

Nelson J. Cordova is a member of the Taos Pueblo Tribal Council and serves as the Water Rights Coordinator for the Pueblo. He is one of the negotiators appointed by the Tribal Council to represent the Pueblo in the Abeyta water right adjudication. As Coordinator, Nelson oversees the activities and efforts of the federal government and the Pueblo's legal and technical consultants to protect and preserve the Pueblo's water resources. Nelson has served Taos Pueblo in various capacities including Tribal Administrator, Tribal Secretary (three times) and War Chief. He also serves on the Department of Interior's Joint Federal and Tribal Water Funding Task Force and is a member of the All Indian Pueblo Council's Water Committee. Nelson received a bachelor's degree from NMSU and a master's degree from Pennsylvania State University.



Water and Growth Issues Around New Mexico Taos Pueblo

Nelson J. Cordova
Taos Pueblo Council
PO Box 1846
Taos, NM 87571

Good morning. Thank you for giving me the opportunity to address this conference. My name is Nelson J. Cordova and I serve as the Pueblo's Water Rights Coordinator, am a member of the Taos Pueblo Tribal Council, and the Taos Pueblo Water Rights Task Force. The Task Force was created by the Tribal Council to protect the Pueblo's interests and to ensure the Pueblo's continuous presence in the *Abeyta* water suit. Since 1969, Taos Pueblo has been engaged in the *New Mexico v. Abeyta* water rights adjudication suit filed by the State of New Mexico. The purpose of the suit is to quantify and prioritize the water rights of all water users in the Taos Valley namely Taos Pueblo, the town of Taos, the acequias, the mutual domestics, and sanitation districts.

I mention the *Abeyta* adjudication because it represents a microcosm of the same issues and

concerns we face statewide. These issues revolve around stretching available water resources, conserving our current supplies, protecting its quality, finding new sources, and most importantly, whether we can continue to sustain the growth that is occurring with our existing water supplies. All of us at this conference are familiar with the contentious nature of water rights adjudications; it can create disputes among brothers, sisters, neighbors, cities, states, and even nations. This summer when our Governor, in response to dwindling water supplies, implemented an irrigation water allocation and use schedule, there were many disgruntled tribal members and complaints from our downstream neighbors. The problems subsided when everyone realized there was no water to fight over.

Historically, Taos Pueblo was blessed with a stable and exclusive source of water. The snow pack

that accumulates in our Blue Lake Wilderness area is a source of pristine quality water for our lakes, streams, and springs that are an important part of our religion and culture. Also, our upstream location from other communities in the valley gives us comfort that we will always have water for all our needs. The Buffalo Pasture, a wetland area located west of the Pueblo, is an area everyone in the valley agrees must be protected as it is a source of water for domestic wells and ditches that serves the surrounding communities.

Recently, we experienced another phenomenon that may have a more profound impact on our water resources—the weather. Some meteorologists are predicting that we are entering a period of drought that may last for several decades. This summer was the driest on record; with minimal runoff and no rain, tribal members were fortunate to irrigate even once. There was no forage for our animals, the pastures burned up, fish died in the streams, and there was only a trickle of water in the Rio Pueblo for ceremonial uses. Statewide, the picture was pretty much the same. Reservoirs that store water for cities and municipalities were frightfully low as were the acequias. As a result, I think we all realize how vulnerable we are as human beings. If we do not improve our water management practices, we may find ourselves in a worse situation than the one experienced this past year.

Changing attitudes on water use is difficult. As soon as we see rain or snow, we forget about the problem—witness the decrease in newspaper articles related to water. Also, some folks refuse to admit there is a water shortage, they believe water is a resource that can replenish itself indefinitely and that even if supplies do not increase, future demands can be met by shifting uses or contracting for San Juan/Chama water. Changes in use might mean allocating water to those uses that are deemed to be of a higher economic value, which could result in more water for cities and industrial uses, and less for agricultural and livestock use. If this is to be the case, I wonder how ceremonial uses would fare in comparison to golf courses. Perhaps a better alternative is to manage water like money; start with a balanced budget and institute a regime that will ensure that it remains in balance. New uses should not be permitted unless it is determined that a source of water is available to support that use.

In the future, an important factor to consider in

any water allocation scenario is the water rights of Indian tribes and Pueblos. In the aforementioned *Abeyta* adjudication, even though water rights of the non-Indian irrigators, municipalities, and mutual domestic have been quantified, the rights of Taos Pueblo have yet to be adjudicated. When our claims are adjudicated, the quantified rights will include most of the surface water in the valley and thus will have a tremendous impact on other water uses in the valley.

To give you some idea of the magnitude of the impact that could be felt by our neighbors, it is estimated that approximately 75,000 acre-feet of surface water is produced in the valley annually. Depending upon the outcome of the adjudication, even at a worse case scenario, the Pueblo will still obtain a sizable amount of water based in part on an anticipated ten-fold population increase and related demand for domestic, agricultural, livestock, industrial, and ceremonial uses in the next hundred years. With regard to just irrigated agriculture, for instance, we have plans to increase the acreage now under irrigation from our current 1,300 acres to approximately 5,000 acres on the original Pueblo Grant and the adjacent Tenorio Tract. In addition we are planning to put approximately 8,000 acres under irrigation in our replacement lands, which will require over 20,000 acre-feet per year. When domestic, industrial, ceremonial, and other uses are combined, we are looking at a claim that is in excess of over 30,000 acre-feet per year.

Currently, a major constraint on the acreage we can put under irrigation is the poor condition of our irrigation infrastructure. Our system needs at least five million dollars worth of improvements, conservatively speaking. The last improvements on the system of any magnitude were made in the 1930s and 40s in order to implement some of the recommendations of the Pueblo Lands Board. Since that time, the efficiency of our irrigation system has decreased to less than 30 percent despite the efforts of the tribe to keep it in good repair. In 1998, the Bureau of Reclamation and the Bureau of Indian Affairs conducted an appraisal of irrigation system rehabilitation and repair needs among the New Mexico pueblos. Although they were successful in documenting the current conditions of these systems, they were not successful in securing the funding to repair these systems. In spite of these problems, the Pueblo

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believes it can once again revive its strong agricultural tradition that is the cornerstone of its existence.

The word “competition” should be banned from use in any discussion on water. It denotes that there is going to be winners and losers, which is probably realistic, but it should not detract us from working together to find solutions. As was noted earlier, we are cognizant of the impacts that would befall our neighbors if we are adjudicated all or substantially all of the water we are claiming. Because we know from our technical experts that surface water alone cannot meet future demands of the valley, it must be supplemented with ground or imported water. To help seek a solution to this potential problem, the Pueblo has joined its neighbors at the negotiation table to find ways to address everyone’s needs while minimizing the negative impacts that will most certainly occur when its water rights are fully quantified.

The potential for success in negotiating a valley wide settlement lies with the development of substantial, previously untapped deep groundwater. To learn more about this resource and to avoid any negative impacts to groundwater by hastily implemented development of this resource, a deep groundwater drilling and testing program has been underway for the past two years. If the study demonstrates there is sufficient groundwater of good quality and there is no hydrologic connection between the shallow and deep aquifers that could eventually impair our streams, wetlands and springs, the parties may proceed to develop it. Jointly, the parties are also exploring ways to enhance current supplies by recharging the aquifer, improving irrigation system efficiencies, recycling, and managing the valley’s water resources more efficiently through regional water and wastewater systems that would include every community in the valley.

The scenario in the Taos Valley is similar to that of many areas in the state that border Indian communities. In most instances, because the rights of the pueblos have not been quantified and because the infrastructure needed to put this water to use is non-existent or in poor condition, water belonging to the pueblos has been flowing to non-Indians who have become accustomed to its availability and claim a right to it. Once the claims of the pueblos are adjudicated and since their water rights are generally senior to those of their neighbors in terms of priority, much of the water now being used by non-Indians

will eventually revert to the pueblos. In the Taos Valley, we are proposing that the return of pueblo water rights, currently used by non-Indian irrigators, take place over time. The concept, which has gained general acceptance, is to create a mechanism by which water voluntarily relinquished by non-Indian irrigators would be purchased and returned to pueblo use. The concept is creative and will require concessions on the part of all water uses to make it work.

How water problems created by generations of confrontations are addressed will depend upon the ability, vision, and compassion of persons given the awesome responsibility of coming up with solutions. But, they must be resolved if we wish to live in harmony.