

## ‘Catching hell’

### *Drought heats up water issues in Penasco Valley*

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When people from 18 different acequias in the Penasco Valley got together back in April, they felt good about their simple but fair plan to share the trickle of water coming down from the mountain.

They weren't elated. It is a drought, after all, and everyone would have to make sacrifices, but family and neighbors were talking and strategizing. They even formed an irrigation association. It seemed like it would work.



As part of his daily routine, Ernest Garcia, of Penasco, carries 5-gallon buckets of water past dried-up acequias to feed his goats, chickens, roosters, turkeys, dogs and horse Tuesday (July 31) on the Penasco property that has passed through his family for three generations. “The problem with running water through the acequias is that by the time I get water from the head gate to here, it takes more than half a day,” Garcia said. “It is consumed through the cracks in the soil first, before I can get it.” Most of Garcia’s garden is kept alive by water from his pump and a ditch on his property that is fed by tributaries from the Rio Santa Barbara. “This stream has dried up maybe 10 times this year, and I’ve had no water at all,” Garcia said.

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All the acequia leaders agreed to lower their head gates on the Rio Santa Barbara. No one would irrigate, but enough water would spill from one ditch to the next down the valley, recharging the aquifer so shallow household wells wouldn't go dry.

But a handful of people were still irrigating their pastures and one person, a man they'd had trouble with for years, was even filling ponds illegally. The plan to ride out the drought wasn't working like they hoped.

So earlier this week when some of those same people from the scattered communities in this southern Taos County valley gathered outside an old church in Llano Largo, the tone was sharper. Make no mistake about it, they said, this is the driest anyone had seen it before. They talked about the gardens they didn't plant, dry fields, buying hay for more than they could afford and selling off cattle for rock-bottom prices.

"We should try to be a community and work together. If we're not going to have water, we (should) all not have water," said Justin Chacon, a young irrigator from Penasco. "When we have people stealing water, it's just not right."

The drought revived tensions around the valley's water supply that tend to be dormant in years when there was enough to go around. First and foremost is the theft of water, or at least overuse, and hurt feelings because of it. But there's also the issue of shallow wells vulnerable to fluctuating water levels.

Though a few rainstorms have started to pump some life back into the ditches and rivers, the people gathered in Llano Largo couldn't help lamenting the water-sharing plan gone wrong. They felt they were coming up short instead of sharing the shortage.

### **Sunburnt rocks and thirsty magpies**

This isn't the worst drought New Mexico has ever seen, but it's bad enough for everyone to talk about.

For much of the spring and summer, Taos County has been in an "exceptional drought," the most severe category according to the U.S. Drought Monitor, a map of the drought across the United States that's been published each each week since 1999. A joint venture by two federal agencies and the University of Nebraska-Lincoln, the map is a comprehensive look at the climate, hydrology and soil conditions.

But other benchmarks help tell the tale of this widespread dry spell. The USDA declared swaths of New Mexico a "disaster area" due to the drought. Smoke has plagued Taos' skies off and on throughout the summer, especially from the gargantuan Spring Creek Fire across the Colorado border that ultimately burned about 108,000 acres and more than 100 homes in less than a month. And, the abysmal snowpack never reached even half of the usual amount seen in the last 30 years.

Then there's the data about streamflow in the *Rios* in Taos County. During the 2018 water year (Oct. 2017 to May), the Rio Grande near the Taos Junction Bridge was flowing at about 62 percent of normal. The USGS has no data for the streamflow for the Rio Santa Barbara, but stretches of exposed creek bed are evidence enough for people like Ernest Garcia, a Penascero who every morning walks across his land with five-gallon buckets of water for the horses.

"It's so dry in the river even the rocks are getting sunburnt," he said earlier this week.

Lena Gallegos, an 80-year-old woman with a cutting wit, was blunted by the lack of water. "I even had to put water for the *urracas*," the magpies, she said. "It makes me want to cry."

It's starting to let up. Monsoons have set in and the National Weather Service in Albuquerque estimates between 2 and 5 inches of rain has fallen in the higher elevations of the mountains in the area. But the

start of harvest season is right around the corner, and the rains didn't come early enough for most people.

“Look about the community and you won't see the gardens you usually see,” said Gloria Maestas, the manager of the mutual domestic water system in Rodarte, a community halfway between Penasco and Llano Largo.

“When the land is this dry and we get water the way we've been getting it — intermittent, torrential rains, the hail and then the rain stops — the soil cannot absorb it properly. It's not like those light rains over a long period of time,” she said. “We've got a lot of factors working against us. Then you've got the water thefts. All those things combined and we're at a real crisis...a real tipping point,” said Maestas.

### **'Get unified'**

It was clear that water would be in short supply this year when Eddie Lucero and Michael Romero, two irrigators originally from the upper part of the Penasco Valley, organized the water-sharing meeting in April. Some late-season snows were “too little, too late,” said a hydrologist in charge of monitoring water levels in the state.

So the two acequia officials brought representatives for 18 ditches in the valley together in the Llano de San Juan community center, a dimly lit but newly mudded adobe building with a giant map of the watershed on the wall.

The network of acequias in the Penasco Valley connect like veins in the body. The Acequia Madre de Llano Largo, a ditch off of the Rio Santa Barbara in the Carson National Forest, flows into the upper part of the Acequia Madre de Santa Barbara, which also gets an infusion of water near Rodarte from the Acequia Madre de Llano de la Yegua, Romero explained.

Mayordomos have to keep them all flowing to get water to the end of the valley, near the communities of Rio Lucio and the heart of Picuris Pueblo. It's the acequias that keep the valley as lush as it is.

The group decided in a 14-to-1 vote to share the water equally among the ditches, regardless of priority dates determined by the state engineer or numbers of acres in each community, according to the meeting minutes.

In the room full of denim shirts and mud-caked boots, they also wanted to prepare for a future beyond this harvest when their valley could be in the line of sight of thirsty predators.

“We're trying to get unified now, so we have the bargaining power. When the government comes in and needs water for this, that and the other, we're organized, we have the numbers,” said Lucero, president of the newly formed Rio Santa Barbara Irrigation Association.

The organization is a collective of ditch leaders similar to the Taos Valley Acequia Association. They elected officers and adopted bylaws, and will be submitting registration to the state soon, Lucero said.

Folks came together for a follow-up meeting two weeks later and then left it to the mayordomos to deal with the day-to-day affairs of sharing water.

### **'Messing everybody up'**

It didn't take long — maybe a couple of weeks — for Lucero and Romero to realize their plan wasn't working even though they and Andy Martinez, a mayordomo on the Santa Barbara ditch, tried to meter out the water from head gates according to the agreement. And they quickly suspected one longtime land owner in Llano Largo, Alcalde resident Armando Sanchez, for “stealing” water, they said.

Sanchez has land in the bottom of the valley that runs along the Rio Santa Barbara that's swampy, greener than most fields in the area and has four ponds. Aside from a ditch running into his property from the north, he also has a river diversion that's just a pile of rocks instead of a head gate.

There's no gauge to measure the flow, but more than half of the river water flows into his fields. For Lucero and Martinez, there's a connection between the water going into Sanchez's property and the reports they were getting from around the valley.

"The water in the river just got so bad," said Lucero. It was so low that as the river dried up, he said, fish died flopping around in a slow demise.

Aside from fields turning brown without irrigation, at least five domestic wells went partially dry this year, Lucero said. Lori Gallegos' well was one of them. Now she takes her laundry to Espa-ola, so she and her family have enough water to drink and cook.

On a bigger scale, the manager of the Rio Lucio mutual domestic water association has to turn the pump on and off more frequently because there's not enough water to run it as long as he used to. Even Picuris Pueblo noticed one of its new wells wasn't deep enough to sustain a flow, and the pueblo worries about having enough hay for the bison herd, said Picuris Pueblo Governor Craig Quancello.

"I've been catching hell from all the other different areas," said Lucero.

No gauges exist to quantify their suspicions about Sanchez's draw on the shallow aquifer in the area, but as inheritors of the earthen web of waterways, the violations are a reckless affront to their water-sharing efforts.

"There's always been water theft, but when you have an abundance of water everyone says 'oh well, you know, it all works out.' But when you have so little water, that's when there's pressure," said Maestas, the Rodarte water manager.

Every few days, the mayordomos like Martinez will go to the river near Sanchez's property, move the rocks they can lift by hand and try to divert more water back into the river, according to Martinez. A few days later, when Sanchez is back in town, he'll use a backhoe to move the rocks back and divert the water his way, Sanchez said.

"Everybody panicked and raised hell. Here comes all these people," Sanchez said. "I have to get (the rocks) out. I need the hay for my animals." And so it's gone all summer long.

"Our agreement was no one to irrigate (so we could replenish) the aquifer for the wells going dry. He's the only person up there who was irrigating," Lucero said, emotion loud in his voice. Even Lucero admits a handful of other people are stealing water, but it's Sanchez's years of "theft" that skews them toward exaggeration.

Sanchez says his land is swampy and has natural springs, and that the "Armando Sanchez ditch" coming off of the river and into the Llano Largo property was approved by the state decades ago, though the Office of the State Engineer could not confirm that by deadline.

Furthermore, he argues the water eventually flows back into the ditches and river. "They don't realize all the (irrigation) serves their purposes," Sanchez said.

"I don't blame them, this drought is messing everybody up," Sanchez said, but then added, "I don't know what the hell is wrong with those people."



**Andy Martinez, of the Penasco Valley, measures the opening of a major head gate further up the Rio Santa Barbara on Monday (July 30) as Eddie Lucero, president of the newly formed irrigation association, looks on.**

**Morgan Timms**



**Armando Sanchez says his Llano Largo property, seen (top right), is visibly greener than the surrounding fields because his land is swampy. His neighbors accuse him of stealing water from the acequia and the river.**

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### **‘We have to adapt’**

Lucero and several other leaders of the newly created irrigation association took their concerns to the Office of the State Engineer, the state-level agency in charge of many aspects of water management in New Mexico.

The state engineer sent Sanchez a letter after a June site visit, telling him to stop piping water across his land, according to documents provided by the irrigation association. Sanchez complied and removed the pipes, which lay in a pile on the side of his property. He also told *The Taos News* he’ll be paying to have a head gate built off of the Rio Santa Barbara to comply with the state’s orders.

Still, the group felt snubbed by the state engineer's staff, which they say is trying to help Sanchez legalize his ponds instead of enforcing the state's water laws. The state office did not respond to a request for comment by deadline.

Lucero and others in the association aren't satisfied: they want the ponds drained and backfilled. Sanchez says that if the state makes him raze his ponds, they need to do it to all the other unapproved ponds in the valley.

Because the mayordomos weren't able to make Sanchez stop irrigating and moving water into his property, and because their efforts with the state engineer have thus far proved "useless," Lucero said, the irrigation association has filed a report with New Mexico State Police, hoping they or the district attorney will take up the cause. The group is talking about hiring an attorney.

Sanchez may do the same and said he's "going to have to probably sue" Lucero and Martinez.

However the dispute turns out, they say, the outcome will have impacts for years to come.

Maestas is worried that with climate change, this summer is "the tip of the iceberg" for their water issues. "Whatever planning occurs here, whatever rules that are set here and fines that are increased, will come more into play," she said.

"It's never been this dry, but... we have to adapt and keep moving with it," said Chacon, the young irrigator. "We have to accept that we're dry, but we've got to make it work."



**Eddie Lucero, of Penasco, shares his concerns about the dwindling water supply to a group of 16 concerned community members Monday (July 30) in Llano Largo. "In April, all the commissioners got together to discuss the sharing of water and dividing it equally among everybody," Lucero said. "It was decided then that nobody would be irrigating. There are still some people who are irrigating up there. ... Fines have been handed out, but the fines are minimal, so they just continue doing it. We are getting nothing, nothing downstream."**

**Morgan Timms**