

Abeyta parties push off management decision

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Hydrologists, lawyers and representatives to the Abeyta Settlement, including Taos Pueblo Governor Gilbert Suazo (right), met in Taos Tuesday (May 1) to hammer out the details of how the settlement will be implemented in the years to come.

Many of the lawyers, hydrologists and representatives for the Abeyta Settlement gathered in Taos Tuesday (May 1) for a meeting that was more cordial than previous attempts to figure out how to implement the terms of the complex water agreement.

The most controversial issue at play was whether the parties would form an independent entity to one day manage various parts of the settlement-related water infrastructure, or if those responsibilities would be handled through individual agreements among the major water systems, such as the town of Taos and El Prado Water and Sanitation District.

Parties to the settlement include Taos Pueblo, the town, El Prado, the Taos Valley Acequia Association and the state and federal governments. Through their lawyers, the parties have met multiple times in the past year to discuss how to implement the settlement. They have been revisiting facts surrounding the hydrology and water quality of the area as well as talking through the potential and pitfalls surrounding proposed mitigation wells and reservoirs.

Steve Ross, a contracted attorney working for the town, suggested the entities could form a collective board or sign onto a joint powers agreement "to provide some coherence to the whole issue" of delivering water to and from the proposed deep wells. Doing so would mean the parties "don't have to count on communication issues with six entities to get the water [they] need."

A system-wide manager or entity could also drive down the administrative costs association with maintenance, bookkeeping and reporting, he said.

But representatives with the El Prado water district disagreed, saying the costs of joining a new entity and paying another contractor didn't make sense for the smaller water systems.

"We have the administration in place to run those wells...without it being a big hassle or citing people a lot of money," said John Painter, a member of the El Prado board.

He also said that Ross' idea was nixed years ago during settlement negotiations and that the language in the final settlement made that clear. "It won't fly with El Prado," Painter said.

The lawyer for Taos Pueblo concluded the conversation by suggesting a final solution as to who will run the settlement-related water system doesn't have to be an either-or decision.

Indeed, no decisions were made or actions taken at Tuesday's meeting.

No one agency or special master has been appointed to coordinate all the pieces of the Abeyta Settlement, a legally binding resolution to Taos-area water rights disputes stretching back decades.

In 1989, Taos Pueblo claimed a right to nearly 8,000 acre-feet of water each year from the Río Lucero and Río Pueblo de Taos. One acre-foot of water equals 325,851 gallons, or about what two typical households use in a year.

If the pueblo were to assert its full rights in this arena, it could mean water users downstream, including the town of Taos, could be left dry. That same year, the acequia association, which represents traditional irrigation ditches, asked the pueblo to negotiate a deal to avert that scenario and to avoid the uncertainty of lawsuits between the tribe and non-pueblo water users. The pueblo agreed, and the end result is what's now known as the Abeyta Settlement. It was largely finalized in 2013.

Other issues discussed Tuesday were the status of the entities applications for financial assistance to build-out their portions of the settlement infrastructure. El Prado submitted its first-round funding application in January 2017 and received that money in September, according to Painter. He said the water district is currently drilling its first test well, which will lead to drilling the district's first mitigation well, an exceptionally deep well that will be used to pump water back into rivers and acequias to replenish the shallow aquifer drained by existing water systems.

The town of Taos will be submitting its first financial application this week, according to attorney Dominique Cartron.

A lawyer for the Taos Valley Acequia Association said acequias have not submitted an application yet and does not know the timeline for doing so.

The Bureau of Reclamation did not present information on the cost estimates for mitigation wells, as was scheduled, because the agency received key information late last week, according to one representative.

Aside from representatives and lawyers for the settlement parties, only about 30 people attended the meeting. Tuesday's gathering was not a true public meeting, which requires notifying the public and following the state's open meetings law. The settlement parties attempted to make the meeting more efficient and accessible to the public because of intense interest from water users in Taos County, according to Adrian Oglesby, director of the University of New Mexico's Utton Transboundary Resources Center.

A follow-up meeting to Tuesday's gathering will be scheduled sometime later this year.

Curious about the Abeyta Settlement? Send us your questions, comments and tips by emailing chooks@taosnews.com.