM LEGISLATURE
JANUARY 25, 9AM-2PM
Garrett’s Desert Inn and the Round House, Santa Fe

RIO HONDO ENCUENTRO
FEBRUARY TBA
TVAA: (575) 758-9461
taosacequias@gmail.com

NPT BASIN – PARCIANTES PUT YOUR WATER TO USE WORKSHOP
FEBRUARY 10, 10AM-12PM
Nambe Community Center
NMMA: 505-995-9644; Serafina@lasacequias.org

NM ORGANIC CONFERENCE
FEBRUARY 16-17
Marriott Pyramid Hotel ABQ
http://tradition.nmda.nmsu.edu/nmofc/
safefaulkner@yahoo.com

REGISTER WITH THE FARM SERVICE AGENCY
ONGOING Visit your local FSA Office
Become eligible for USDA programs and get counted in the Ag Census

SIGN UP FOR NATURAL CONSERVATION RESOURCE SERVICE ON FARM IMPROVEMENTS PROGRAMS
ONGOING Visit the NMMA office
Call Serafina at NMMA 505-995-9644 for assistance