

July 12, 2017

To: Interim Land Grant Committee

Re: Recent water issues facing the East Mountain Land Grant Communities

Presentation by Gerald Chavez (Heir – La Merced Del Pueblo De Tajiique)

The East Mountain Land Grant Communities; Chilili, Tajiique, Torreon and Manzano (including Punta de Agua) all maintain their own private or mutual domestic water systems. These Grant Communities not only share the water from the Estancia Basin, but physically sit at the top of the region where the natural water recharge occurs from snow and rain. Therefore, our Grant Communities are very concerned regarding the recent formation of EMWT, Estancia, Moriarty, Willard, and Torrance County Water Association. Their unilateral formation and lack of input from our Land Grants prove a blatant disregard and low level of respect for our heritage and communities.

In 2014, EMWT was incorporated as “the” regional water association under the NMSA Joint Powers Agreements Act, 1978. This was accomplished in collaboration with the Management of the EMW Gas Association, Estancia, Moriarty, and Willard Gas Association. This is reflected within their Board of Directors, which are appointed two (2) from each; Estancia, Moriarty, Willard, and Torrance County Commission, and one (1) from the EMW Gas Association. No other municipalities, townships, villages, or Grant Communities within Torrance County have the ability to delegate a representative within their Board of Directors.

Within their Articles of Incorporation, EMWT defines its mission as to acquire, construct, install maintain and operate a water distribution system throughout the County of Torrance and the portion of Santa Fe County within the Estancia Underground Water Basin; not just Estancia, Moriarty and Willard. Their Articles deem themselves the power to levy assessments, collect charges, enforce liens, condemn property and the power of eminent domain.

It was not until recently, (now in 2017) that the existence of EMWT came to the attention of our Land Grant Communities. Our organizations came together because we are the ones responsible for managing water in our communities. After much discussion at a number of meetings, each of our organizations decided to express shared concerns and inform EMWT that they are not to involve themselves with anything to do with water or a water system in our communities or on our land grants.

We represent a people within our community with a lineage that extends through many generations and over many centuries. We encourage the self-sustenance of our Grant Communities and take into account the need for the preservation and the protection of our water within the Estancia Basin. As Land Grant heirs we are proud of our heritage and value our family history and traditions of our community. Although EMWT may not value our Land Grants, this value is shared by the American courts. In a long line of decisions, they have held that the United States is obligated, under the Treaty of Guadalupe Hidalgo, to inviolably respect bona fide Spanish and Mexican land grants.

Points of interest and/or concern

- **EMWT Board of Directors** - Significant influence of Board leaning towards the northern part of Torrance County, and within the southern part of Santa Fe County: Bobby Ortiz, Ted Hart, Rhonda King and Mike Anaya. Moriarty and Edgewood sit within the northern part of Torrance, including the southern part of Santa Fe County, has the most population & the most political and economic influence within Torrance County.
 - Chairman - Bobby Ortiz, Representative for **Moriarty**
 - Vice Chairman - Ted Hart, Representative for **Moriarty**
 - Secretary/Treasurer – Ronnie Reynolds, Representative for **Estancia**
 - Board Member – Art Swenka, Representative for **Estancia**
 - Board Member – Bobby Chavez, Representative for **Willard**
 - Board Member – Cass Tyler, Representative for **Willard**
 - Board Member – George Immerwahr, Representative for **Torrance County**
 - Board Member – Rhonda King, Representative for **Torrance County**
 - Board Member – Mike Anaya, Representative for **EMW Gas Representative**

- **EMWT Five Year Business Plan 2017-2022**
 - States they plan on servicing a population of 50,000 utilizing water from the Basin. Approximately 16,000 people reside within Torrance County, which would leave the other 34,000 people within their service plan be residing within the boundaries of Santa Fe County.
 - Their Infrastructure Capital Improvement Plan for FY 2018-2022 states that the total Estancia Valley Water Delivery system may well cost over \$135 Million.
 - Their FY 2017 Financials shows the Regional Water Plan Project Overview. This clearly defines a plan to create a water distribution line throughout our Land Grant Communities. Their own overview displays that by 2021 they project to be working on the “East Mountain Distribution phase,” and by 2022 to be working on their “Escobosa & Chilili Distribution phase.”

- **EMWT’s limited communication and presumptuous planning of their water distribution lines within our Grant Communities, ultimately led to a joint letter of notice from the East Mountain Land Grants.**
 - **East Mountain Joint Land Grant Letter sent to EMWT on June 17, 2017.** This letter voiced the concerns of the East mountain Grants and gave notice to EMWT that they are to keep their water distribution plans out of the communities and boundaries of the Land Grants.