Arroyo Seco acequia ditches Taos valley association

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The Acequia Madre del Rio Lucero y Arroyo Seco voted Saturday (March 16) not to pay its membership dues to the Taos Valley Acequia Association as a protest over what one ditch commissioner described as issues with transparency surrounding the Abeyta Settlement.

The acequia voted 53 to 3 not to pay its annual dues to the organization, effectively leaving the TVAA, said commissioner Chris Pieper.

"Parciantes gave the following reasons [for the vote]: never having voted to sign the Abeyta Settlement, having been misled and deceived about its affects and costs, a lack of transparency and no support outside of the settlement," said Pieper.

The ditch was close to making a similar vote to leave the TVAA last June.

The Abeyta Settlement is a legally binding resolution to Taos-area water rights disputes. Around 1987, Taos Pueblo claimed a right to nearly 8,000 acre-feet of water each year out of the Río Lucero and Río Pueblo de Taos. (One acre-foot of water is 325,851 gallons.) If the pueblo were to assert its full rights in this arena, it could mean water users downstream, including Seco irrigators and the town of Taos, could be left dry.

The TVAA asked the pueblo to negotiate a deal to avert that scenario, rather than face the uncertainty of lawsuits between the tribe and non-Indian water users. The pueblo agreed, and the deal is known as the Abeyta Settlement. The settlement was largely finalized in 2013 and is now being implemented.

In 2017, the parciantes voted overwhelmingly to reject a key proposal in the Abeyta Settlement, called aquifer storage and recovery (ASR), Pieper said. The aquifer storage idea calls for pulling water from the Río Lucero during the winter, pumping that water deep underground and then pulling it back out of the aquifer during irrigation season to increase the flow of the acequia.

"The TVAA Board and staff will work (and have worked in the past) with all members on their payment of dues," read a statement from the TVAA through their attorney Kyle Harwood.

"The staff works regularly and year-round with the member acequia commissions on all issues, including the payment of dues, and we look forward to hearing any questions or concerns from the commission of the Acequia Madre del Rio Lucero y Arroyo Seco," it read.

Taos County drops protest to water-rights transfer

Don Quixote had a better chance of toppling a giant than Taos County did in winning a water fight with the state.

The grim message came from the county attorney Randy Autio at the Tuesday (March 19) meeting of the Taos County Board of Commissioners.

The commission voted unanimously to drop an appeal of a transfer of an incredible amount of water rights to the Santa Fe area.

In 2017, the state engineer OK'd a transfer of 1,752 acre-feet of groundwater rights from Top of the World Farm in Costilla to a water project in Santa Fe County. Those water rights account for nearly half of the water rights needed to satisfy the Aamodt Settlement, a complex agreement to a water rights dispute involving four pueblos, the state and non-pueblo water rights holders in the Pojoaque Valley, which is south of Taos.

Two months after that state engineer approval, the county commission voted to appeal the transfer in a district court. But the potential costs were known even back then. At the time, they approved $150,000 within the budget to pay for costs associated with the county's protest of the transfer of water rights out of the basin.

Since then, the county commission asked for a fiscal and legal analysis of the appeal, though potential costs floated at Tuesday meetings were within the estimates given two years ago. Autio said this week that it would call cost county taxpayers "probably north of $200,000 to proceed with this appeal."

The commission asked the lawyer to drop the appeal of the transfer in order to "close this contract and hopefully move on with different opportunities," said Commission Chairperson Mark Gallegos.