



## **Water Rights Issues and Land Grants: Lessons Learned from 25+ Years of Acequia Support**

Land Grant Legislative Interim Committee

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### **Background**

- Acequias and Land Grants have a common and interwoven history but they are governed by different statutes in New Mexico.
- Acequias are charged with the management and governance of water rights that are attached to the farmland owned by their respective members (parciantes).
- Land grant-mercedes are granted authority over their respective common lands.

### **Water Rights and Land Grants**

- Acequias and Mutual Domestic Water Consumer Associations provide water for agricultural and residential use, both of which are distinct and separate political subdivisions but may govern themselves in close coordination with their respective land grants.
- Land grants may have water rights issues in relation to their common lands including livestock watering, etc. Any land grant claims for water rights may be included in adjudication proceedings.
- Land grants have a stake in watershed management and regional water planning.
- Like acequias, land grants can be impacted by development that has the potential to impair historic water rights.

### **How Acequias Address Water Rights Issues**

- Adjudication – Acequia and Community Ditch Fund. Funded by the Legislature through NM Department of Agriculture. Provides funding for legal representation and expert witnesses in water rights adjudication via regional acequia associations.
- Governance – Acequia and Community Ditch Education Program. Funded by the Legislature through DFA Local Government Division and contracted to New Mexico Acequia Association to provide technical assistance on governance including bylaws, infrastructure planning, water rights, etc. via the New Mexico Acequia Association and NM Legal Aid.
- Acequia Legal Representation – Generally covered by individual acequias, in some cases of statewide significance, NMAA and NMLA will to ensure certain acequias have legal representation.

## Recent Case Studies of Land Grants with Acequia-Related Water Issues

- Cubero Land Grant – Recent formed an acequia on the land grant to govern the use of surface water rights. NMAA and NMLA worked together to build local governance capacity for water right governance, elect officers, and develop bylaws for the first time.
- Anton Chico Land Grant – Acequias within the Anton Chico Land Grant have filed protests to a water transfer that may potentially impair their surface water rights. NMAA and NMLA advised with initial response and have since contracted with their own attorney.

Activity	FY 16	FY 17
Bylaws Completed	30 acequias	30 Acequias
ICIPs Completed	50 acequias	46 Acequias
Technical Assistance Services	474 services	404 Services
Local Acequia Meetings	14 Meetings - 480 individuals	24 Meetings- 432 Individuals
Statewide Conferences Albuquerque Santa Fe Taos	2 Conferences - 375 individuals	1 Conference – 249 Individuals
Quarterly Newsletter	4 Newsletters - 6,037 each quarter	4 Newsletters – 6,351 each quarter
Bi-Monthly Online Newsletter	2,000 twice monthly	2,386 twice monthly
Regional Association Workshops: South Valley (Bernalillo County) Alcalde (Rio Arriba County) Cow Creek (San Miguel County) Rio San Jose (Cibola County) Mimbres (Grant) Catron (Catron) Rio Chama (Rio Arriba) Rio Pecos ( San Miguel)	5 Regional Workshops	5 Regional Workshops
USDA Funding Workshops Nambe (Santa Fe County) and Taos (Taos County)	2 Workshops - 145 individuals	2 Workshops – 45 individuals
Audit and Budget Workshops: Blanco (San Juan County), Mimbres (Grant County), Ribera (San Miguel County), Mora (Mora County), Penasco (Taos County), Nambe (Santa Fe County), Grants (Cibola County), Questa (Taos County), Alcalde (Rio Arriba County), Abiquiu (Rio Arriba County), Anton Chico (Guadalupe County), and Santa Fe	6 Workshops - 234 individuals	6 Workshops- 98 individuals