



## **Taos County files protest over Abeyta water transfers**

**By J.R. Logan**

*The Taos News, 3/1/2012*

Taos County is officially protesting three water transfers proposed by El Prado Water and Sanitation District, all of which are included in the \$124 million Abeyta Water Rights Settlement.

Members of the recently created Taos County Water Advisory Board told commissioners at their Feb. 21 meeting that there was not enough information to determine if the proposed transfers — which would move ground water rights from far northern Taos County to be used for water wells just north of Taos — would be detrimental to the public welfare of county citizens.

A memo prepared by the water advisory board contends the current transfers proposed by El Prado Water and Sanitation District would leave swaths of agricultural land in northern Taos County dry.

The advisory board also argues El Prado Water and Sanitation District has not sufficiently shown that it needs to dramatically increase its allotment of water. The district stands to gain more than 22 times as much water as it is currently allocated under the terms of the Abeyta Settlement.

At its Feb. 21 meeting, the Taos County Commission unanimously voted to protest the transfers, which are under consideration at the New Mexico Office of the State Engineer. The state engineer is charged with weighing arguments when transfer is protested and making a final determination.

John Painter, a founder of El Prado Water and Sanitation District and current district board member, said it is important to stick to the plan laid out in the Abeyta Settlement. “It smacks up against the Abeyta,” Painter said of the protest from the county. “We’re real close to having the whole deal wrapped up. Most of the major issues have been worked out through persistence and people listening.”

Painter said the district had not recently been approached by members of the county’s water advisory board asking for information regarding the three proposed transfers.

The Abeyta Settlement includes a complex shuffling of water rights intended to end water disputes in the Taos Valley. It is essentially a compromise made by the town of Taos, Taos Pueblo, the Taos Valley Acequia Association, mutual domestic associations and El Prado Water and Sanitation District.

It took decades for the parties to agree to the terms of the deal, which was part of a much larger bill approved by Congress in late 2010. Even after the bill was signed into law, the parties have spent months working out the details of the agreement.

### Unforeseen consequences

The county water advisory board raised a red flag last summer when notice was published of two separate Abeyta transfers proposed by El Prado Water and Sanitation District. Advisory board members made similar arguments about the unforeseen consequences of tapping into aquifers.

Some transfers would include the retirement and transfer of at least 70 acre-feet of surface water rights from acequias fed by the Rio Lucero, R'o Hondo, Arroyo Seco and Rio Pueblo de Taos to balance water to be pumped from underground.

Members of the water advisory board contend the Abeyta Settlement only satisfies the needs of those who had a seat at the bargaining table, and did not consider the broader impacts to Taos County citizens. They say certain provisions in the settlement — such as mitigation wells that would pump water from underground aquifers to feed rivers that had been drained of surface water — are questionable management methods that jeopardize Taos County's water resources.

But Painter said the water in question, at least in the three proposed transfers, is all part of the same general source, meaning the place where it would be pumped to the surface makes little difference in the big picture. "The water's got to come from somewhere," Painter said. "It's all [water from the] mainstem R'o Grande."

All of the transfers laid out in the Abeyta Settlement are based on a groundwater model prepared by the Office of the State Engineer. Peggy Barroll, who helped prepare that report, told *The Taos News* last year that she was confident the transfers could be implemented without hurting the aquifers, though she did allow that there was also some "uncertainty" associated with groundwater models.

### Claims dismissed

Painter dismisses claims that El Prado Water and Sanitation District is taking more than its fair share in the Abeyta Settlement. He said the 575 acre-feet outlined in the settlement would provide for growth 40 years into the future. El Prado Water and Sanitation District now serves about 1,000 customers. It currently has a legal allocation of around 25 acre-feet of water, and Painter said the district uses between 100 and 130 acre-feet a year. The district is hoping to eventually find 550 acre-feet in offsets to meet its full allocation as agreed to in the Abeyta Settlement.

The three proposed transfers being protested add up to 284 acre-feet of water rights now tied to land in northern Taos County and owned or leased by El Prado Water and Sanitation District. The district would like to move those water rights to "offset" water that would be pumped from its wells, including two wells slated to be drilled near the Taos Regional Airport. State law requires offsets to balance pumping from new wells, and the Office of the State Engineer must approve any transfers of water rights.

Painter maintains that the district is one of the few local entities being proactive in securing water rights for posterity. By protesting the transfers, Painter argues the county's water advisory board is leaving Taos County's water open to being snatched by demanding consumers down river. "They [the advisory board members] are making it impossible for any of the locals to save water," Painter said.

The water advisory board was created last year by the commission and is made up of volunteer Taos County residents with varying levels of water expertise. It is intended to review proposed transfers to determine if moving water would hurt the county as a whole.

Painter isn't the only one who questions the board's motives. Palemòn Martinez with the Taos Valley Acequia Association publicly spoke against the formation of the advisory board, contending that it may complicate the delicate truce worked out under the Abeyta.