

*TAOS VALLEY ACEQUIA ASSOCIATION
Taos County Juan J. Gonzales Agricultural Center
5672 NDEBU
202 Chamisa Road, Suite D
Taos, NM 87571
Phone/Fax: (575) 758-9461 Fax (575) 758-0317
tvaa@kitcarson.net*

September 4, 2009

Honorable Grace F. Napolitano, Chair
U.S. House Subcommittee on Water and Power
1522 Longworth House Office Building
Washington, D.C. 20515-0001

Honorable Tom McClintock, Ranking Member
U.S. House Subcommittee on Water and Power
1522 Longworth House Office Building
Washington, D.C. 20515-0001

Re: HR 3254
Taos Pueblo Indian Water
Rights Settlement Act

Dear Chairwoman Napolitano and Ranking Member McClintock:

I speak to you on behalf of the Taos Valley Acequia Association (TVAA) and its 55 member Acequias. We urge your favorable action on H.R. 3254, the Taos Pueblo Indian Water Rights Settlement Act.

The TVAA and Acequias are parties to the settlement agreement with Taos Pueblo. Acequias are also known as community ditch associations. They have existed in the Taos Valley of north-central New Mexico since the area was settled by Spanish settlers over 400 years ago. Acequias have diverted surface and spring water from seven tributaries of the Rio Grande, which are the Rio Hondo, Rio Lucero, Rio Arroyo Seco, Rio Pueblo, Rio Fernando, Rio Chiquito, and Rio Grande del Rancho. These Acequias continue to provide water for domestic uses, livestock watering, and the irrigation of over 12,000 acres. Today our acequias have over 7,600 individual members, many of whom irrigate small fields, to raise a few head of livestock, and gardens, in order to feed their families. In the Taos Valley the Acequias are truly the lifeblood of the community. Our traditional rural lifestyle and culture are sustained by the acequias.

Many of the acequias flow through Taos Pueblo land. Non-Indian Acequia members and Taos Pueblo members interact on a daily basis. They are neighbors who have been sharing the water resources of the Taos Valley for centuries. Of course during

that long history, there have been disputes over the water, especially during droughts and periodic water shortages.

This settlement addresses not only the water rights of Taos Pueblo but the resolution of competing claims of the Acequias' water rights which were established under the laws and customs of Spain and Mexico and are protected by the United States under the 1848 Treaty of Guadalupe Hidalgo. The United States owes not only a federal trust obligation to Taos Pueblo, but an obligation under the Treaty and established constitutional and international legal principles to protect the water rights of the Acequias and their members.

The Taos Pueblo Indian Water Rights Settlement Act, HR 3254, is an opportunity to finally resolve all water sharing disputes between the Acequias and Taos Pueblo. Because water is so vital to the survival and prosperity of all parties in the Taos Valley, we have been involved in negotiations since 1989. This Settlement Act represents a compromise and a guarantee of future allocations that costly litigation could never achieve.

Most importantly the settlement secures future centuries of mutual existence and sharing of water for the Acequias and Taos Pueblo. The settlement of course defines and secures the nature and extent of Taos Pueblo's water rights. It also secures the rights of Acequia members and protects them from challenges to their water rights by other parties. The settlement provides for the continuance of specific water sharing customs and traditions rather than the imposition of priority administration of water. It allows for the sustenance of the traditional and rural lifestyle and culture of Acequia members. The settlement balances the needs of all parties in the Taos Valley, now and in the future. This includes municipal water providers and thousands of domestic well owners.

The financial obligations of the United States are not only to Taos Pueblo, which certainly has substantial claims against the United States. This settlement will also resolve Acequias' long-standing claims against the United States with the construction of the Arroyo Seco Arriba storage project and Acequia Madre del Prado stream gage.

The benefits of the Settlement Act far outweigh any financial analysis. You cannot put a price on the social benefits of peace and harmony between neighbors. Long-simmering disputes over water will finally be put to rest. This settlement will avoid contentious litigation that could only cause future mistrust and conflict throughout the Taos area.

The TVAA urges Congress to take this rare opportunity to support a local solution to past, present, and future water allocation challenges. We urge passage of the Taos Pueblo Indian Water Rights Settlement Act, HR 3254. The TVAA thanks Chair Napolitano and members of the House Subcommittee on Water and Power, for your time and consideration of this vitally important matter of water for our future. We also thank New Mexico Congressman Ben Ray Lujan and other members of the New Mexico Congressional Delegation for their unwavering support of our settlement.

Respectfully submitted,

/s/

Palemon Martinez, President
Taos Valley Acequia Association