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El Prado district wants Taos County to withdraw several water transfer protests

By J.R. Logan

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El Prado Water and Sanitation District is asking Taos County to withdraw protests to several water rights transfers linked to the massive Abeyta Settlement.

The district argues the protests will slow down approval of the transfers and will create an unnecessary expense for taxpayers.

But critics of the transfer argue the shuffling of water rights is based on shaky science and will open the door to water speculation.

Taos County is the lone remaining protestor to three transfers being considered by the Office of the State Engineer. A different iteration of the county commission voiced formal opposition to the proposals at the recommendation of a water committee tasked to consider the impact of any movement of county water rights.

El Prado board members Telesfor Gonzales and John Painter addressed the county commission — which includes three new members — at a meeting Tuesday (Jan. 27). The pair reiterated the terms of the Abeyta Settlement — a deal struck between Taos Pueblo, various acequias and domestic water providers meant to satisfy the tribe's senior water right claim without leaving the rest of the valley's residents waterless.

Under the terms of the Abeyta Settlement, El Prado is authorized to obtain up to 575 acre-feet of water rights, and is entitled to \$2 million to acquire 100 acre-feet of rights tied to the R'o Grande.

Since any additional pumping from El Prado's wells would take more water from the aquifer, state law requires the district to buy "offsets" (additional water rights) so that, in theory, the R'o Grande remains whole.

The water rights transfers being protested by the county would go toward those offsets.

El Prado district's allocation under the Abeyta Settlement is meant to pay off a water debt the district has accrued over several years (by pumping more water than it has rights to) and meet future customer demand. But opponents say those terms were struck behind closed doors and the amount of water set aside for El Prado is illogically high.

When hashing out the specific terms of the settlement, El Prado relied on a 40-year plan that showed its pumping demand to increase steadily from 2007 to 2047. But that trend hasn't panned out.

In 2007, the district served 1,032 customers and pumped 105 acre-feet of water, according to the plan.

El Prado manager Christine Dimas told *The Taos News* Tuesday the district now serves 1,110 people. and pumped 77 acre-feet of water in 2014.

It's far less than the plan predicted.

A graph in the 40-year-plan shows the district expected to be pumping at least 150 acrefeet a year, and as much as 240 acre-feet by now.

Those predictions are based on customer demand, which was expected to be between 135 and 165 gallons per person per day. Instead, the 2014 numbers show the average El Prado customer used just 62 gallons a day.

Painter said in an interview Wednesday (Jan. 28) the recession obviously slowed the projected growth in El Prado, but he was confident development would come at some point.

Plus, Painter argued the district should do anything it can to tie up water rights that might otherwise be sold down the river.

"I'm a firm believer that we need to nail down our water now because I think there's going to be a huge fight over water," Painter said. "Forty years from now, they [water rights] will be gone. They won't be there."

In fact, Painter and El Prado water district are already claiming there's a dearth of available water rights.

The district is at odds with the state over a proposed water rights purchase in which it would pay \$20,000 an acre-foot to buy 17 acre-feet of rights from Alfred Keller. The district maintains the rights are the only ones for sale that meet its needs, but the state contends the price is too high and has raised concerns about Painter's relationship with Keller.

Painter has been employed by Keller for more than 20 years, though he insists the deal was struck at arms' length and he will see no financial benefit.

Painter said Tuesday the additional water rights would allow the district to serve hundreds of households with a few wells. He and Gonzales said it was a matter of public safety. "It saves us from pumping 1,000 wells near 1,000 septic systems," Painter said.

But Ron Gardiner, a longtime critic of the El Prado transfers, acknowledged water districts like El Prado have a useful purpose, but that shouldn't be used to justify huge transfers of water that he considers questionable.

"It's not against El Prado, it's about prudent allocation," Gardiner said.

Gardiner and other opponents at the meeting said the model upon which the settlement is based relies on limited and “outdated” information. The model is intended to calculate how additional pumping in one area of the valley might affect surface or underground water elsewhere.

Members of the crowd Tuesday not only questioned the accuracy of the model, but asked about previous test wells that found high levels of dangerous materials.

Painter responded the district would be required to provide safe water to its customers, and it was impossible to predict what water quality would be until wells are actually drilled.

“Until you put an actual hole in the ground out there, you don’t know what you have,” Painter said.

Kay Matthews, who previously led the committee that recommended Taos County protest the El Prado transfers, once again urged commissioners to consider the full meaning of “public welfare” when considering whether to drop their opposition. She noted such transfers had cultural, social and environmental implications that should be considered when weighing what’s best for residents.

Matthews said in a follow- up interview Wednesday that El Prado’s goal of tying up water rights was also misguided because other water providers such as the village of Questa have a much greater need for those rights to serve its customers.

The county commission is expected to formally consider its protest at its Feb. 17 meeting.