

Acequias face upstream battle to fund repairs following gov's vetoes

By Staci Matlock

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With the stroke of her pen, Gov. Susana Martinez delayed Charlie Esquibel's hopes of a new diversion dam on the Santa Cruz River that the longtime mayordomo says is essential to the irrigation ditch he oversees.

"Our dam was never redone. It was built by our grandfathers," Esquibel said Friday of the Acequia de la Fresquez that serves 58 small-acreage irrigators in Santa Fe County. "We struggle every year to get water into our ditch."

Martinez on Thursday killed a \$100,000 appropriation for the dam, and most other capital outlay funding for acequia projects in the state, including several in Taos County. The only funding that survived her veto pen was money that went to the New Mexico Acequia Commission. A couple of dozen acequia projects lost nearly \$1 million in requests ranging from \$5,375 to \$100,000.

Acequia organizations and their supporters were stunned. "It would have been nice if this had been more proactive instead of cutting acequias off at the knees," said Paula Garcia, executive director of the New Mexico Acequia Association. Martinez, she said, "changed the rules midstream. We would not disagree with the changes if it was done proactively. But this feels punitive."

A year ago, the governor vetoed funding for just one of 20 acequia projects, Garcia said. She's not sure what changed. And Garcia thinks the projects Martinez vetoed this year were better planned than those that received funding in 2015. "What breaks my heart are some of these acequias have a good track record for completing projects," she said.

The acequia projects were among \$8.2 million in capital outlay funds the governor vetoed. In her veto message, Martinez called many of the projects "local pork" that "often don't create jobs or develop the economy." She authorized \$157.8 million in capital outlay projects.

Rep. Stephanie Garcia Richard, D-Los Alamos, called the governor's veto "a near fatal blow" for the affected acequias. She said in a statement that the acequia groups "rely on legislative capital outlay resources to operate, for new presas and pipes, for diversions and repairs."

Garcia Richard said she agrees with many of the governor's comments about the need to reform the state's capital outlay system. "But there was no warning before acequias were targeted," she said in a phone interview Friday. "These are completely volunteer organizations and often with very few volunteers. Acequias are part of a very old and vulnerable way of life. This is a blow to them."

Martinez said it makes more financial and economic sense to pool capital outlay funds and use them to fully fund infrastructure improvements with statewide impacts. "Countless projects are woefully underfunded," leading to a string of unfinished projects," she wrote in her veto message.

But Esquibel said that's precisely why he sought \$100,000 with the help of lawmakers to build the dam. The ditch had been given \$50,000 in appropriations two years ago to pay for the design and engineering of the 60-foot-wide concrete diversion dam on the Santa Cruz River. The money goes to the Interstate Stream Commission, which must approve contractors and dole out the funds.

Esquibel said he initially thought the funding would be enough to pay for the entire dam. "I did not expect it to cost so much," he said, noting construction alone is expected to cost \$150,000.

Esquibel said he was already working with the Interstate Stream Commission to pay a portion of the construction, which requires a 10 percent match. He thought the bulk of the construction funds would come from the state's capital outlay money.

He said the acequia association charges members \$75 per acre a year, which pays for ditch cleaning and maintenance. "A lot of our parciantes are elderly and on fixed income," he said. "We don't want to raise the rates."

State Rep. Carl Trujillo, D-Nambé, an engineer, said many of the small acequias are in the same boat. Their members don't have the funds to pay the thousands of dollars it can cost to have design work done and to match state funds for construction.

Martinez also vetoed \$68,522 to dredge and collect sediment from a pond that feeds the Acequia de la Cienega. "That's too bad," said Mayordomo Rey Romero, 81. "That is going to hinder the small farmers here."

Romero said every time it rains, the water pushes dirt into the pond, reducing the reservoir's capacity, clogging up the outlet into the ditch and threatening to flood a county road below. "We're endangering those people," Romero said.

Martinez said in her message that acequias come to the Legislature each year for funding and usually don't receive enough to complete a project. It also takes the acequias a while to spend the money, Martinez said. "For all those reasons, I vetoed acequia projects," she wrote.

Martinez thinks instead of seeking capital outlay funds, the acequias should get money from the Interstate Stream Commission and the Water Trust Board, "both of which have substantial available funding."

Garcia, Trujillo and Esquibel said that would be a good idea, if those sources could actually pay for all the projects needed on the state's centuries-old irrigation ditches.

The Interstate Stream Commission has a program that pays 90 percent of construction projects with a 10 percent match from the acequia groups. The fund is recurring, with about \$1.8 million a year to spend. But acequias have to find the money to pay their share. A \$150,000 project like Esquibel's diversion dam would cost the acequia members several thousand for a design and another \$15,000 for the match.

"These are small, rural farmers," said Trujillo, who has 21 acequias in his district. "They are growing for themselves, selling at the side of the road or at farmers markets. They don't have a lot of money."

As for the Water Trust Board, acequias compete against municipal water systems, big irrigation districts and wastewater systems for its funds.

“The process of applying for that money has left out the small guy,” Trujillo said. “The requirements for engineering, design and environmental assessments takes thousands of dollars.”

“Getting money from the Water Trust Board?” Esquibel asked. “That’s ridiculous. I don’t see small acequias getting funds from the Water Trust Board, ever.”

In 2015, the Water Trust Board awarded millions in funding to 30 projects. None was an acequia. The smallest award was \$150,000 for restoration work at the Santa Fe Municipal Watershed.

Garcia said that years ago, a separate fund was set up for acequias within the Water Trust Board. But except for one donation, it’s never been funded. “If the Legislature chose to put a pot of money into the fund for acequias, then I would say the governor is right. But right now, it is not a viable option,” she said.

Acequias work to put together funding packages, she said, with money from the Interstate Stream Commission, the Natural Resources Conservation Service and capital outlay funds. But it take a lot of time and effort, especially for small acequia associations run almost entirely by volunteers. She said it took her acequia in Mora nearly nine years to come up with all the funding for a diversion dam.

Esquibel said the governor’s veto makes life that much more difficult for acequias and their parciantes. “In general, they are in so much need,” he said. “And we have to irrigate. We don’t want to lose our water rights.”

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