

Aamodt meetings spark anger, frustration

By Tripp Stelnicki |

The New Mexican, Aug 17, 2017



Alan Mikkelsen of the U.S. Bureau of Reclamation, far right, speaks before several hundred residents of the Pojoaque Basin in Pojoaque on Wednesday night. Tripp Stelnicki/The New Mexican

Discontent over the implementation of the Aamodt water-rights settlement took center stage at a pair of meetings Wednesday, with non-Pueblo residents of the Pojoaque Basin north of Santa Fe expressing their frustration, anxiety and even anger about matters that concern the next steps for water use in the valley.

At a town hall in Pojoaque, impassioned valley residents told Alan Mikkelsen, the deputy commissioner of the federal Bureau of Reclamation, that they were unhappy to be excluded from recent closed-door meetings over roadway easement disputes held by Mikkelsen's agency, Santa Fe County and four pueblos.

The easement disputes stem from a 2013 letter from Raymond Fry, superintendent of the Northern Pueblos Agency for the Bureau of Indian Affairs, that said county roads were in trespass on tribal land. If unresolved, the disputes could threaten funds for the regional water system planned as part of the settlement; the Bureau of Reclamation plans to begin construction on the system next summer.

Many residents said the disputes have driven down their property values and in some cases made access to their homes difficult or impossible.

Others said they were worried the Aamodt settlement would exacerbate tension between Pueblo and non-Pueblo residents of the valley and accused Mikkelsen and federal representatives of picking the tribes' side and trying to scare residents into joining the planned water system.

"You cause chaos in our community," Beverly Duran, president of the advocacy group Northern New Mexicans Protecting Land, Water and Rights, told Mikkelsen, to applause.

More than once, Mikkelsen told the crowd that the private meetings had been organized to resolve the roadway concerns without going to court. He said negotiation was preferable to litigation, and that he had agreed to meet with the public specifically to hear the concerns of those who have not been included in the meetings.

"We think we are moving forward with all of those parties in a very positive vein," he said of the talks with county and pueblo officials, which were scheduled to continue Thursday. "... Whether anybody here believes it or not, we're here to make sure everybody has access to their property and to get these issues to a fair resolution."

"We are not here to force you to give up your water rights," he added. "But I am here to warn you that actions have consequences." He was referring to the possibility of water curtailment in times of shortage for those who are not party to the Aamodt settlement.

The town hall came out of an agreement struck by Mikkelsen and state Rep. Carl Trujillo after Trujillo, a Democrat from Santa Fe whose district covers part of the basin, tried to sit in on the first round of closed-door meetings in July but was asked to leave.

Mikkelsen told Trujillo they could discuss the issues at just such a public forum with Trujillo's constituents. Mikkelsen said Wednesday night he planned to host another gathering in a few weeks and hear residents' concerns again.

Meanwhile, dozens of county residents gathered in downtown Santa Fe earlier Wednesday to make a final push for changes they'd like to see before new rules governing the water rights and water use in the Nambé-Pojoaque-Tesuque water district are finalized in less than a month.

The dozen people who testified expressed their uncertainty over the proposed regulations, suggested revisions and raised general objections to the rules. A common thread through the comments was the desire for more clarity.

"Could somebody please give a list of choices to people?" asked basin resident Richard Ehrenberg. "Not everybody's an engineer; not everybody's an attorney. We need clear English and Spanish written instructions for homeowners who are not legally savvy."

The State Engineer's Office said the public hearing Wednesday was an invitation for acequia leaders, irrigators, well users and others who wish to participate in the rule-making process. Staff and attorneys from the engineer's office did not answer questions or address the questioners, however, and the hearing was comparatively much more sedate than the town hall.

All comments will be considered for possible inclusion before the rules are promulgated, according to the State Engineer's Office. The rules will be set by Sept. 15.

A water master or masters will enforce the rules, the content of which was laid out in the Aamodt settlement.

Acequias, which have operated in a largely informal fashion for centuries, will face outside regulation that some acequia leaders fear could endanger the traditional ditch communities.

Well users have concerns, too, about water transfers and new guidelines for use. Resident Janet Arrowsmith pointed out a section of the rules that concerns well-metering. The proposed rule, as written, allows for “any additional requirements of the state engineer.”

Arrowsmith, who said she had already installed a meter, called the language “an onerous sword of Damocles hanging over our heads.”

“Tell us what we have to do now or eliminate that provision,” she said. “I think it’s a very unfair unknown.”

Editor’s note: Robin Martin, owner of The New Mexican, is party to the Aamodt litigation.

Contact Tripp Stelnicki at 505-428-7626 or tstelnicki@sfnewmexican.com.