



# THE TAOS NEWS

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## My Turn

### Historic ancient acequia and watershed ecosystem under threat

**Gabriel and Kaori Lopez (landowners); Karen Derrick-Davis (landowner); Thomas Lopez (parciante); Louise and Edward Lucero (lessors of parciantes); George, Melba, Raymond and Jose George Maestas (landowners); Jean Nichols (parciante); and Christine Wagner and Scott Kirvan (landowners)**

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La Acequia Madre de San Juan Nepomuceno Del Llano is a serene, beautiful stream that teems with trout and transports water from the Rio Santa Barbara near Penasco to the bountiful farms and ranches of Llano de San Juan. Beyond agriculture, it promotes soil formation and conservation, provides aquatic, avian and terrestrial habitat and is a wildlife movement corridor – while preserving a strong land and water ethic and sense of place, among other ecological, ethnological and economic base values to the community.

Tejada wrote that the acequia was founded by Ms. Catalina Martinez (approximately at the turn of the 18th century) by manually charting its course to the Llano. This was no doubt a monumental effort, which was even more heroic considering that, while she was working on the ditch, she gave birth to her son, José Antoniò. Now, more than 200 years later, this historic, earthen acequia, which serves Llano reliably and is a national treasure, is marked for demolition. A group of parciantes (members of the Taos Valley Acequia Association) claiming the need for increased efficiency, has proposed and secured partial funding to replace the open earthen stream with a five foot diameter, 0.8-mile plastic pipeline that is to be buried two to three feet beneath a gravel road.

There are many reasons why this is not a good idea.

First, the premise for installing the pipeline (at significant cost to taxpayers and parciantes) is poorly reasoned. The efficiency of historic earthen acequias over impermeable channels (such as plastic pipelines) to watersheds and community health has been well documented in Northern New Mexico as a unique eco-cultural legacy. What's more, an analysis of the cost of maintaining the pipeline has yet to be produced. Dona Catalina's legacy proved that hard work prevails in working with nature to produce a sustainable agro-ecosystem.

Second, the draft environmental assessment (EA) of the acequia project issued by the Army Corps of Engineers (ACOE) was hastily prepared, (obviously following a boilerplate with no regard to the above historical legacies), lacked community input and contains significant inaccuracies. The EA states that the acequia is eligible for listing on the National Register of Historic Places and emphasizes that the goal of the project is "rehabilitation." At the same time, the EA also states that the process of rehabilitation should (1) preserve "portions and features of the property which are significant to its historic, architectural and cultural values;" (2) not alter "features and spaces that characterize a property;" (3) "deteriorated historic features shall be repaired rather than replaced;" (4) replacement of a distinctive feature... shall match the old in design color, texture and...materials;" and (5) "damage to historical materials shall not be used." The proposed pipeline project would violate all of these

principles. The ACOE did not provide a careful analysis of the historical significance of the acequia to the ecosystem, nor has it responded to comments submitted concerning the draft of the EA.

Third, even though minutes of a Taos Valley Acequia Association early meeting indicate that the New Mexico Acequia Commission was tasked with alerting and discussing the project with landowners through which the pipeline will run, they never did so (nor did the ACOE). Consistent with New Mexico acequia law, the association has a right to an easement for conveyance of water and for reasonable maintenance of the acequia. It does not, however, have the right to construct an underground pipeline and road through the landowners' properties. The landowners, who regard the open, earthen acequia and its associated ecosystem as a significant asset to their landholdings, oppose the pipeline project. They are also concerned about the disruption to their property and the decline in quality of life that adding a new road will bring.

Finally, many of the acequia association's members (parciantes) are opposed to the pipeline project. It was initiated by approval of just 16 of the association's 200-plus members. Many are concerned about the costs they will bear for construction and the future costs of maintaining the pipeline.

Members of the acequia commission claim that laborers are not available to conduct traditional acequia maintenance. At the same time, they acknowledge that wages they pay for such work are too low. Instead, they choose to saddle their parciantes with significant costs (7.5 percent cost share; under \$200,000) for installing the pipeline, and further have not apprised the parciantes of additional, predictable or potential unforeseen costs associated with pipeline maintenance. All such costs have bearing on water rights.

We can only imagine what Dona Catalina would say about this project.