



My Turn

Irrigators with water rights will not be hurt

Lawrence A. Ortega

In the Aug. 8 and Aug. 29 issues of *The Taos News*, two articles regarding the transfer of water rights from the Llano Community Ditch to Acequia Madre del Rio Lucero were published. Some clarification is necessary in order to set the record straight from what is included in those two articles.

The transfer will not come at the expense of acequia users in Questa. None of the current users will lose any of their water rights as a result of this transfer. It is our opinion that no impairment can be shown and those irrigators with water rights would not be hurt as cited in the articles.

It is our understanding that the town of Red River has protested this transfer. I see no logic in that, other than they were recruited to do so, but if the town wants the water rights they can make a proposal, as can any others protesting the transfer.

My five protesting relatives the articles makes reference to are four cousins and one aunt. Let me make it clear that my three sisters are not the protesters. My three sisters and I are the heirs of Bernabe Ortega's estate.

In the Aug. 29 article it states that the Llano Irrigation Community Ditch Commissioners wrote a letter protesting the transfer because it would be "extremely detrimental" to the users. That is simply not true. One year ago (September 2012), my three sisters and I had a meeting with Ditch Commissioner Jeannie Masters and she told us she was not opposed to the transfer and that her only concern was that the ditch was going to lose out on the annual fee assessment we have been paying. This amount incidentally, comes to tens of thousands of dollars over the past 48 years. And my father nor his estate have benefited from paying those assessments for that period.

The Aug. 29 article makes reference to a Water Advisory Committee meeting wherein Jeannie Masters presented documents to the committee having to do with ownership of the water rights, a matter that is beyond the scope and authority of the committee. Masters was appropriately informed quite rapidly that the matter was not for this committee to consider. It is quite apparent that Masters has been advising and encouraging my five relatives and has gone as far as authoring their protest letter. This is beyond her scope of responsibility as a ditch commissioner.

It is obvious that Masters and the five relatives do not comprehend the finality of water rights adjudication and Office of the State Engineer water rights ownership regulations. None of these five relatives bothered to contact me or my sisters to ask about this matter, instead they contacted the ditch commissioners and our county commissioner.

My father, Bernabe Ortega, spent thousands of dollars and countless hours to reach adjudication status with no help from his brothers whose family members are now protesting. He told me many times that his requests for assistance were ignored and was told that he was on his own. His brother never confronted him or questioned him about ownership of the water rights. They knew my father was the rightful owner. Furthermore, since my father's death in 2010, we as heirs of my father's estate have spent thousands of dollars and many, many hours to arrive at the water transfer stage.

Because of the kind of man my father was, however, he included a monetary distribution in his will to his brother's relatives, including those who are protesting, and to the Questa Catholic Church as well. This because of his kindness, not because he had to.

And finally the question of why my father did not sell his water rights to the village of Questa, who is in desperate need of water rights. I know the need, as I currently sit on the Village Council. My father offered in writing to sell his water rights to the village of Questa since the late nineties and his offers were ignored. As a result, he searched for buyers and found one. Copies of the documents attesting to these offers are available upon request by contacting me.

Anyone wishing to ask questions regarding my father's estate water rights can call me at (575) 586-1043. My father's estate heirs are not attempting to steal anyone's water rights as alleged by at least one of our protesting cousins.

Lawrence A. Ortega is a resident of Questa.