



# THE TAOS NEWS

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## My Turn

### Protect your acequias; the TVAA isn't

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Pursuant to a request from the Special Master to submit comments to her final recommendations to the court, I will offer the following discussion.

In addition, my comments are in no way intended to offend anyone involved in this process but I am compelled to document what I believe is true. When this process started I said in the open meetings that were held in Taos with the ombudsman that the little details were not dealt with, with regards to the implementation of this massive project. My concerns are still there but even more than before.

First of all the Special Master cites numerous cases of case law that defends her reasoning for ruling the way she did, however it is my belief that this Abeyta Water agreement is unique in nature because of the scope and largeness of the project therefore case law should not apply.

Secondly, the Special Master believes that the State Engineer will step in and insure that nothing causes harm to the general public but I submit that this is a naive view because all one has to do is review what the State Engineer has done in the case of the Spring Ditch. The Town of Taos asked and got a well permit to build a well near the existing McDonald's restaurant on or about 1979. This well permit along any requested permit stipulates that it will be granted on the condition of causing no harm to any other user.

I submit that the State Engineer has done nothing to protect the Spring Ditch from the stealing of our water by the Town of Taos. Therefore it is my belief that the State Engineer will do absolutely nothing to correct any situation that would do harm to others users- He will not step in like Superman and make things right should problems such as contamination of existing wells develop.

There is already evidence that some drilling has drawn uranium contamination into the aquifer in the Arroyo Hondo area. Should deeper drilling further contaminate the upper aquifer the damage will have been done and there is no reversing this. The State Engineer already has a track record and I would ask the Special Master if she requested a list of well permits that have been revoked by the State Engineer due to harm of other users?

It is my belief that as has been the case with this whole project, that the large amount of money that this project will bring into the County – that it has clouded the judgment of many very smart people.

The last two items that I would like to question is what did the Special Master mean when she said that the protesters that were represented by the attorney A. Blair Dunn would be treated differently?

How can protesters be treated differently? And finally I would like to ask the Special Master why there was no meeting with the judge in open public hearing format so direct questioning of the parties be conducted under oath in the presence of a judge?? In any other review of a situation that could have a negative affect on the public the ultimate authority conducts an open public hearing, why wasn't done in this case??

I am also questioning why the three mentioned protests were ignored by the Special Master — I know that at least two were filed timely?

One can only conclude that the fix was in on this process right from the beginning of the court hearing.

PS: I would like to implore Judge Vazquez to remember the words of John F. Kennedy when he said, "Our problems are man-made, therefore they may be solved by man." There is still time.

*Jerome Lucero, a Taos resident, wrote this response to the special master of the Abeyta Water Rights Settlement.*