



Taos County protests controversial water rights transfer

By J.R. Logan

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The Taos County Commission and its staff hurled some barbed accusations Tuesday (April 21) at those proposing to move agricultural water rights from a farm near Costilla to serve a massive water system 80 miles downstream.

“At what point does Santa Fe County start being conservative with their water rights and stop stealing from communities above them?” said Taos County Manager Stephen Archuleta during a meeting Tuesday (April 21).

Santa Fe County and four Santa Fe-area pueblos are asking the state for permission to take 1,755 acre-feet of water rights from Top of the World Farm and use those rights to divert the same amount of water from the Rio Grande at San Ildefonso Pueblo for a yet-to-be-built regional water system.

Representatives for Santa Fe County and the tribes were at Tuesday’s meeting hoping to dissuade the commissioners from opposing the transfer.

Archuleta’s comments articulated a growing fear among Taos County residents that the area’s water rights are in danger of being bought up to accommodate growth in urban areas to the south. If approved, they worry the Top of the World proposal would set a dangerous precedent for moving piles of water rights downstream.

“What benefit is Taos County going to get out of this whole deal?” asked Commissioner Mark Gallegos, who represents the northern district and is the mayor of Questa. “Are we just going to get dry land?”

Commissioner Tom Blankenhorn also argued Tuesday the water rights at Top of the World are important to make room for local development. “Otherwise we can’t grow. Otherwise we’re stuck exactly where we are,” Blankenhorn said. “The problem is you’ve taken the one source of water rights that is available.”

The proposed transfer is vital to Aamodt Settlement — a major deal in the Pojoaque basin meant to recognize the water rights of four pueblos while protecting non-Indian irrigators and allowing for growth in the area north of Santa Fe. Without those rights, the Aamodt parties say they won’t have enough water rights to serve future consumers.

“The [Pojoaque] Basin is very water-short, and the idea was to bring in a community water system to help settle the case,” said John Utton, a water lawyer representing Santa Fe County.

Santa Fe County bought Top of the World Farm (and its water rights) for \$5 million in 2006 specifically to satisfy the requirements of the Aamodt Settlement.

Claudia Borchert, Santa Fe County utilities director, insisted the county was not in the market for any additional water rights in Taos County. She also took issue with claims that Santa Fe County residents are water hogs.

“I understand that Taos County and folks who live here are very water-conscious, and I can say with a straight face that so are the folks in Santa Fe County,” she said.

According to Santa Fe County’s 2009 Long Range Water Plan, leaders there have adopted a number of water conservation ordinances since 1999 to limit water consumption, including raising rates for big water consumers and requiring water catchment systems.

Borchert also argued moving paper water rights from the farm would leave more water in Taos County’s aquifer and, theoretically, in the Rio Grande Gorge.

“This transfer is a wet water gain for Taos County,” Borchert said.

Gallegos took issue with that claim, sarcastically asking Borchert whether moving the water rights would be “actually doing us a favor.”

Following the discussion, the commission acted on the recommendation of its water advisory committee and unanimously voted to protest the transfer. The protest will trigger hearings before the State Engineer, who will ultimately decide whether to approve or deny the transfer. Given the political implications of the transfer, the commission’s vote was hardly a surprise. However, the chances of such a protest succeeding are not clear, especially since the State Engineer was intimately involved in crafting the Aamodt Settlement.

In February, the Taos County Commission chose not to pursue a protest of a separate water rights transfer proposed by El Prado Water and Sanitation District. That transfer was tied to another water deal — the Abeyta Settlement — which was negotiated concurrently with the Aamodt and with the help of the State Engineer.

Like the Aamodt, the Abeyta is meant to recognize tribal water rights (in this case, Taos Pueblo) while making room for non-Indian irrigators and continued growth. At the time, some commissioners said the protest was foolish because they couldn’t imagine the State Engineer’s Office denying a transfer that is key to the success of an agreement to which it was a party.