



With settlement inked, Taos water swap to begin

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By J.R. Logan

Remember the Abeyta Settlement? You know, the \$120 million deal struck between the Pueblo, town, acequia users and domestic water providers that is intended to resolve disputes over who has a right to what water in the Taos Valley?

Well, the deal is done. And to resolve centuries-old disputes, parties have agreed to some pretty creative H2O juggling.

Because they were first to arrive on the scene, New Mexico water law gives the Pueblo an "aboriginal right" to water. First come, first serve. Next are the Hispano acequia users. Then the rest of us.

In 1969, the state came in to the valley to determine how much water was in the valley and figure out who owns what. The process is known in legalese as an "adjudication" and it immediately got bogged down in disputes.

A lawsuit over the adjudication hung in court for 20 years. Then came 18 years of negotiations between the interested parties mentioned above. Last year, Congress approved bill that included the Abeyta Settlement. In the last couple of months, a final agreement has been inked, setting the stage for the plan to go into motion.

So what exactly is the plan? Here's the gist:

Because of its aboriginal right, the Pueblo could conceivably consume billions of gallons of water every year. If it did, there wouldn't be much left for anyone else. Instead, the Pueblo has agreed to limit its use to just a fraction of that amount. But it wants something in return.

The Pueblo says its primary concern is the health of its "buffalo pasture" — a wetlands area located north and west of the village. The Pueblo asserts that water wells that serve the town and El Prado Water and Sanitation District are depleting the buffalo pasture aquifer. The tribe wants those wells moved. The town and El Prado have agreed.

Here's where things get complicated.

El Prado now will have to drill two new wells on the mesa near the Rio Grande Gorge bridge. The district then has to lay miles of pipeline that will carry water from the mesa down to El Prado. The district isn't thrilled about capping perfectly good (and nearby) wells, but it's part of the compromise. The district will also get a huge boost in its water rights — from about 25 to 575 acre feet per year.

Meanwhile, acequia users rely on the same streams that carry water to the Pueblo to irrigate their fields. The Pueblo is entitled to essentially all of the water that comes down the rivers, leaving the acequias in a bind.

To keep the acequias flowing, the agreement calls for a series of "mitigation wells" that will be drilled 1,000 feet deep to (get this!) pump underground water to the surface where it will be put back into the streams in the event that there isn't enough surface water for acequia users irrigate.

For the sake of this blog, we won't even get into how much time and money will have to be spent on swapping water rights, even water that comes from the other side of the Continental Divide.

Still interested? You should be. The haggling that was done in the Abeyta sets the groundwork for essentially all of Taos' water issues in the future. If the town grows or the demand downstream for water increases (which it inevitably will), this pact gives a lot of sway to those parties who were foresighted enough to demand water and lots of it.

The Taos cliché "Agua es vida" (water is life) could just as easily read "agua es poder" (water is power).

Editor's note: A clarification was made to a previous version of this blog regarding the use of the mitigation wells.

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