

Costilla farm water transfer inches forward

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The controversial transfer of water rights from Top of the World Farm to Santa Fe County is inching closer to a decision.

Santa Fe County is asking for permission to transfer 1,752 acre-feet of ground water rights from the Costilla farm, and use those rights to divert water from the Rio Grande to serve a yet-to-be-built domestic water system in the Pojoaque Valley.

That system is a critical piece of the Aamodt Settlement — a decades-long water agreement hashed out between Native American tribes and non-Indian users in Santa Fe County. The Top of the World water rights are key to the water system's success.

Santa Fe County has already purchased the water rights, but it must get authorization to move them.

However, residents and officials have voiced serious concerns about seeing water rights from Taos County moved down river. The proposed transfer would set a dangerous precedent, they say, and open the floodgates for developers and municipalities in urban areas of the state to come shopping for water rights in Northern New Mexico.

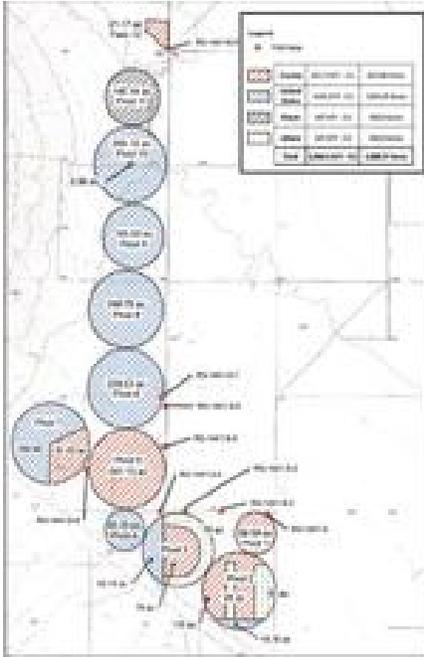
To that end, the Taos County Commission has protested the transfer, which must first be approved by the New Mexico Office of the State Engineer. That protest was filed in April 2015 and 18 months later, the state engineer still has not made a decision.

Some critics of the transfer worry that the State Engineer will simply rubber stamp the proposal. The state is a signatory to the Aamodt Settlement, and it's hard for some to imagine the state shooting down a pivotal piece of a tenuous deal worth tens of millions of dollars.

Nonetheless, Taos County stuck with its protest.

Assistant Taos County Attorney Quela Robinson said in an email to *The Taos News* that hearings on the proposal took place Oct. 6 and Oct. 7. Findings of fact and conclusions of law are due the first week of December. A hearing examiner assigned to the case is expected to then make a recommendation to the state engineer, who will have the final say on the transfer.

John Utton, an attorney representing Santa Fe County in the Aamodt negotiations, said in an email that he expects a decision on the transfer "well before" a September 2017 deadline set by federal legislation that provides funding for the settlement.



This map shows ownership of water rights at Top of the World Farm in northern Taos County. Santa Fe County is seeking permission to move its water rights (in red) south.

Courtesy Santa Fe County

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