

1 A MEMORIAL

2 RECOGNIZING THE ACEQUIAS AS CULTURAL PATRIMONY OF THE STATE
3 OF NEW MEXICO AND DECLARING FEBRUARY 15, 2007 AS "ACEQUIA
4 DAY" AT THE NEW MEXICO LEGISLATURE.

5
6 WHEREAS, the cultural landscape of New Mexico has been
7 shaped by over one thousand acequias that have sustained
8 families and communities for centuries by serving as the
9 basis for local food production and water governance; and

10 WHEREAS, New Mexico's acequias are a synthesis of
11 cultural, agricultural and legal traditions inherited from
12 arid-land civilizations of Asia, Africa and the Iberian
13 peninsula and the indigenous civilizations of the Americas;
14 and

15 WHEREAS, acequias are rooted in ancient water and
16 agricultural traditions with origins over ten thousand years
17 old in present-day India, Pakistan and Afghanistan, and crop
18 types such as maize with roots thousands of years old from
19 Oaxaca, Mexico; and

20 WHEREAS, acequias took root in the Iberian peninsula
21 through Moorish influence and were part of the institutional
22 knowledge brought by Spanish settlers to present-day Mexico
23 and New Mexico, where they incorporated agricultural
24 knowledge and technologies in use by indigenous communities;
25 and

1 WHEREAS, community land grants, or mercedes, and
2 acequias came into existence through the collective effort of
3 their respective communities between two and four hundred
4 years ago and were established according to a legal and
5 cultural tradition of communal property that pre-dates the
6 United States; and

7 WHEREAS, acequias embody the fundamental principle that
8 water is life and continue to operate under basic principles
9 that have guided them for millennia, including the concepts
10 of local self-governance, attachment of water to place and
11 community, and sharing scarce water through local customs
12 known as the repartimiento; and

13 WHEREAS, acequias intertwine with the social fabric of
14 their respective villages and neighborhoods by fostering
15 community cohesion through communal water management,
16 democratic participation and traditions of cooperative labor;
17 and

18 WHEREAS, acequias sustain a rich heritage and land-based
19 culture that is intertwined with unique native food
20 traditions, regional dialects and language customs, and an
21 expression of querencia, or love of place, through art and
22 spiritual traditions; and

23 WHEREAS, thousands of families in New Mexico generate
24 all or part of their livelihood from farms and ranches that
25 are fed by acequia waters and sustained by the

1 community-based system of water distribution; and

2 WHEREAS, acequias have imprinted a cultural landscape
3 that is one of the most culturally and ecologically diverse
4 in the present-day southwest with a plethora of foods such as
5 multiple varieties of maize, grains, squash, legumes and
6 other vegetables and heritage fruits; and

7 WHEREAS, acequias enhance the natural process of aquifer
8 recharge by slowing and spreading mountain runoff through an
9 intricate network of waterways that support river flows and
10 riparian habitats; and

11 WHEREAS, acequias are steeped in a legal and cultural
12 tradition that views water as a community resource in which
13 its use is intertwined with certain rights and
14 responsibilities that are oriented toward the common good;
15 and

16 WHEREAS, acequias in New Mexico have endured tremendous
17 social and political changes, particularly after the signing
18 of the Treaty of Guadalupe Hidalgo in 1848 and the
19 Territorial Water Code of 1907; and

20 WHEREAS, although the Treaty of Guadalupe Hidalgo
21 guaranteed property rights, most of the historic common lands
22 of New Mexico's mercedes were expropriated within fifty years
23 of the United States conquest of the area; and

24 WHEREAS, the legal framework adopted by the Territorial
25 Water Code of 1907 profoundly changed the nature of water

1 rights in New Mexico by making individual water rights
2 transferable, thereby allowing water to be viewed as a
3 commodity that is in contrast to the traditional view of
4 water as a community resource; and

5 WHEREAS, New Mexico is a place of chronic water scarcity
6 and is facing unprecedented demands for water to support
7 continued growth and development; and

8 WHEREAS, a prevalent assumption is that water rights to
9 support growth will come as a result of water transfers out
10 of agriculture to urban and commercial development; and

11 WHEREAS, acequias and agricultural communities are
12 economically disadvantaged and are likely to experience a net
13 loss of water rights from their communities as wealthier
14 individuals, entities and regions acquire water rights from a
15 position of greater economic power; and

16 WHEREAS, as a result of regional water planning efforts,
17 projections based on current trends include estimates of a
18 net loss of agriculture of between thirty percent and sixty
19 percent in certain regions in the next forty years; and

20 WHEREAS, acequias and agricultural communities will need
21 their water rights base for the future needs of their
22 respective communities, including agricultural
23 revitalization, residential development and sustainable rural
24 economic development; and

25 WHEREAS, acequia communities are increasingly faced with

1 water quality problems resulting from various types of
2 contamination, thereby impairing local capacity for local
3 food production; and

4 WHEREAS, in response to these challenges, acequias have
5 organized at the local, regional and state levels to address
6 the threats to the viability of acequias and small-scale
7 agriculture to ensure that the cultural heritage,
8 generational memory and indigenous knowledge embodied in the
9 acequias be passed on to future generations of New Mexicans;
10 and

11 WHEREAS, many acequia leaders in New Mexico came
12 together to form regional associations of acequias and to
13 form the statewide congreso de las acequias, which is the
14 governing body of the New Mexico acequia association and is
15 comprised of regional delegations from over twenty different
16 regions in the state; and

17 WHEREAS, the New Mexico acequia association has
18 established programs to protect acequia water rights,
19 strengthen acequia governance, educate youth about acequia
20 agriculture and support acequia farmers and ranchers; and

21 WHEREAS, in recent years, the legislature has expressed
22 support for acequias by enacting various laws that strengthen
23 acequia governance, including recognition of regulatory
24 authority over water transfers, establishment of acequia
25 water banking and strengthening of acequia enforcement powers

1 regarding easements;

2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
3 STATE OF NEW MEXICO that February 15, 2007 be declared
4 "Acequia Day" at the legislature, and that acequias be
5 recognized as the cultural patrimony of the state of New
6 Mexico because of their historic, social, economic,
7 ecological and cultural significance; and

8 BE IT FURTHER RESOLVED that all relevant state agencies,
9 educational institutions and commissions collaborate with the
10 New Mexico acequia association in seeking a designation at
11 the national and international levels for designation as
12 cultural patrimony and cultural heritage areas; and

13 BE IT FURTHER RESOLVED that the office of the state
14 engineer work with the New Mexico acequia association to
15 provide greater support to acequias in the area of
16 infrastructure development, water rights record-keeping,
17 acequia inventory development, adjudication reform and
18 regulation of water transfers; and

19 BE IT FURTHER RESOLVED that the interstate stream
20 commission collaborate with the New Mexico acequia
21 association to give greater consideration to acequias in
22 upcoming revisions to the state water plan; and

23 BE IT FURTHER RESOLVED that the department of
24 environment collaborate with the New Mexico acequia
25 association to protect the water quality of rivers and

1 streams that feed acequia watercourses and to enforce water
2 quality regulations as appropriate; and

3 BE IT FURTHER RESOLVED that the energy, minerals and
4 natural resources department include acequia representation
5 in policy development with regard to watershed management and
6 restoration; and

7 BE IT FURTHER RESOLVED that the public education
8 department support efforts of the New Mexico acequia
9 association to develop curricula that recognize the
10 historical, ecological and cultural significance of acequias;
11 and

12 BE IT FURTHER RESOLVED that the cultural affairs
13 department collaborate with the New Mexico acequia
14 association to create educational exhibits for the general
15 public; and

16 BE IT FURTHER RESOLVED that copies of this memorial be
17 transmitted to the governor, the office of the state engineer,
18 the interstate stream commission, the department of
19 environment, the energy, minerals and natural resources
20 department, the public education department and the cultural
21 affairs department.

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