

Doing their part

In drought and uncertainty, acequias feed hope

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Standing beneath the glaring sun in the Persian Gulf, in a desert far drier than where he grew up, Nicanor Ortega could taste the peach. The memory hung in the back of his head, a hope.

He could feel the cool, fresh flesh as he took a bite, sitting on a green pickup truck as a kid, grimy and hot from hauling buckets of water with his dad so the trees, the blessed fruit trees, wouldn't go without.

Juices dripped down both sides of his mouth. It felt like that, standing in the parched desert, a couple years into a military career with a few more to go and a piece of land — his land, the acre he just bought with all his money, that would one day be his farm — waiting in Hondo. Water flowed down the acequia, a garden grew from the furrows. How sweet the peas, just picked.

What the little farm would look like changed in his mind so many times. Even now that he's actually working the land, it seems to morph from day to day.

Ortega, 28 years old, hoed a little corner of his field earlier this month, readying it for the seeds he'd been soaking since that morning — sweet peas, be precise in a wabi-sabi garden of snaking rows and scattered fruit trees, "because I'm the 'sweet pea guy,'" Ortega said.

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Nicanor Ortega, 28, shows the land and homes in Arroyo Hondo he purchased while still in the army. It's been about one year since he started working on the land. As a young boy he loved his dad's fruit trees. Ortega has now moved back to his roots and is on fire about growing and feeding people healthy food. Jane Phillips for The Taos News



From left, Matthew Encinias, 28, Jordan Lucero, 22, and Nicanor Ortega, 28, plant pea seeds at Ortega's farm. The three men met at the New Mexico Acequia Association's farmer training program in Chamisal.

Jane Phillips for the Taos News

Water didn't flow down the Acequia de Atalaya that day. A headgate on the Rio Hondo way upstream channeled the water elsewhere. The peaks and western slopes of the Sangre de Cristo Mountains were patchy with snow, a harbinger of the drought to come.

But he isn't worried.

Even with the responsibility of caring for his wife Joanna, a two-month-old baby and a fledgling business only in its second year, Ortega is confident — or maybe faithful — that he and his family, his farm and his valley, won't go without.

"I'm trying to do my part to just use my water," he said.

"I don't have all the answers," Ortega said, smiling even more than he had all day. "God has made all of this possible; I planted the seeds, but he gave me the increase. Once that water starts flowing, once we have more of that love that's between all of us, there'll be a clearer path."

'The natural progression'

Growing up in the '90s, Ortega was immersed in the acequia and farming culture of the Hondo Valley as much as a kid could be. He cleaned the ditch in the springtime, watered trees, planted seeds. And in high school, on a spit of land that was to become his farm, he planted his first garden: it was mostly sweet peas, even then.

Still, his path to farming wasn't seamless. He had to get out of Taos, stretch his legs. He signed up for military service and then spent a couple years in Albuquerque, a place of "jobs where they pay you two dollars more an hour," before coming back to his land in Hondo.

Paula Garcia is familiar with the story. It's a lot like her own.

Garcia is the president of the New Mexico Acequia Association, a statewide acequia advocacy and education nonprofit that was an outgrowth of ditches' organizing in the 1980s. Even she didn't know how to plant a garden when she tried for the first time in her adult life.

"We're a global people. We go to school in other places, join the military...we didn't get that generational transfer" of acequia culture and farming know-how, she said.

For folks like herself and Ortega, she said, “We had exposure to it, yet when it came time to our own land, it didn’t come to us through osmosis like it did with our parents and grandparents. The natural progression of learning isn’t naturally happening anymore.”

“But people who want to learn to farm should have the opportunity to learn it,” she said.

Ortega was one of the first graduates from Los Sembradores, the acequia association’s apprenticeship program for up-and-coming farmers with land, water rights and the passion to use them.

For three days a week over 10 months, Ortega and two other young *acequeros* in the training program worked a farm in Chamisal, a community along the High Road in the Penasco Valley.

Neither of them bemoan that their versions of farming aren’t as “traditional” as some would imagine.

“You could irrigate a field many different ways,” Ortega said, just like how “everybody in this area makes their red chile different.”

Flexibility and adaptability, Garcia said, is the root of the acequias’ continued existence in the face of three governments and the onslaught of thousands of changes big and small, such as upheavals in the rural economy, transportation, migration and land tenure.

Acequias are a physical feature in the landscape as much as a basis of community and local power. That they’ve endured is remarkable, Garcia said. That they’ve endured is also a testament to their continued power.

“To me, that’s not a culture in erosion,” she said.

‘If you need the water’

Andrew Vigil has been working his piece of the family land off Lower Ranchitos Road in Taos since he got back from serving two years in the U.S. Navy during the Vietnam War.

Among Vigil and four other siblings, the family still irrigates about 25 acres in the lush valley about a mile from the Taos Plaza, he said.

Vigil, a 67-year-old *parciante* and former commissioner and mayordomo on the Acequia de San Francisco de Padua, came shovel-in-hand to the *limpia* on a recent Saturday. The annual ditch cleaning, an event shared by every acequia, saw about 25 people gather in a field before little groups started work on the ditch that runs for a while alongside State Road 240.

The crew that day was less than half of the acequia’s membership, so a few hired workers picked up the rear, tossing away willows lopped at the base and digging out tricky spots where natural springs dump silt into the waterway built by Spanish settlers.

Vigil’s family still has a few head of cattle, so water for the alfalfa and pasture is vital. “If you need the water, you’re going to show up and make sure the ditch is clean,” Vigil said.

But that’s not the case for some newcomers to Taos who may have bought a property that still has acequia water rights attached to it, but either don’t know or don’t care.

As Taos town councilor Fritz Hahn told *The Taos News*, there’s no doubt the acequia system around Taos is impacted by development.

Where the town is a *parciante* on a ditch, Hahn has joined in on the cleanings as part of the town’s efforts to revitalize acequias that have dried up or been covered up over time. On those Saturdays, Hahn said, he has seen a particular situation play time and again: unknowing newcomers befuddled by a crew of people cleaning the ditch outside their home.

The homeowners are surprised to learn the acequias have legal easements granting that access. They're even more surprised to learn ditches aren't for sewage or storm water, but for agriculture. And they're surprised to learn how old acequias are, and that it's called an "acequia."

Regardless of the water rights holders who don't use the most precious resource in this arid community, "the ditch still has to be cleaned," Vigil said.

Unlike Ortega, who that morning was helping out on another acequia in Arroyo Hondo, Vigil barely cracked a smile.

'The best we can'

Working an acequia is no fleeting commitment. Not only is there the day of cleaning but also the repetition of growing season after growing season: clean, plant, water, weed, cut, harvest, clean plant, water, weed, cut, harvest.

After doing it for more than 40 years, apprehension about the coming season and decades percolate into Vigil's stories.

First and foremost is the drought.

Last fall, that particular dry stretch in New Mexico seemed over. A map produced by the University of Kansas showed the Land of Enchantment free of any drought conditions.

But then the snows didn't come. Over the winter and spring, irrigators have watched a snowstorm fall only to see the white blanket on the mountains melt into patches, then melt altogether. As of the beginning of April, snowpack in the mountains was only 26 percent of the normal amount in the Rio Grande basin, averaged over the last 30 years.

That's not good news for irrigators. The projected streamflow in the Rio Pueblo de Taos for the next three months is about 10 percent of the usual amount of water. On a river with numerous acequias, so little water could easily mean dry fields, leaving folks like Vigil to rely solely on the summer monsoons.

"As long as there's water in the river, we'll be able to divert," Vigil said. "But when times are low, we do the best we can."

Still, being the Southwest, acequias have dealt with drought before and learned to share.

Water law in the Southwest was built in the last century or so around a "first-come, first-serve" mentality. Ditches have priority dates (often hotly debated), indicating when the water was first used; those with earlier dates have senior water rights. New Mexico's pueblos, being indigenous to the land, generally have the most senior water rights.

In years with little water, senior water rights holders can "make a priority call," or take their allowed water even though it could leave other water rights holders downstream without.

Many ditches have agreements to share the water so no one bears more of the hardship than the rest.

Los Mayordomos de Comunidad, a committee of one irrigator each from Arroyo Hondo, Valdez and Des Montes, oversee a water sharing agreement that includes Ortega's ditch, the Atalaya.

The three communities had water-sharing agreements "off and on over the years," said Carlos Miera, a parciante in Des Montes and one of the architects of the agreement. The split in those older agreements was one-third each.

But in early 2006, the 11 acequias collectively signed off on a new agreement that divvied water mostly based on the number of irrigated acres in each community, Miera said. Des Montes has the most irrigated acres, so it has the largest share of the water. Arroyo Hondo gets a bit more than Valdez.

While the ditches have leaned on the agreement toward the end of a couple of growing seasons over the past 12 years, this will be the first season the agreement's integrity is really put to the test.

So far this season, Los Mayordomos de Comunidad has met twice to read over the agreement and talk about what'll happen in the weeks to come, Miera said. Another gathering is set for the middle of May, but in the meantime, the mayordomos will check nine streamflow gauging stations along their acequias and make adjustments based on the terms of the agreement.

Though the agreement uses precise calculations and new technology, and allocates water based on the current land in irrigation, Miera sees it as part of the "old *reparto* system" he learned from his dad, where "everyone shares the gains and losses, and no one is left without."

"We're optimistic [the agreement] will be successful, but with the caveat we'll all have to make some sacrifices," Miera said.

But as one of the last landholders on the Acequia de San Francisco de Padua, Vigil isn't so sure any well-written agreement and the best of intentions can translate to water in everyone's fields. Too many times, Vigil said, he has seen the farmers at the end of a ditch have to tough out a season because the water doesn't make it where it ought to.

"Cooperation and sharing... it's a good idea. I'm all for it and everything, but I've never seen it happen," Vigil said.

Figuring our way through this

Vigil's concerns about the future of water in the Taos Valley aren't set only on the growing season that's already in motion, but also the decades to come, the next generation, Ortega's generation.

Namely, it's the Abeyta Settlement that leaves him and many other acequia parciantes with latent anxiety.

In 1969, New Mexico went to federal court to adjudicate the water rights in the Rio Pueblo and Rio Hondo watersheds, a way of tallying up all the water and establishing who owns what water and how much.

About 20 years later, locals formed the Taos Valley Acequia Association, the first such organization in the state, to advocate for acequias in the negotiations of Taos Pueblo's aboriginal water rights claims. The Abeyta Settlement, enacted in 2013, essentially created a water-sharing agreement on a massive scale so that neither the pueblo nor downstream users, including the town of Taos, would be left without.

In the past year, the U.S. Bureau of Reclamation, the federal agency overseeing some funds for implementation of the terms of the Abeyta Settlement, has held several meetings to hammer out the details of what "implementation" will look like — in terms of wells, water storage, reservoirs, pipelines and pump houses — throughout the town, El Prado, Arroyo Seco and Taos Pueblo.

Yet Vigil's concerns with the Abeyta Settlement are echoed across the Taos Valley: the appearance of backroom deals, dizzying legal jargon, questions over hydrology and technical feasibility and worries about the financial obligations acequias and small, cash-strapped water systems may have to assume.

"They're trying to rush this down our throats, which is what they usually do when they're trying to steal something," Vigil said.

“We think it’s a disaster,” Jai Cross, secretary of the Acequia de Atalaya commission, said of some of the ways of storing water in Arroyo Hondo that are proposed in the Abeyta Settlement.

Taos town councilor Hahn is more optimistic. “The agreement is done. It’s over. We’re not going back,” he said.

At this point, working on the settlement is a matter of finding appropriate and holistic solutions that will ensure Taos’ water sustainability into the future, he said. “This is where the rubber hits the road. I’m quite confident that as we move forward... we will figure our way through this,” Hahn said.

Paula Garcia, the director of the statewide acequia organization, has seen water adjudications and settlements drag on throughout New Mexico. In the same way water-sharing agreements among acequias have their own politics, histories and legal jurisdictions, “water rights settlements are extremely specific with a lot of context.”

Yet in some ways, grappling with water settlements is the antithesis of working your ditch. One is supremely local while the other is more regional and national in scope. One is literally part of the earth, taking watchful stewardship each day of the growing season; the other exists where water is paper and abstract legal analysis, not a trickle moving across a field.

Both the settlements and acequias need the same type of leaders, she explained: a robust group of people who know the land and the acequia traditions, but who can also tackle the world of water law with the same stalwart dedication a mayordomo has to their ditch.

‘My part’

Growing up on the ditch and spending an intensive year talking acequias with other young farmers and water advocates, Ortega knows the uneasy tenor of conversations around the settlement and the drought.

But he’s not so concerned. He’s just trying to do his part, use his water.

So he and some friends hoed the field, then planted the seeds. And the day after everyone got together to clean the Atalaya, halfway through April, Ortega opened the headgate at the top of his property. Water poured over the ground and down the rows before pooling, pausing, around the fruit trees, a few flowers hanging on past the frost.

After a while it was time to water another part of his field, so Ortega took his shovel and scooped a little mud. And there it was, one of the first spouts of the season — how sweet the peas will be. He could just taste them.



**Not long after parcientes and hired hands cleaned the Acequia de Atalaya in Arroyo Hondo Saturday (April 14), water started flowing into Ortega's field of young fruit trees, and he saw the first pea shoots of the season.
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**Nicanor Ortega moves water through his freshly planted farm in Arroyo Hondo.
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