

### THE TREATY OF GUADALUPE HIDALGO

Civil Affairs Edition: 2024

#### THE TREATY OF GUADALUPE HIDALGO

The Treaty of Guadalupe Hidalgo formally ended the Mexican-American war in 1848. The war resulted in Mexico ceding over half of its then-existing territory to the United States. Hundreds of thousands of acres of land granted to individuals and communities by the governments of Spain and Mexico for communal benefit were lost through the federal government's land title confirmation process that followed the signing of the Treaty.

There is widespread consensus that the confirmation process was mired in confusion, corruption and lacked constitutional due process. In addition to losses resulting from the federal confirmation process, significant amounts of communal land were lost through adverse possession and adverse court decisions – decisions that have been criticized for their historical and legal accuracy. In fact, in 2004, the NMDOJ commissioned a report titled "Righting the Record" that highlights many of the negative impacts of the confirmation process on land grant-merced communities following the signing of the Treaty.

#### THE TREATY DIVISION

New Mexico's constitution is unique in its preservation of the Treaty's guarantees: "The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate." Art. 2 Sec. 5. Established in 2003, the Treaty Division is the only division within the NMDOJ created by statute. The Division is required to "review, oversee and address concerns relating to the provisions of the Treaty of Guadalupe Hidalgo

that have not been implemented or observed in the spirit of Article 2, Section 5 of the constitution of New Mexico". NMSA 1978, §8-5-18.

The Treaty Division's vision is to take a proactive approach to finding solutions and responding to the evolving needs of Land Grant and Acequia Communities by providing legal support, policy development and outreach.



#### LAND GRANT & ACEQUIA LAW & POLICY

In fulfilling its statutory role, the Treaty Division provides legal counsel to two governorappointed bodies, the New Mexico Land Grant Council and the New Mexico Acequia Commission. The Treaty Division also coordinates with government and nongovernment stakeholders that interact or interface with, or whose decisions affect, land grants and acequias.



#### THE TREATY OF GUADALUPE HIDALGO

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The Treaty Division closely monitors state legislation and prepares reports and recommendations to the state legislature and other policymakers. The Treaty Division also provides the outreach, training and advocacy to land grant and acequia communities that is critical in preserving and defending the unique culture they provide to our state.



### LAND GRANT-MERCED & ACEQUIA GALLERY & REPOSITORY

The NMDOJ's Santa Fe office houses the Land Grant-Merced and Acequia Gallery and Repository. The gallery is a recognition of the contributions of New Mexico's land grant and acequia communities to the state's culture, history and current legal and political landscape. The repository aims to serve as a key resource for land grant and acequia elected officials, heirs and parciantes, and the public on matters pertaining to these communities.

#### **LEARN MORE:**

For more information, please email:

Ricardo Dow y Anayardowyanaya@nmdoj.gov
or visit the Treaty Division's webpage by
scanning the following QR code:



Enrique Romero, Assistant Attorney General Director, Guadalupe Hidalgo Treaty Division

Ricardo Dow y Anya, PhD
Coordinator, Guadalupe Hidalgo Treaty Division
505-235-2245



#### EL TRATADO DE GUADALUPE HIDALGO

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#### EL TRATADO DE GUADALUPE HIDALGO

El Tratado de Guadalupe Hidalgo termino formalmente la guerra Mexicano-Estadunidense en el año 1848. La guerra resulto con México cediendo más de la mitad de su territorio existente a los Estados Unidos de América. Cientos de miles de acres de tierra otorgada a individuos y a comunidades por el gobierno de España y México para beneficio comunal fueron perdidos por el proceso del gobierno federal de confirmación de títulos de propiedad que paso siguiendo la firmada del tratado.

Hay un consenso generalizado que el proceso de confirmación fue atascado en confusión, corrupción, y falta de proceso constitucional. Además de las pérdidas que resultaron del proceso de confinación federal, cantidades considerables de la tierra comunal fue perdida por posesión adversa y decisiones adversas de la corte- decisiones que han sido criticadas por su exactitud histórica y legal. En realidad, en el 2004, el NMDOJ encargo un reporte llamado "Righting the Record" que refleja muchos de los impactos negativos del proceso de confirmación en comunidades de las tierras merced siguiendo la firmada del tratado.

#### **DIVISION DEL TRATADO**

La Constitución de Nuevo México es única en su preservación de las garantías del tratado. En el artículo 2 sección 5 dice que "los derechos, privilegios y inmunidades, civiles, políticos y religiosos otorgados a la gente de Nuevo México por el Tratado de Guadalupe Hidalgo serán preservados y inviolados." ("The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate." Art. 2 Sec 5.)

Estabilizado en el 2003, la División del Tratado es la única división en el NMDOJ creado por estatuto. La División es requerida a revisar, supervisar y dirigir asuntos relativos a las provisiones del Tratado de Guadalupe Hidalgo que no han sido implementadas o observadas en el espíritu del Articulo 2, Sección 5 de la constitución de Nuevo México.

La visión de la Division del Tratado es tomar un enfoque proactivo para encontrar soluciones y responder a las necesidades que siguen evolucionando de las comunidades de Acequia y Mercedes. Aproporcionando apoyo legal, desarrolló de pólizas y alcance comunitario.



#### LEY Y POLICA DE MERCEDES Y ACEQUIAS

En cumpliendo de su parte estatutario, la División proporciona al consejo legal a dos cuerpos fijados por el gobernador, el New México Land Grant Council y el New México Acequia Commission. La División también coordina con el gobierno y con partes interesadas que no son de gobierno que interactúan o interfaz con, o que sus decisiones afectan Mercedes y Acequias.



#### EL TRATADO DE GUADALUPE HIDALGO

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La División monitora de cercas legislación legal y prepara reportes y recomendaciones a la legislatura estatal y a otros fabricantes de póliza. La División también proporciona alcance comunitario, entrenamiento y promoción de las Mercedes y las comunidades y Acequias que son critícales en preservar y defenderla cultura única que proporcionan a el Estado.



### GALERIA Y RESPOSITORIO DE MERCEDES Y ACEQUIAS

La oficina de Santa Fe del NMDOJ mantiene la Galería y Repositorio de Mercedes y Acequias. La galería es reconocimiento de las contribuciones de las Mercedes y Acequias de Nuevo México a la cultura, historia, el clima político y legal reciente del estado. El repositorio quiere servir como el recurso clave para los funcionarios electos de la Acequias, Mercedes, Herederos, Parciantes y materias publicas perteneciendo a estas comunidades.

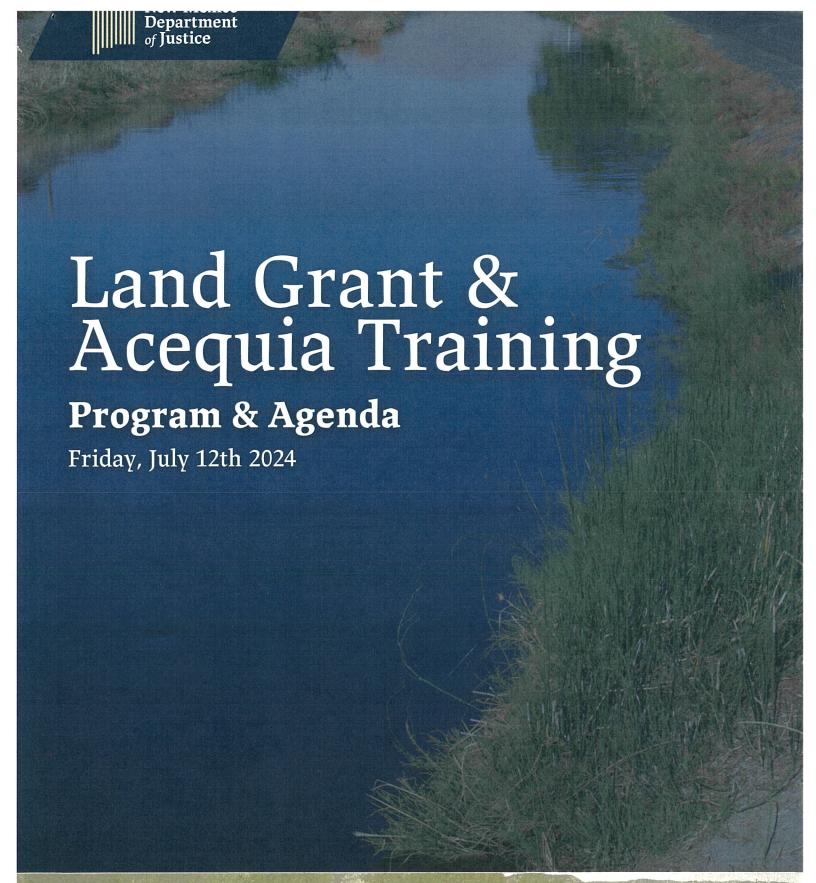
#### APRENDE MÁS

Para más información, por favor mande un correo electrónico a Ricardo Dow y Anaya-rdowyanaya@nmdoj.gov o visite el Tratado de Guadalupe Hidalgo escaneando el código QR



**Enrique Romero, Assistant Attorney General** Director, Guadalupe Hidalgo Treaty Division

Ricardo Dow y Anya, PhD Coordinator, Guadalupe Hidalgo Treaty Division 505-235-2245



#### **Partners**



















# Land Grant & Acequia Training Program & Agenda Friday, July 12th 2024

3:30 - 9:00 AM

3:00 - 9:55 AM

0:00 - 11:05 AM

1:10 - 12:00 PM

**Contact Us** 

#### **Registration and Introduction**

· Light breakfast & beverages provided

### Government Transparency and Accountability: Open Meetings Act

- New Mexico Department of Justice:
  - o Enrique Romero, Assistant Attorney General/Division Director

#### Financial Compliance - Audits and Procurement

- New Mexico Office of the State Auditor:
  - Manuel Luna, Small Local Public Body Coordinator
- New Mexico Acequia Association:
  - Serafina Lombardi, Program Director
- New Mexico Land Grant Council:
  - Anissa Baca, BA/MA, Community Outreach Specialist
  - o Greta Archuleta, BSBA, Accountant
- New Mexico Interstate Stream Commission:
  - Jonathan Martinez, Acequia Bureau Chief

#### **Land Grant and Acequia Elections**

- New Mexico Legal Aid:
  - o David Benavides, Esq., Land and Water Rights Project Director
- New Mexico Land Grant Council:
  - Jacobo D. Baca, Ph.D, Research Historian
- New Mexico Department of Justice:

(505) 490-4060

Enrique Romero, Assistant Attorney General/Division Director

NMDOJ.GOV





Friday, July 12th 2024

12:00 - 1:00 PM

#### **Working Lunch**

Lunch will be provided

### Government Transparency and Accountability: Inspection of Public Records Act

- New Mexico Department of Justice:
  - Enrique Romero, Assistant Attorney General/Division Director

1:05 - 2:00 PM

#### **Bylaws**

- New Mexico Acequia Association:
  - Aaron Villalpando, Esq., Staff Attorney
  - o Paula Garcia, Executive Director
- New Mexico Land Grant Council:
  - Arturo Archuleta, M.C.R.P., JD Candidate, Director
- New Mexico Department of Justice:
  - Enrique Romero, Assistant Attorney General/Division Director

2:00 - 2:30 PM

Open Discussion, Listening Session, Evaluations and Networking





Presenter Biographies

Enrique Romero, Assistant Attorney General, Division Director Guadalupe Hidalgo Treaty Division

#### New Mexico Department of Justice

Enrique Romero is an Assistant Attorney General and the Division Director of the Guadalupe Hidalgo Treaty Division of the New Mexico Department of Justice. After graduating law school from Notre Dame, Enrique joined New Mexico Legal Aid's Land and Water Project as a Thomas L. Schaffer Public Interest Law Fellow, focusing his work on acequia and land grant matters. After serving two and half years as a staff attorney at NMLA, Enrique joined the New Mexico Acequia Association as a staff attorney, and later became its Director of Legal Services. Enrique has a decade of experience advising local government clients, including acequias, land grants and county government on various legal and policy issues. A native of Nambe and Española, Enrique enjoys spending his free time playing soccer with his son, gardening at his home on Santa Fe's Southside, and irrigating and working his small ranch in Llano de la Llegua, Taos County.

### Arturo Archuleta, M.C.R.P., JD Candidate, Director New Mexico Land Grant Council

Arturo Archuleta has over 20 years of experience working with land grant-mercedes in the areas of governance capacity building, policy development and technical assistance and training. Mr. Archuleta oversees the day-to-day operations of the New Mexico Land Grant Council and UNM Land Grant Studies Program. He holds a B.A. in Political Science and Spanish, a Masters of Community and Regional Planning and is currently in his final year of Law School at the University of New Mexico. He is an heir to the Merced de Los Pueblos de Tierra Amarilla and the Merced del Manzano.





Presenter Biographies

Jacobo D. Baca, Ph.D, Research Historian

New Mexico Land Grant Council

Jacobo D. Baca was born and raised in Peñasco, New Mexico, and has roots in both the Río Arriba and Río Abajo. He is a land grant heir and was raised an acequia parciante. Jacobo has studied and taught courses about mercedes and acequias for nearly twenty years. He holds his BA, MA and Doctoral degrees in history from the University of New Mexico, where he wrote his dissertation Somos Indígena: Ethnic Politics and Land Tenure in New Mexico, 1694-1965, which examined changes in Hispano and Pueblo Indian land tenure in the Tewa Basin. Currently he serves as the Research Historian for the UNM Land Grant Studies Program and New Mexico Land Grant Council.

#### Greta Archuleta, BSBA, Accountant

#### New Mexico Land Grant Council

Greta Archuleta retired from the State of New Mexico after working for 26 years. The last 15 years of her employment, she held the position of Budget Analyst. After taking a break from state government for a few years, in 2015, she returned to state government as a contract employee. For the last seven years, she worked for the State of New Mexico, Department of Homeland Security and Emergency Management (DHSEM). In her capacity with DHSEM, she was tasked with preparing the annual department budget request and operating budget. She prepared budget adjustment requests (BAR's), and budgeted all grant awards, executive orders and any other grants awarded to the agency. She was responsible for monitoring the operating budget of the federal grants, which entailed preparing federal quarterly reports, as well as auditing expenses related to the operating budget of these grants. In total, she has 32 years of state government budgeting and auditing experience. She has worked for the NMLGC since December of 2022. She currently assists the land grants with budget requests, budget adjustments (BAR's), quarterly reporting and any other budgeting/accounting guidance and assistance requested.





Presenter Biographies

#### Anissa Baca, BA/MA, Community Outreach Specialist New Mexico Land Grant Council

Anissa Baca is a nuevomexicana and a proud norteña who grew up on her families' farm in her native Ojo Caliente. She began working with the Land Grant Studies Program as a graduate student (MA, CCS Dept.) in September 2021 (BA, C&J, '15) with extensive multimedia / journalism experience and with a background in youth education, which she used to help complete the next phase of the merced youth oral history project. Anissa began working for the New Mexico Land Grant Council in the spring of 2022 and now provides general staff support to land grants, assisting boards of trustees with everything related to capital outlay and assuring their compliance with the Office of the State Auditor.

#### Paula Garcia, Executive Director New Mexico Acequia Association

During two decades of her service, acequias in New Mexico have built a movement around the principle that water is life, agua es vida. Through her leadership, acequias have strengthened community self-determination through local water governance, have enacted policy reforms protecting rural, agricultural water rights, and have fought for clean water to flow in our rivers. With the NMAA team, she has also established innovative youth and leadership development projects and farm apprenticeships that seek to strengthen the next generation of farmers and ranchers who are caretakers of water, land, livestock, and native and heirloom seeds. With her family, Paula cares for a small ranch and traditional gardens characteristic of the subsistence agriculture of her ancestors. When not living and breathing acequias, Paula can be found hiking, playing classical piano, and cooking a simple meal based on some variation of corn, beans, and chile. Her son is a first-year student at the United World College which is dedicated to global peace and sustainability through education.





Presenter Biographies

#### Serafina Lombardi, Program Director New Mexico Acequia Association

Serafina Lombardi started with the NMAA team in 2012 and serves as the Program Director. Since then, acequias have grown to be an all-consuming passion. Her role at NMAA is to assist all programmatic areas in moving forward and supporting the team. In her work as a member of the Governance Team she has assisted hundreds of acequias in applying for, obtaining, and implementing infrastructure funding, which includes pre and post Financial Compliance with the OSA. Her passion is supporting our acequia communities to thrive and adapt through climate disruptions, as well as other challenges that we face. She is a Commissioner on the Acequia de los Martinez Arriba in Chimayo where she farms with her family, and also serves on the board of the Rio Quemado, Rio en Medio, Rio Frijoles Santa Cruz Stream Systems Community Ditch Association.

#### Aaron Villalpando, Esq., Staff Attorney New Mexico Acequia Association

Aaron Villalpando graduated from UNM School of Law in 2021, where he focused on environmental law and environmental justice. Aaron was introduced to NMAA in 2020 through the Acequia Fellowship Program. Since joining NMAA as a staff attorney in August 2023, Aaron has assisted Acequias on a wide variety of issues such as governance, bylaws, water transfers, protests, and adjudications. Coming from a long line of farmers, Aaron has enjoyed being a resource to Acequia members throughout New Mexico.





Presenter Biographies

#### Manuel Luna, Small Local Public Body Coordinator

New Mexico Office of the State Auditor

Manuel Luna is the Small Local Public Body Coordinator with the Office of the State Auditor. He holds a Master of Public Affairs with a Concentration in Political and Governmental Processes from New Mexico Highlands University. He is the program lead for the OSA's small local public body program, which provides support, training, and education to assist Acequias and Land Grants in reporting to the OSA and compliance with Executive Order 2013-006.

### David Benavides, Esq., Land and Water Rights Project Director New Mexico Legal Aid

David Benavides is director of the Land and Water Rights Project for New Mexico Legal Aid, a position he has held for 34 years. He received both his undergraduate and law degrees from the University of New Mexico, and, upon graduating from law school in 1990, was awarded a Skadden, Arps Public Interest Law Fellowship to begin his work with acequias and land grants. David has advised countless acequia and land grant officials on resource protection and governance matters. His work has additionally included representing acequias in gaining legal recognition for their water rights and their historic water-use customs, and to have greater decision-making authority in local water decisions. He has assisted land grants in retaining their common lands against various legal threats, and in 2008 coauthored a legal history of New Mexico land grants for the New Mexico Attorney General. He lives outside of Santa Fe.





Presenter Biographies

### Peter Vigil, District Manager Taos Soil & Water Conservation District

Peter Vigil was born and raised in Taos, NM. Mr. Vigil studied Physics and Engineering at New Mexico Tech where he received his degree in 1989. Peter has been the District Manager for Taos Soil and Water Conservation District for 26 years. He has served as the representative for conservation district employees in the states of New Mexico, Colorado, Arizona, Nevada, Utah, and Wyoming. Mr. Vigil has been appointed to several national conservation committees during his tenure. These include natural resources policy, public lands policy, tribal engagement, and climate change. Peter Vigil is a recipient of the 2014 National Conservation District Professional award. Peter farms 23 acres in Taos.





# Land Grant & Acequia Training Program & Agenda Organization Descriptions

#### **Taos Soil & Water Conservation District**

Taos Soil and Water Conservation District (SWCD) was created by the New Mexico legislature in 1941 under the authority of the Federal State Soil Conservation Districts Law of 1936. Taos SWCD is delegated broad powers that allow it to assist local landowners by providing voluntary programs to conserve soil, water, and other natural resources. The Taos district provides both technical and financial resources to local landowners to complete on the ground projects that enhance the local environment. Taos SWCD has completed over 800 acequia cost-share projects in the past 25 years. This distinguishes Taos Soil and Water Conservation District as the premiere authority in acequia design, rehabilitation, and infrastructure construction.

https://tswcd.org/

#### Taos Valley Acequia Association

The Taos Valley Acequia Association (TVAA) is dedicated to safeguarding the long-term sustainability of our traditional agricultural community by prioritizing the protection of water rights and the preservation and fortification of the acequia system. Serving as a catalyst for systems change strategies and grassroots community education, TVAA is committed to advocating for the continued utilization and upkeep of acequias as environmentally sustainable, democratic, and culturally significant methods of farming. Acknowledging the integral role of acequias in our communal heritage, which underpins traditional food production, ecosystem health, ancestral wisdom, and oral traditions, TVAA serves as a beacon of support and guidance for acequias and their parciantes.

https://www.taosacequias.org/



Organization Descriptions

#### New Mexico Acequia Association

The mission of the New Mexico Acequia Association is to protect water and our acequias, grow healthy food for our families and communities, and to honor our cultural heritage. In our vision, acequias flow with clean water, people work together to grow food, and communities celebrate cultural and spiritual traditions. People honor our acequias as part of our heritage and express querencia through a strong connection to land and community. Knowledge and experience about growing food, sharing water, and saving seed are passed on from generation to generation. Guided by our core values, NMAA grows a movement of people of all ages and walks of life to defend and protect our precious water by resisting its commodification and contamination. Through involvement in NMAA, families and youth are inspired to cultivate the land, care for our acequias, and heal past injustices. Communities have an abundance of healthy, locally grown food because we recognize agriculture as a respected and dignified livelihood and way of life.

https://lasacequias.org/

#### **New Mexico Acequia Commission**

The New Mexico Acequia Commission was created in 1987 to advise the governor, the New Mexico Interstate Stream Commission and the U.S. Army Corps of Engineers on what criteria should be used to determine priorities for rehabilitating acequias under a new federal funding program. The Acequia Commission was established by statute by the 1993 Legislature as an eleven-member commission serving four-year terms. The Acequia Commission was also charged with the duties of serving as a facilitator for communication between local acequia organizations and the state and federal governments, and for reviewing plans or legislation that affect acequias and presenting their findings to the governor and the New Mexico Interstate Stream Commission.

https://www.newmexicoacequiacommission.com/





Organization Descriptions

#### New Mexico Land Grant Council

The Council was created in 2009 by the New Mexico Legislature (NMSA 1978, §49-11-1). Its five councilors are appointed by the Governor. The general purposes of the Council are to provide advice and assistance to land grants, serve as a liaison between land grants and federal, state, and local governments, and administer a land grant support program. By statute the Council can only provide support and assistance to community land grants that are political sub-divisions of the state or that are seeking that status. The Council is administratively attached to the Department of Finance and Administration but has a service contract with the University of New Mexico to provide staffing and administrative support to the Council. Council staff provides direct technical assistance to community land grants in a variety of areas including governmental capacity building. The Council also funds a contract with New Mexico Legal Aid to provide free legal advice and assistance to eligible community land grants and offers surveyor services through a contract. Additionally, the Council administers the Land Grant Registry, which all land grants that are units of government are required to register election results, the names and contact information of board members, and serve as repository for individual land grant information.

https://lgc.unm.edu/

#### New Mexico Legal Aid

New Mexico Legal Aid is the primary provider of free civil legal services for low-income people and groups in New Mexico.

https://newmexicolegalaid.org/



Organization Descriptions

#### New Mexico Office of the State Auditor

At the Office of the State Auditor, our priority is protecting New Mexico's taxpayers. We do this by ensuring that the government effectively and efficiently serves the needs of all New Mexicans. As the state's independent and nonpartisan oversight agency, we are steadfast in our responsibility to hold local and state government and elected officials accountable for the use of public funds, demonstrating our unwavering commitment to accountability, transparency, and excellence.

https://www.osa.nm.gov/

#### New Mexico Consejo de las Mercedes

The Consejo was established in 2006 as a consortium of community land grants from throughout New Mexico. It is a grassroots advocacy organization whose membership is comprised of representatives that are appointed by various community land grant boards of trustees. The Consejo focuses on the review, development, and endorsement of state and federal policies relating to improving the lives of community land grant heirs and advancing the overall status of community land grants. Policy initiatives include establishing the UNM Land Grant Studies Program and the New Mexico Land Grant Council, and promoting traditional use access to former common lands now managed by government agencies.





Organization Descriptions

#### **Interstate Stream Commission**

The Interstate Stream Commission has broad powers to investigate, protect, conserve, and develop New Mexico's waters including both interstate and intrastate stream systems. The eight unsalaried members of the Commission are appointed by the Governor. The ninth member is the State Engineer who under state law is the secretary of the Commission. The Interstate Stream Commission Director serves as the deputy state engineer.

The Commission's authority under state law includes negotiating with other states to settle interstate stream controversies. New Mexico is a party to eight interstate stream basins. To ensure basin compliance, Interstate Stream Commission staff analyze, review, and implement projects in New Mexico and analyze streamflow, reservoir, and other data on the stream systems.

The Commission is also authorized by statute to investigate and develop the water supplies of the state and institute legal proceedings in the name of the state for planning, conservation, protection and development of public waters.

https://www.ose.nm.gov/ISC/index.php





# Land Grant & Acequia Training Program & Agenda Friday, July 12th 2024

#### **We Appreciate Your Feedback**

Thank you for attending the NMDOJ Land Grant and Acequia Training!

Please help us make the next training better by completing the brief survey by scanning the QR code below.



Your feedback is truly appreciated!

#### **SAVE THE DATE**

Our next training is:

September 13, 2024

in Taos, New Mexico!



#### **WAYS TO REGISTER**

- Scanning the QR code
- Registration Form
- Email or Call:
  - rdowyanaya@nmdoj.gov
  - 505-235-2245

If you have already registered for the September training, you do not need to register again.

# Partners Partners Contact Us Partners Results Acceptation Linterstate Stream Commission (505) 490-4060 NMDOJ.GOV



Friday, July 12th 2024

#### Guadalupe Hidalgo Treaty Division

The Guadalupe Hidalgo Treaty Division is charged by statute to "review, oversee, and address concerns relating to the provisions of the Treaty of Guadalupe Hidalgo that have not been implemented or observed in the spirit of Article 2, Section 5 of the constitution of New Mexico." Article 2, Section 5 of the New Mexico Constitution further provides that, "The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate." In line with its statutory charge, the Treaty Division's vision is to take a proactive approach to finding solutions and responding to the evolving needs of Land Grant and Acequia Communities by providing legal support, policy development and outreach. In addition to these responsibilities, the Division serves as legal counsel for the New Mexico Land Grant Council and the New Mexico Acequia Commission.

Enrique Romero, Assistant Attorney General Director, Guadalupe Hidalgo Treaty Division

**Ricardo Dow y Anya, PhD**Coordinator, Guadalupe Hidalgo Treaty Division

505-235-2245



#### Our Mission

To promote good government, safeguard the public interest and protect vulnerable members of our community, through dedicated and professional advocacy.

#### Our Vision

To help transform New Mexico into one of the safest, healthiest and most prosperous places in the world.

