

## **Picuris, acequia associations voice opposition to Sipapu water rights transfer request**

**By J.R. Logan**

*The Taos News*, 11/22/2012

The New Mexico Office of the State Engineer has received several protests opposing a proposed transfer that would increase how much water Sipapu Ski and Summer Resort could use for snowmaking.

Among the protests turned in as of Nov. 14 are letters written on behalf of Picuris Pueblo, the Carson National Forest, environmental groups and representatives from 10 Embudo Valley acequias.

Sipapu Ski and Summer Resort recently filed an application with the New Mexico Office of the State Engineer asking to increase its diversion from the Rio Pueblo by as much as 114 million gallons per year. Sipapu's general manager John Paul Bradley says the resort would use only a small fraction of that amount. The resort currently has rights to about 6 million gallons per year.

Bradley told *The Taos News* he had not seen the protests and could not comment until after he reviews them.

The search for new water rights is part of Sipapu's effort to expand and improve snowmaking, which it and other resorts rely heavily on to shield their businesses from especially dry winters.

Under New Mexico law, Sipapu's proposed diversion must be "offset" by other water rights in order to keep users downstream whole. Final approval for any water transfer is made by the state engineer.

Bradley has said Sipapu bought 100 acre-feet of water at auction from the Jicarilla Apache Nation (located in Dulce, west of Chama) earlier this year. Bradley has said it was the minimum amount up for bid.

Bradley has said the resort would be judicious in its diversions to avoid depleting the river.

However, the notion of using water from the Rio Chama watershed to make up for increased diversions out of the Rio Pueblo don't sit well with many water users below Sipapu.

A letter signed by representatives of 10 acequias in Dixon and Embudo pointed to several issues, including the viability of downstream agriculture. The letter took issue with Bradley's claim that water in the Rio Pueblo was flowing into the Rio Grande during November and December — the two months Sipapu was asking to increase its diversion.

The acequias also take issue with Bradley's claim that snowmaking creates a "frozen reservoir" that bolsters spring stream flows. Instead, the irrigators claim that runoff from Sipapu "only serves to increase the risk of damaging flooding" without extending the irrigation season.

The letter also said the acequias are concerned that snow at Sipapu will contaminate the river when it melts in spring, and that increased diversions will hurt the environment and jeopardize wells, which rely on aquifers that are recharged by the river. The letter went on to say that Sipapu's efforts to open early may become "untenable" in the face of a warming climate, and that downstream users should not have to absorb increased diversions.

"Any further withdrawals at all, in any season, will contribute to the general dying out of our watershed, and be a detriment to both our water rights and our welfare," the letter reads.

Picuris Pueblo, which has aboriginal rights to water and has long taken issue with upstream diversions, also spoke out against the transfer. The tribe raised several issues also mentioned by the acequias, including the effect to the environment, and possibility of contamination, as well as concerns that the river could not support such a large diversion.

"From the viewpoint of Picuris Pueblo this is a huge amount of water and, quite simply, it just does not exist; especially when considering the equitable distribution of water to the downstream communities," a letter from Picuris Pueblo Governor J.D. Martinez reads.

The protest turned in by the Carson National Forest asserts that the increased diversion would endanger existing aquatic ecosystems and fisheries habitat and put existing forest water rights at risk.

The protest says using San Juan-Chama water to offset Rio Pueblo diversions would hurt users on the Rio Embudo because the contracted water would not return to the Rio Pueblo but would go into the Rio Grande more than 40 miles downstream.

The protest also calls the application "speculative" because it proposes to possibly use the increased water on lands that have not been approved for snowmaking under the special use permit administered by the Forest Service.

Protests have also been filed by environmental watchdog groups Amigos Bravos and Carson Forest Watch.