

‘Sustainable’ Taos ranch’s water plans draw protests

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A Taos-area ranch dedicated to modeling what it calls “sustainable agriculture” wants to drill a 450-foot well to irrigate a small parcel of land now served by an acequia.

Jay Lazarus, a geohydrologist contracted by Blackstone Ranch, says the well would ensure the ranch and corporate retreat property has a reliable water source, even in times of drought.

But parciantes on a nearby acequia worry the proposed well could affect shallow groundwater, and they argue the ranch is ignoring its goal of ecologically sound land management by seeking to tap into the aquifer rather than live within the limits of available surface water.

Black Interests Limited Partnership (which owns Blackstone Ranch) filed its transfer application with the State Engineer in December. The application proposes to take surface water rights from the Alamos Ditch and transfer those rights to a well.

The 12 acre-feet of surface rights on the acequia translate to 6 acre-feet of underground water rights. Most of the water from the well would be used for irrigating a pasture, orchard and greenhouse, with 0.5 acre-feet going to fill a decorative pond the ranch plans to use as a water supply for fire suppression.

Lazarus argues the well has clear advantages over the acequia. “These transfers will allow the ranch to have a supply of water at times when the acequias are dry,” Lazarus said.

By drilling to 450 feet, Lazarus said the well would be deep enough to avoid impacting surface water flows. He said there is relatively little groundwater pumping in the area, and that the proposed well would draw from an ample aquifer. “We think there’s a very long-term water supply here,” Lazarus said.

Lazarus said using both groundwater and surface water for irrigation is a common practice, especially when surface water is scarce. He said the definition of “sustainable” varies, and the ranch’s plan does not go against its overall mandate.

“If there’s no surface flows, then is agriculture sustainable?” Lazarus said.

But members of the Acequia Madre de la Otra Banda disagree. The Otra Banda originates on Blackstone Ranch property and is fed by springs acequia members say are already suffering from prolonged drought.

In a formal protest of the transfer signed by Otra Banda commission chairman Mark Schuetz and secretary Natalie Struck, the acequia argues groundwater pumping is not a viable alternative and will make a tough situation worse.

“Acequia agriculture in our community does not jeopardize its source like high volume extraction from the aquifer does because it uses the available water resource and no more,” the protest reads.

The protest goes on to argue using a well to irrigate is unnecessary. “There is a certain irony in the Blackstone Ranch effort to transfer their surface rights away from the land they maintain is ‘hard or impossible to irrigate,’” the protest reads. “... A skilled irrigator could easily return it from the sert (arid region) it has become, to the lush meadow it once was.”

The rights being proposed for transfer have a priority date of 1825, meaning water from the Alamitos Ditch has been used to irrigate the property for almost 190 years. Of the 12 acre-feet being proposed for transfer, the application says 4.5 acre-feet are currently tied to once-irrigated land now covered by several ranch buildings and roads.

Sustainability, culture and legacy

In 2008, Blackstone Ranch came to the Taos County Planning Department asking for a permit to operate as a hands-on learning center dedicated to promoting sustainable agriculture in conjunction with a related nonprofit, Blackstone Ranch Institute.

According to the permit application, the 191-acre ranch has surface water rights on four acequias. The application noted in all capital letters: “All necessary steps will be taken to ensure that any existing or proposed development on [the] ranch will not interrupt, reduce or otherwise change the flow of water and or service access to acequia members.”

In a letter to the county attorney, Blackstone founder Samuel “Pat” Black III wrote the ranch was dedicated to promoting smart agricultural practices.

“In fact, our mission is to facilitate and support pioneers of environmental change in an effort to accelerate the adoption of the most sustainable environmental practices available or imagined,” Black wrote. “Moreover we aim to heighten awareness of the importance of agriculture in our history and culture here in the Taos Valley, and create a legacy of sustainable agriculture for future generations.”

Leroy Graham is one of three parciantes who use the Alamitos Ditch. The acequia has no formal governing board. Graham says that's because the few people who use it — including Blackstone — have been able to work together.

After hearing about the proposed transfer, Graham says he's working on getting an acequia board organized because formal governance would give the acequia new funding sources and legal authority over water rights to the ditch. New Mexico law allows organized boards to veto transfers of acequia water rights if they threaten the viability of the ditch.

Graham said he's not thrilled about the Blackstone transfer, but he's not overly concerned either. "I'd rather it not happen because we want to keep as much water in that ditch system as possible," Graham said. "But because it's a surface water right to underground water right on the same land, I don't think it will affect us that much."

A committee appointed by the Taos County Commission to review proposed water transfers visited the ranch and has not asked the commission to protest the transfer. None of the parciantes on the Alamitos ditch have filed protests.

Taos Pueblo has filed a formal protest to the transfer, arguing that it violates the terms of the Abeyta water settlement.

If the protests from Otra Banda and the Pueblo are not rescinded, the matter will go to a hearing at the Office of the State Engineer.

If approved, the proposed well would be in addition to two wells approved in 2004 to provide domestic water for the ranch's main house and guest house. According to well logs filed with the State Engineer, one well is 290 feet deep and is tapped into an artesian aquifer. The other well is 180 feet deep.

In a letter to the State Engineer, the contractor that drilled the wells said each well would be used to serve only a single household. "The owner will be using one residence when he visits the property. The second residence is being used by his ranch manager and any additional help the ranch will require from time to time," the letter reads.

Lazarus said the ranch is going to change the use description as part of its water rights reorganization.

Lazarus said the ranch also has two livestock wells. The Taos News was unable to find records for those wells and the State Engineer did not respond to inquires before press time.

A new approach

Blackstone's current water rights transfer application comes while the ranch is rethinking how it does business.

The ranch staff was recently downsized, and Richard Lavelle of hospitality management firm Atomic MGT, was brought in to take over operations.

Lavelle said in an interview the ranch's mission as a corporate retreat hasn't changed and it continues to be "ecologically minded," but he said there isn't a lot of agriculture happening at the moment. The ranch currently has no cattle. The trees in the orchard are only a few feet tall. A handful of gardeners grow enough vegetables to supply a few local restaurants and stock a booth at the farmers market.

"It's a funny business model," Lavelle said. "Most of the land is costly to maintain, but it's not been very profitable."

Lavelle says the plan is to eventually produce enough food on the ranch to start a line of value-added products that would be prepared and packaged on the property. Lavelle said the ranch is also considering opening a farm store.

In the meantime, the day-to-day use of the facility is shifting. Lavelle said the ranch recently charged a group to rent out the property for an exclusive conference, but he said it would not expand to welcome more generic events like weddings.

As the ranch drifts more toward commercial ventures, it could raise questions about whether it still fits inside the limits of the permits issued by the county.

Throughout the county approval process in 2008, nearby residents raised several questions about the ranch's purpose. They wondered if the newly built complex, including the 34,000 square-foot "main house" completed in 2006, would become a resort or hotel. In public hearings on the permit, Blackstone representatives explained the ranch was a private residence, and that conferences would be by invitation only. In a 2008 letter to the county attorney, owner Black said events at the ranch were "in no way intended to generate income for myself personally or for Black Interests Limited Partnership."

The county planning department required the building meet codes designed for a hotel property. The county assessor still taxes the buildings as a residential property.

The permit issued by the county in October 2008 stipulates the ranch is allowed to host "educational gatherings and presentations not open to the public except by individual invitation." The permit notes that any changes to the permitted uses must be brought before the Taos County Planning Department.

Deputy county manager Rick Bellis said the planning department is not requiring the ranch to take any steps to alter its permit at the moment, especially in light of proposed changes to the county's land use code that could be enacted in the coming months.