

Costilla water rights transfer green-lighted by state

By **Cody Hooks**, chooks@taosnews.com

The Taos News, 7/20/2017

New Mexico's state engineer approved a controversial transfer of groundwater rights from the Top of the World Farm in Costilla to a domestic water project in Santa Fe just days after a federal judge put the finishing touches on the Aamodt Settlement.

The Aamodt Settlement is an agreement between four pueblos and non-Native water users in Santa Fe County that was worked out in federal courts to resolve the decades-long dispute over water rights. The settlement was formalized in 2012 but one issue lingered unresolved: securing the necessary water rights to operate the still-unbuilt regional water system north of Santa Fe.

With over 4,000 acre-feet of water rights needed to square the deal, the 1,752 acre-feet of groundwater rights from Top of the World are central to the feasibility of the settlement. (One acrefoot equals about 325,900 gallons or the amount to cover a football field with water one foot deep.) In January 2015, the pueblos, federal government and Santa Fe County filed paperwork to transfer the Top of the World water rights. Taos County protested that move with the Office of the State Engineer. Arguments in the protest were heard last October. Even though Taos County leaders knew the protest would be a "difficult fight" because of the scope and importance of the settlement to tribes and thousands of water users downstream, they pursued it because of a "responsibility to keep as many water rights in Taos County as we can," Commissioner Tom Blankenhorn told *The Taos News* Wednesday (July 19).

The county's protest mirrored worries of many people in the area — irrigators and watchdogs alike — who thought such a large transfer out of the county could open the rest of Northern New Mexico's water rights to pillaging by urban water authorities and perhaps even commercial interests.

Even though Taos County's protest to the transfer had not been resolved, a federal judge in Santa Fe signed the Aamodt Settlement final decree and judgement on Friday (July 14).

While the decree was widely celebrated as a capstone on countless careers and over 50 years of work to resolve the dispute, Taos County took issue with the process.

County attorneys attempted to make a limited appearance at Friday's hearing to point out the Top of the World transfer had not been granted, as required in the federal settlement and law governing the process. The court denied the county's request.

Taos County Manager Leandro Cordova and the county's legal counsel told *The Taos News* via email Wednesday the court's action on the final decree and judgment last week was "premature."

Nevertheless, State Engineer Tom Blaine signed off on the transfer July 18, over two months after the hearing examiner for the state engineer made their recommendation for approval.

Melissa Doshier, spokesperson for the Office of the State Engineer, said the final decree and judgement is not connected to and does not impact the decisions rendered by her agency.

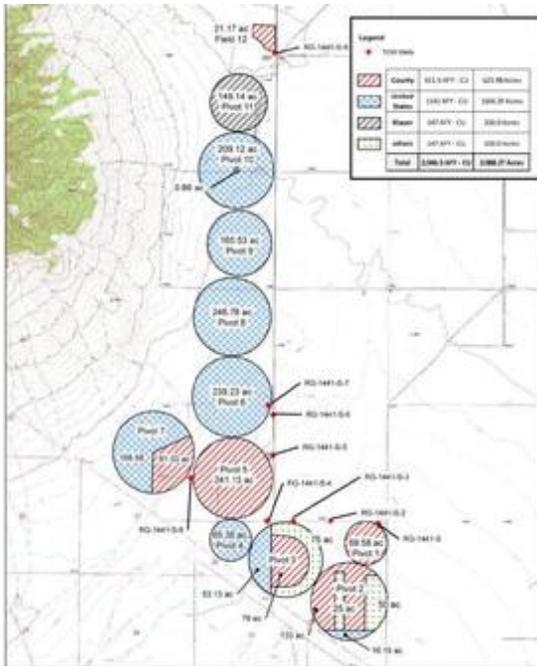
The Taos County Board of Commissioners now has to decide whether or not to appeal the State Engineer's decision in state district court.

Editor's note: Robin Martin, owner of The Taos News, is a party to the Aamodt Settlement.



The Office of the State Engineer approved a transfer of 1,752 acrefeet of water rights from Ute Mountain's Top of the World Farm, to a domestic water authority 85 miles down the Rio Grande. The transfer was a key part in ensuring the viability of the Aamodt Settlement, a decades-long water rights dispute between four pueblos and non-Native water users in Santa Fe County.

Taos News file photo



This map shows circular fields once irrigated with center-pivot sprinklers at Top of the World Farm in northern Taos County. Water rights associated with each of the fields have been bought and sold several times. The State Engineer approved a transfer of those water rights to a domestic water authority 85 miles down the Rio Grande.

Copyright (c)2017 The Taos News 7/20/2017