

Questa agrees to pay up to \$318K for water rights

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Another move is being proposed in the Taos County water rights shuffle.

The village of Questa has agreed to buy up to 58 acre-feet of water rights from Eliu Romero to pay off a massive debt to the state for water the village has pumped but did not have rights to.

The village has agreed to buy the water rights for \$5,500 an acre-foot of consumptive rights, or about \$318,000 for all of them.

According to the March 23 contract between Romero and the village, the surface water rights are currently tied to two separate parcels that are served by the Llano Irrigation Co. Ditch.

One of the parcels is 31.5 acres and is located just to the west of Questa High School. County records show the original parcel to which water rights were tied has been subdivided into several pieces, many of which now have houses on them.

The other parcel is 23.2 acres and is located northwest of the village.

Romero said in an interview Tuesday (March 31) the rights are currently unused as the parcels have not been irrigated for some time. "They've just been sitting there doing nothing," Romero said.

State law requires that water rights be put to use (in this case, parcels with water rights must be irrigated) or the owner may risk losing those rights. Romero said he had no concerns about the validity of the rights, and he said he hoped they could help the village pay off its debt.

The contract with the village stipulates the water rights are valid. However, the contract notes that if the State Engineer determines the rights are no longer legit, the deal with the village is terminated.

The contract also states the village does not have to pay Romero if the water rights transfer is not approved.

State law also gives acequias the right to deny a transfer of water rights off their ditch if they amend their bylaws to include language from state law that gives them such power. Calls to the Llano Ditch commissioners were not returned before press time.

The contract also allows the village to buy only as many water rights as it can afford.

Village of Questa Administrator Loretta Trujillo told *The Taos News* last week that the village still owed the State Engineer a little less than 1,200 acre-feet, through she said the village is contesting some accounting and that debt could be reduced.

Trujillo said money for the purchase came from funds allocated by the state Legislature earmarked for water rights.

Questa's need for water rights has been part of the debate in recent discussions over high-profile water rights transfers tied to the Abeyta and Aamodt settlements.

As part of the Abeyta, El Prado Water and Sanitation District hopes to move about 284 acre-feet of water rights from northern Taos County to be used on wells that serve residents of El Prado. An Arroyo Seco acequia is also hoping to move 183 acre-feet of water rights from the Llano Ditch (the same acequia to which the Romero rights are attached) to make up for additional diversion from the Rio Lucero.

In addition, Santa Fe County and four Pueblos north of Santa Fe recently filed an application to use 1,752 acre-feet linked with a farm near Costilla to serve a future water system 80 miles downstream.

Questa administrator Trujillo said some of the rights in the Santa Fe deal were previously going to the village, for free, to help pay off its water debt.

According to documents provided by the village, Santa Fe County agreed to lease 458.6 acre-feet of water rights to Questa around 2006. A spokesperson for the State Engineer said the agency approved the lease in 2008. It was later amended to include additional rights.

Trujillo says that lease was in effect until Santa Fe County sold 1,141 acre-feet (apparently including the rights leased to Questa) to the U.S. Government to be held for the four Pueblos.

While water rights can be bought and sold at will, all of these transfers must be approved by the State Engineer before water can be pulled from a new location.