

MAP
OF THE
TOWN OF ATRISCO GRANT
LA VOZ
Scale 2 miles to 1 inch

DE LAS ACEQUIAS DEL VALLE DEL SUR

VALLE DE ATRISCO, NM

**ACEQUIA WATER RIGHT PROTEST: WATER TRANSFER
FROM OUR COMMUNITY TO THE CITY OF SANTA FE**

Brad Lagorio, Comisionado, Arenal Community Acequia

**The New Mexico Congreso de las
Acequias and their support for Acequias**

Jorge Garcia, Mayordomo, Ranchos de

Pre-1907 Water Right Appeal in Armijo

**Santiago Maestas, Mayordomo, Mayordomo,
Don Gabino Andrade Acequia**

**Do It Yourself (DIY) in Berino, NM: If
We Don't Build it, No One Will**

Dra. Dulcinea Lara and Dr. Antonio Lara

CE KALLI

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LA VOZ de las Acequias del Valle de Atrisco is a publication of the Center for Social Sustainable Systems (CESOSS). This publication is done in conjunction with the South Valley Regional Association of Acequias (SVRAA). This is a Community-based newsletter that serves as an information source for parciantes in Atrisco. Its main purpose is to inform community members and acequia parciantes of issues related to water, land, policy and culture in the Atrisco Valley. The articles in the newsletter do not necessarily reflect the opinion of the acequias or its members. If you have any questions or suggestions, please contact us at cesoss2004@gmail.com.



A RIVER IS FOREVER

WATCHING A RIVER DIE
DOES NOT MAKE A HEALTHY SIGHT
SO LET'S PUT OUR THOUGHTS TOGETHER
AND SAVE IT FROM ITS PLIGHT

A RIVER IN THE VALLEY
COMES FROM THE MOUNTAINS HIGH
AND AS LONG AS WE ARE THINKING
FORGET NOT THE PLAINS NEARBY

THE CLOUDS UP IN THE HEAVENS
GIVE US THE RAIN AND SNOW
THESE TWO TURN INTO WATER
WHICH MAKE A RIVER FLOW

THE SNOW MELT TURNS TO WATER
THAT GENTLY STARTS TO FLOW
A RIVER BRINGS THE WATER
THAT MAKES THINGS LIVE AND GROW

IF WE WANT A HEALTHY RIVER
WE NEED THE SNOW AND RAIN
SO LET'S DEFEND THE MOUNTAINS
THE VALLEY AND THE PLAINS

THEN WE'LL HAVE A HEALTHY RIVER
THAT FLOWS DOWN TO THE SEA
A RIVER IS FOREVER
AND MEANT FOR YOU AND ME

GOD IS UP HEAVEN
AND GIVES US ALL THESE THINGS
NOW WE SHOULD ALL BE THANKFUL
FOR ALL A RIVER BRINGS

THIS IS A TRIBUTE TO OUR RIO GRANDE RIVER

BY DON HECTOR GONZALES, ARMIJO/ATRISCO



ACEQUIA WATER RIGHT PROTEST: WATER TRANSFER FROM OUR COMMUNITY TO THE CITY OF SANTA FE

By Brad Lagorio, Comisionado, Arenal Community Acequia

In June 2012, The South Valley Regional Association of Acequias (SVRAA) was alerted to a legal notice, in the Albuquerque Journal, of a water transfer of 65.22-acre ft. from the South Valley to the City of Santa Fe. A member of the Wenk family, John Mahoney, is the applicant. This water was originally for irrigating the land that now is occupied by Wal-Mart at Coors & Rio Bravo. The water in question had been historically taken from the Ross ditch, a lateral of the Arenal Acequia. As a Parciante on the Pajarito lateral of the Arenal Acequia, I volunteered to file a protest with the Office of the State Engineer for the reasons stated in the "formal protest..." briefly:

- a) 65.22-acre ft. of water diverted each year from the Rio Grande would no longer provide a pressure head to the Arenal Main Canal, which also feeds the Pajarito lateral.
- b) This water would permanently be NOT available to irrigators in the south valley.
- c) This transfer would further reduce the valley's green belt.
- d) This transfer is a violation of Article VI, "Water Transfer", of the Arenal Community Acequia Bylaws.

While the State Engineer claims this one transfer, taken alone, may not cause reduction of pressure head to irrigate (impairment of senior water rights), the cumulative effect of similar transfers in the past and in the future, in conjunction with hydrologists' predictions of future water shortages, may in fact cause this to happen. Is the Office of the State Engineer (OSE) doing this accounting, i.e. looking at the big picture?

In Sept. 2012, there was not enough pressure head in the acequias to irrigate in the South Valley. (MRGCD Conservancy newsletter, Fall 2012). Note: the MRGCD Hydrologist has informed the Board of Directors that there may not be enough native flow and stored water to complete the 2013 irrigation season (DChieftain.com, February 2, 2013).

"This year looks to be a bad one," he said. "We have greatly depleted reservoirs. We need to have a significantly above-average year just to get back to normal." He said late winter and spring storms could save the season, but long-term climate predictions indicate a warm and dry winter with "no noticeable run-off."

Solutions to this protest may be as follows:

- 1) Ask to deny this transfer on the basis of the uncertain future of water in the Middle Rio Grande basin, considering drought and climate change.
- 2) Have the OSE acknowledge the authority of the acequias, and allow the Arenal Community Acequia and/or other acequias to hold a public meeting and then decide the future of this transfer, as in Article VI of the acequia bylaws.
- 3) Have the City of Santa Fe lease the water, instead of buying it - thereby keeping the water rights in the South Valley for the future.

By OSE's own instructions "The burden of proof in administrative hearings concerning protested applications and aggrieved matters is on the applicant..." "by a preponderance of evidence." The transfer must not impair senior water rights, should conserve water, and be in the public welfare.

While we Parciantes may have little control over the future weather and climate of Mother Earth other than reducing our fossil fuel use, we can regain control of the political process that determines where our water goes. The Acequia Associations provide that. Please join us! For more information visit [www. http://southvalleyacequias.org/](http://southvalleyacequias.org) or call at SVRAA: 877-8200

The New Mexico Congreso de las Acequias and their support for Acequias in Atrisco

By Jorge Garcia, Mayordomo, Armijo/Atrisco Acequia

During the 2012 Congreso de las Acequias, the New Mexico Acequia Association passed resolution 2012-03 to “support the South Valley Regional Association of Acequias and their work to protect water rights and strengthen agriculture in the Middle Rio Grande Valley.” This resolution passed to reaffirm the commitment we have to protect and preserve Acequias in Atrisco. The Resolution, for example, recognizes that the Middle Rio Grande Conservancy District (MRGCD) was created to facilitate the management and distribution of irrigation water in our region, and thus we have an important and historic relationship that needs to be reinforced to ensure that all irrigators receive the same support from the MRGCD.

The resolution also specifies the fact that properties in the Atrisco Valley have lands that had been historically irrigated and thus have pre-1907 water rights. Therefore under provision 73-2-1 of the water laws of New Mexico, water rights holders “have the right to construct, either private or common Acequias.” The importance of having common acequias is to allow pre-1907 water right owners to put their water to beneficial use. These laterals are what we call community Acequias, or common Acequias, which allow irrigators to access water from the main ditches. One of the issues we have to confront as we move forward with our intent to use our water is that some community laterals are not deemed to be part of the master plan of the MRGCD and thus these community laterals are not served by the MRGCD, even though ALL water right owners pay assessment fees to the district and thus everyone should receive the same service. Understanding that reestablishing historical Acequias in our valley have been intimidating, confusing, and suspicious at times; at the end of the day the only recourse that our valley has had to protect its water is to reorganize to protect historic pre-1907 water rights that otherwise would be forfeited by the state for abandoning the use of water.

The resolution also supports the fact that the customary practices of the Acequias predate the Treaty of Guadalupe Hidalgo. It also establishes the fact that our rights are also protected by the NM State Constitution Article XVI, Sec 1, which states, “all existing rights to the use of any waters in this state for any useful or beneficial purpose are hereby recognized and confirmed.” So what we need to clarify is that the formation of the MRGCD did not eliminate pre-1907 rights nor the constitutional rights afforded to water right owners to maintain water rights through the use of acequias that sit on easements. It is within this argument that the New Mexico Acequia Association, through its *Congreso de las Acequias*, commended the efforts to revitalize agriculture in the Middle Rio Grande by working to improve the delivery of irrigation water to lands with historic pre-1907 water rights.

This resolution supported our right to manage water collectively and to open a dialogue with the MRGCD to improve water delivery to all water right holders in our valley. Our ultimate goal is to intertwine history and culture with the inherent need to protect our sacred connection between land, water, and our communities. At the end of the day our water is not just encoded in our spiritual connection to land and water; it also represents an economic benefit that in times of drought; many of us would like to preserve and pass on to our future generations so when the spirits of the water return; they’ll know that we protected our legacy and maintained our respect to water and life.

If you would like more information on all the resolutions passed by the Congreso de las Acequias, please visit <http://www.lasacequias.org/legislative/resolutions/2012-resolutions/>

PRE-1907 WATER RIGHT APPEAL IN ARMIJO

By Santiago Maestas, Mayordomo, Acequia Don Gabino Andrade Acequias

Within the Middle Rio Grande Conservancy District landowners with Pre-1907 Water Rights from their local acequia can transfer those rights from surface to groundwater so that irrigation can also take place in the form of “drip irrigation” to mitigate the use of water without impeding on the intent of pre-1907 water right holders to put their water to beneficial use.

Last year Ernest Chavez and La Plazita Institute applied for a permit to put irrigation well on Mr. Chavez’s property to grow food, but the request was denied. Aerial photos used by the Water Rights Office of the State Engineer indicated that the property had not been irrigated since 1984.

The property had been irrigated from the Ranchos de Atrisco Acequia since 1692 with the founding of the Town of Atrisco Merced/Land Grant. Under state law, it takes four years of non-irrigation for a water right to be forfeited. However, in 1965 the Legislature amended the law requiring the State Engineer to serve the water right owner with notice that failure to resume irrigation within a year would result in forfeiture.

Mr. Chavez never received such a notice, and since pre-1907 Water Rights declared in the Middle Rio Grande Conservancy District have not been adjudicated in the Courts, then Mr. Chavez should be allowed to complete the transfer because he never intended to abandon his water right and the State Engineer never alerted Mr. Chavez to “use it or lose it”. By the mere fact that Mr. Chavez is planning a small farm shows that he did not intend to abandon his water rights.

Mr. Chavez appealed the State Engineer’s decision in accordance with the State Engineer’s hearing procedures. He could represent himself, but he still needed a lawyer to follow the legal procedures required by the State Engineer’s Hearing Office.

The State Engineer’s attorney will seek to dismiss the appeal claiming abandonment using precedents from court adjudications in other cases. Legal rules of evidence and witness certification make it hard to make your case, but Mr. Chavez should be afforded with due process. That will mean that the Office of the State Engineer follows the law and inform him of his rights and consequences if the water is not put to beneficial use. That will be appropriate so he does not lose the economic base represented by water and small farming.

Civil rights attorney Santiago Juarez and the South Valley Regional Association of Acequias have come to the support of Mr. Chavez and La Plazita Institute. We have provided guidance and legal counsel, but a hearing still has to be scheduled, lists of witnesses and evidence must be exchanged, and motions filed, which will take months to prepare.

Although Santiago Juarez has taken the case on Pro-Bono basis for the SVRAA, we still need to cover the expenses estimated at \$2,500 to prepare the case. This is the first effort of the SVRAA to defend the Pre-1907 water rights that have been declared by our members. Your help and contributions to the SVRAA legal fund would be greatly appreciated. For more information call SVRAA at 877-8200 or send us an email to maestasy@netzero.net or cesoss2004@gmail.com.



The mission of CeSoSS is to support the transfer of information, knowledge, technology, and know-how to Indigenous and Local Communities to create solutions to challenges emanating from climate change, natural resource management, preservation of traditional knowledge, and the strengthening of local capacity to create social, cultural, political and economic development in our communities.

Note from Editor:

We are including this piece from our colleagues and friends in Southern New Mexico to show how many of us are facing similar struggles across the state. This speaks to the need to not only connect and collaborate with gente in the South Valley, but with others in the state who understand the importance of our water, land, and people. We want to commend Dr. Antonio Lara and Dr. Dulcinea Lara for their fight in advocating for the well being of their community.

Do It Yourself (DIY) in Berino, NM: If We Don't Build it, No One Will

Dr. Dulcinea Lara and Dr. Antonio Lara

Introduction

Recently, a few of us started talking about how the university where we worked was not the place we should be spending our energy. We had worked for years to address our institution's systematic and ongoing failures in relationship to the local *colonias*¹ and to students of color—many who came from those communities. After being unable to make our workplace accountable to its missions: Hispanic-Serving and Land Grant Institution...we began to focus on what really matters. If the university would not be accountable to our gente, we would try to forge a bridge of justice outreach. We are a father and daughter who can trace our family history back many generations to this region. One of us still lives in Berino, the *colonia* we focus on in this story, where injustices abound. We are proud of being from a long line of campesinos and we are each preparing to return fully back to the land.

Berino

Berino is one of 37 *colonias* located in Doña Ana, the southernmost county of New Mexico. It is a tiny town with an agricultural history that has recently become split between 'old-timers' and 'newly migrated.' Tension between these two groups is clear, but there has been little attempt to hear each other's concerns. Long-time residents, for example, blame increasingly dismal living conditions on 'immigrants,' and they talk about how they wish Berino could return to its original way of life.

In 2011 we hosted a townhall meeting to learn what residents thought were town issues (we had our ideas, but wanted to engage a dialogue). Our first meeting was good. Although turnout was small, there seemed to be promise for attracting more people and working together to address ills. It quickly became clear that, in addition to grave environmental issues, two main challenges were: mistrust between Berinenses, and lack of an effective way of in-town communication.

Mistrust

Great mistrust exists between Berino neighbors. At the first meeting, dialogue disintegrated to a 'finger-pointing' session where residents flung accusations at each other. Some name-calling occurred, but largely the blame was targeted to generalized groups of people: new-comers/migrants and youth. The first group was associated with being 'trashy' and dumping refuse along dirt streets. The second group, youth, was blamed with walking the streets aimlessly, tagging others property, being menacing and violent, and even stealing from residents. A third group were loose dogs, which were considered a serious threat. Most troubling, was that townspeople reported



calling the police and animal control upon seeing any ‘suspicious’ person/youth or dog in the streets of Berino. That law enforcement is the first step toward ‘help’ spoke to us about the mistrust people feel for one another, and about their feeling powerlessness. Many reported calling the ‘cops’ and having to wait hours before an agent arrived, and even then—‘nothing was done to help.’

Communication

Some residents were unhappy that they hadn’t heard about our first meeting. We considered methods of informing—Internet, mailings, door-to-door. None of these were feasible for different reasons. So, we started working with the county to set up a simple bulletin board. They initially were supportive, but then the idea got trampled in the typical bureaucracy that always prevents progress. What was the county attorney’s main concern? That people would ‘deface and vandalize’ the bulletin board! We walked out of that absurd, 2-hour long, meeting deflated. But, after regaining logic and hope, we decided to build our own bulletin board. One person donated \$40. Another bought the wood; we found a friend with a saw... Finally, we dug holes, planted it in the ground, and painted it with leftover house paint from a friend. A DIY solution!

3 Major EJ issues

There are three dire issues facing our community of 1,400 residents. We have: arsenic contaminated water; the threat of asbestos in the soil located underneath a new ‘low income’ housing development looms; and acres of polluted soil has been left behind by an egg-producing industry that was unregulated for more than 30 years.

¿Ahora que?

Through our process of ‘partnering’ and ‘networking’ with ‘appropriate’ governmental and non-profit agencies, we lost faith in most personnel who purportedly came to help. Berino remains unchanged and the bulletin board has sat empty for close to a year. It seems that local environmental officials have little say in determining federal policy, have little knowledge about what Berino needs, and have little trust that we can self-sustain. Sheriffs were even called to an informational meeting! We remain the rejected and marginalized people. So... ¿Ahora que? It is time to build trust in our selves and in each other. It is time to reject our colonial oppressions and restore beauty and harmony in our pueblito.



South West
ECOLogics

Curious about Water Quality ?
How does WQ affect your yield?
Have you filed for Water Rights?

Water Quality Services
Water quality sampling
Recommendations

Water Rights Declaration
Guidance with application
Map showing point of diversion
& place of use
Identify water quantity

For more information or services
contact 575-644-0371
aguazeros@gmail.com

SAVE THE DATE!

Regional Acequia Workshop

Historical Hubble House

6029 Isleta Blvd SW

Albuquerque, NM 87105

June 22, 2012 @ 2PM

Topics (one or more): Water management, policy issues, easements, irrigation and agricultural practices

Special presentations will be provided about the services and benefits from USDA programs for small farmers



For more information visit

www.southvalleyacequias.org



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