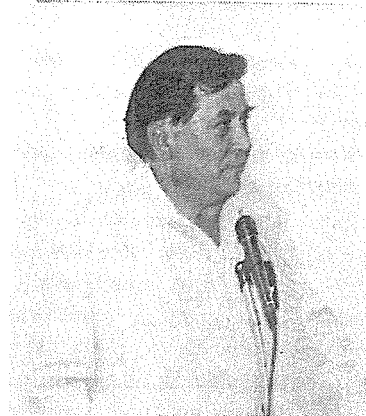


Wilfred Gutierrez retired from Los Alamos National Laboratory three years ago. He is a full-time farmer in Velarde and has been active in community affairs for over 30 years. Wilfred was instrumental in establishing the Velarde Acequia Project. He has served on the New Mexico Acequia Commission for three years. The Commission was established by Governor Carruthers in 1986 to help acequia users learn about their rights and the laws which affect the acequias. The Commission also advises the Corps of Engineers on rehabilitation programs for the acequias. Wilfred occasionally writes articles for the Water Line, the State Engineer Office newsletter.



THE ROLE OF ACEQUIAS IN WATER PLANNING

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How should the acequia organizations and Acequia Commission fit into New Mexico's water planning process? The answer is quite simple, but we must first discuss the acequias' background.

HISTORY OF ACEQUIAS

The acequias, or community ditches, have existed in their present form for approximately four centuries. The acequias were the main source of water for farming and pueblo (village) use. They provided water for agricultural use, domestic use, and for home building.

Acequias have been recognized by territorial and state statutes and are considered a political subdivision of the state, and the oldest form of democratic government still in practice in this country. New Mexico is the only state to have this unique historical and rich cultural heritage. Because of this, we must work hard to protect and keep acequias for our future generations. Approximately one thousand acequias exist throughout the state with thousands of water users relying on this source. The acequias' impact is, has, and will be a great tribute to New Mexico's economy, and its historical and cultural values.

Problems and Concerns

Many new people are settling in New Mexico, and with a growing population comes new demands for our water. Instream flow, minimum stream flow and riparian issues can adversely affect acequias and community life as it has existed for generations. The bottom line on these issues is that water should be flowing in the streams and rivers at all times. That statement sounds good and well; it is impressive, idealistic, and environmentally sound thinking to want water flowing in the rivers at all times. We would all like that to be the case. But at what cost and at whose expense? Let's look at the ramifications.

At some meetings held in Santa Fe, attended by acequia users and myself, the group interested in sponsoring instream flow, minimum stream flow, and riparian legislation had not done their homework. As I told them, the acequia people cannot support such legislation. Legislation has been introduced during the past two legislative sessions and acequia people have fought against it and had it killed. We will do the same again.

Those interested in such legislation have not addressed the following questions:

- What streams or portion of streams are they interested in?

- How much water is flowing in these streams?
- Who would pay for the exorbitant cost to enforce a new law?
- Have they considered creating a fund in case of violence to help families of the victim(s) and defendants?

New Mexico taxpayers cannot afford such a program, especially when there are other more pressing needs. It's very simple to say "purchase senior water rights and flow them downstream," but in reality, the issue is more complicated.

Because of our growing population and its demand for water, we need to put a moratorium on big housing developments until we can quantify our potable water resources, establish a program to clean water that has been contaminated, and keep our clean water from becoming contaminated. If we continue on our present course, the day will come during the dry-cycle years, when water scarcity will change our way of life forever. The demand for human consumption will outweigh all other needs and all the hard work many of us have done will be in vain. This should be our top priority.

Adjudication is mandated by law. On the positive side, through adjudication our water rights will be identified. However, on the negative side, litigation is expensive, both in time and money. Litigation has been a big burden on the *parciantes* (water users). The Aamodt case has been going on for twenty-eight years, at a tremendous cost to both sides.

Another problem is the pitting of acequia against acequia on the same stream, and *parciantes* against *parciantes* on the same acequia. People have to spend a tremendous amount of money and time to prove ownership of water rights which belong to them. Much taxpayer money has been spent by the state and federal governments on these litigations. This money can better be spent to improve our existing acequias and way of life.

Acequia Users' Involvement in State Water Planning

The acequia people have been some of the oldest users of water in New Mexico. We have a vested interest in how our water is used in the future. Therefore we must be included in water planning for New Mexico. We have very knowledgeable people who can contribute excellent ideas on water use. New Mexico will gain by including us in the planning process, listening to our ideas and suggestions, and implementing our recommendations.

The New Mexico State Acequia Commission can be the vehicle for the acequia people to get their ideas and recommendations to the appropriate agencies. One of the many duties of the commission is to interface with the Governor, the legislature, and state and federal agencies on acequia matters. The commission can be an integral part in water planning by relaying important information both ways.

My heartfelt thanks to Dr. Tom Bahr and the staff at the Water Resources Research Institute for inviting me to speak here today. It is a pleasure for me to be here, especially to discuss these critical water issues. Of the many issues facing us today, this is our most important. Water is one of our natural resources that cannot be taken for granted. Without water, we cannot survive.