



THE TAOS NEWS

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State: Abeyta pact will curb future well pumping

By J.R. Logan

The Taos News, 6/26/2014

The state of New Mexico argues the Abeyta Water Rights Settlement will not have a substantial impact on private water rights owners and, if the settlement terms are implemented, will actually result in reduced well pumping in the Taos Valley.

The argument is part of a court filing included in the decades-long case meant to adjudicate water rights for Taos Pueblo.

The Abeyta Settlement was hashed out between the Pueblo, area acequias, and the town of Taos and other domestic water providers in the Taos Valley. Settlement parties say the deal acknowledges the Pueblo's senior water rights while ensuring a sufficient supply to meet demands for future growth.

The deal was approved by Congress and signed by the President in 2010, but it needs the approval of a federal judge before it can be implemented. At the moment, a handful of "objectors" are raising concerns in the federal case about possible impacts of settlement-related wells to private water rights holders.

In response, attorneys for the State Engineer's Office filed an affidavit from one of the agency's hydrologists — Peggy Barroll — who argues the settlement would actually curb future pumping.

Barroll explains in an affidavit that the state created a model to simulate the interaction between ground water and surface water in the Taos Valley. She said the model, specifically built for the purposes of the settlement, can be used to calculate the drawdown of the aquifer and stream depletion caused by well pumping.

Barroll called the model "the best available tool" to simulate the effect of deep well pumping on the shallow aquifer, and connected surface water.

If the settlement is enacted, the model predicts settlement-related wells to increase groundwater pumping in the Taos Valley from the current level of about 3,000 acre-feet per year to about 6,800 acrefeet per year by 2043. Barroll said that generally equates to as much as a five foot drop in the shallow aquifer during that time, though she said drops of up to 12 feet are predicted in some areas around Arroyo Seco.

Barroll explains that the settlement requires wells for big water consumers (like the town and El Prado Water and Sanitation District) to be moved, and it also calls for major wells to be drilled deeper (to more than 1,000 feet) to not impact the shallow aquifer.

Barroll said there might be “old, very shallow or poorly constructed wells” in the Taos Valley that could be affected by a 5-foot drop in the aquifer. She said such wells could likely be drilled deeper to make them productive again.’ By comparison, Barroll says the model predicts the aquifer will drop by about 2 feet if current pumping levels stay the same. Barroll also said under a third scenario — in which there is an increase in pumping from relatively shallow wells that are not limited in location or depth — would cause the aquifer to drop by between 5 and 10 feet over 40 years.

The paper does not cite the source of the pumping predictions for any of the water consumers in any of the scenarios.

The paper concludes by saying predictions on future pumping are “highly speculative” and depend on the regulatory process, but it says the results offer a “useful guide” based on “a reasonable range of assumptions about future water use.”

The filing notes that, if the settlement is implemented, the model and pumping can be altered depending on actual impacts on groundwater. How officials intend to oversee pumping and possible effects on the aquifer is unclear at the moment.

If private water rights owner (include those with domestic wells) are concerned a specific settlement-related well will impact them, Barroll pointed out that they will have the opportunity to protest those wells.

Those critical of the settlement have already protested a water rights transfer proposed by El Prado Water and Sanitation District which would move acequia water rights and underground water rights from northern Taos County to a future well west of Taos. In February, El Prado filed another application to move 10.6 consumptive acrefeet of surface water rights to its wells. Notice of that proposed transfer was published this month.

The special master in charge of the federal court proceedings has given formal objectors already involved in the case until Aug. 1 to file briefs with the court. The settlement parties will then have until Sept. 5 to respond.

Roberta Salazar and Douglas Bridgers, objectors to the settlement, said in a court filing they and other objectors had “a positive and productive meeting” with the Settlement Parties and would like other opportunities “to meet face-to-face as a community to discuss concerns” and come up with a settlement that is the “most sustainable outcome for all.”

“We objectors feel we are making progress in understanding issues and details and would prefer to work in a positive, non-legal way with the Settling Parties...” the filing reads.