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Water Issues Facing Acequia Associations

Dennis Chavez

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WATER ISSUES FACING ACEQUIA ASSOCIATIONS

**Dennis Chavez
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Mimbres, New Mexico**

WATER ORGANIZATIONS IN A CHANGING WEST

**Natural Resources Law Center
University of Colorado
School of Law
Boulder, Colorado**

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Dennis Chavez, President
Rio Mimbres Acequia Association
Mimbres, New Mexico

Presentation Outline

Thank you for inviting me to present our experience with acequia organizations in New Mexico. I will do this by talking about three aspects that affect the organization of acequias and traditional water users in general. First I will talk about the water issues affecting acequias, then about the competing interest that come to bear on the acequias and then end with a summary about where the organization of acequias is on a statewide basis. I am a Board Member of Tonantzin Land Institute and of the New Mexico Acequia Association, and the Founder and President of the Rio Mimbres Acequia Association. My views, for the most part, represent the view points of the organizations that I mention.

A. The water issues that are critically affecting acequia members are the following:

- Adjudication (devisive, costly, and prolonged procedures)
- Water Quality (lack of standard enforcement)
- Marketing & transfer of water rights to other uses (a *free-for-all* market without concern for the public interest).
- Instream Flow proposals by environmental interest (creates a new competing interest).
- Benign Neglect (no support for managing water resources).

B. Competing Interest:

- Municipalities
- Mining
- Water Market Speculators

C. Acequia Organizations:

Describe-- self-government at the most local level, all water rights owners, for the most part put water to agricultural use, many have inherited their water rights from families and traditional comunal entities such as Tribes and Land Grants. The acequia associations are political subdivision, they are the most local and resilient type of government in New Mexico, in some cases they are the only form of government that traditional communities can look to. There are approximately 1200 acequia associations in the state of New Mexico with an average membership of 40 persons ranging from a minimum of three persons to as many as 250 persons on some acequias. Potential constituency base of approximately 50,000 persons. Each has an elected Mayordomo and at least three commissioner, they can assess themselves fees, can enter into contracts, and can own water rights as an association.

Problems--The biggest organizational problem facing acequias is their fractional nature and the insufficient capacity to manage water resources beyond individual parcels of land.

Fractional in that they are found all over the state with different practices, circumstances, and pressures. They are isolated from state decision makers. Have, for the most part, been forced to treat water as a private property rather than a common resource. The limited leadership that exist quickly becomes elitist with no intent to facilitate broadbased participation. A great deal of parochialism exist especially by a hand-few in the Northern part of the State.

Lack of Capacity exist from the neglect by the State and actual cooptation by the State Engineer's Office allowing water to flow "up-stream" to highest price. Conservation and Irrigation Districts, Army Corp and Reclamation projects have undermined the place and role of acequias by deliberately neglecting their needs. For the most part acequia members are farmers with little background in financial, organizational, legal, and management skills. Lacking the skills and the resources to acquire these necessary inputs puts them at great disadvantage with all the competing interest affecting their rights. In the west where "use or lose it" becomes critical to management practices local acequias not only find themselves at a gross disadvantage but also as prey to every water interest in the State.

D. Water organizations:(description of each)

**State Acequia Commission
New Mexico Acequia Association
Rio Mimbres Acequia Association
Upper Pecos Acequia Association
Water Defense Association
Pojoaque Valley Acequia Association
Gallinas River Acequia Association.**

Biography

Dennis Chavez is an apple grower in the Mimbres Valley, a rural location 200 miles south of Albuquerque and 80 miles away from the Mexican border. He is an advocate for Chicano community rights, traditional Water Rights, education, and young peoples issues at the grassroots level. Dennis is a member of the Congreso de Pueblos Mimbres, and a founder of the Rio Mimbres Acequia Association, the New Mexico Acequia Association, and a member on the Board of Directors of Tonantzin Land Institute. He has been the primary resource person for the acequia members in Rio Mimbres Adjudication suit.