



Experiences from the Taos Pueblo Indian Water Rights Settlement Act
P.L. 111-291

SYMPOSIUM ON SETTLEMENT OF INDIAN RESERVED WATER RIGHTS CLAIMS

TAOS PUEBLO

- The Place of the Red Willows
- Located in North Central New Mexico
- UNESCO World Heritage Site
- 2500 enrolled tribal members
- Land base of over 110,000 acres
- Regained Blue Lake in 1970
- Head waters of Rio Pueblo and Rio Lucero

ABEYTA WATER ADJUDICATION SUIT

- **New Mexico ex rel. State Engineer v. Abeyta and New Mexico ex rel. State Engineer v. Arellano**
- State filed case in 1969
- Determine quantity and priority of all surface and ground water rights in Rio Pueblo and Rio Hondo
- Litigation in abeyance until 1985
- United States and Pueblo named parties in the case
- Pueblo agreed to negotiated in 1989
- United States and Pueblo filed amended claims in 1998

PARTIES TO THE ADJUDICATION

- Taos Pueblo
- Taos Valley Acequia Association
- Town of Taos
- El Prado Water and Sanitation District
- 12 Taos – Mutual Domestic Water Consumers Association
- State of New Mexico
- United States

SETTLEMENT BENEFITS TO PARTIES

- Quantification of Taos Pueblo's aboriginal water rights
- Mechanism for the protection of the Pueblo's sacred Buffalo Pasture
- Obligations to offset surface water depletion effects
- Allocation of San Juan Chama Project water
- Protects acequia water rights and sharing agreements
- Refrain from priority calls

BENEFITS (CONTINUED)

- Waivers of protests on water rights tentatively adjudicated to other claimant, including domestic wells
- Future ground water production will be met without injuring surface water or ground water supplies
- **The settlement agreement allocation of water among the parties protects existing supplies, protects Pueblo cultural resources and provides management of Taos Valley water resources in the future. (Certainty)**
- Funding to put water to use
- Promotes “Peace in the Valley”

TAOS PUEBLO WATER RIGHTS UNDER SETTLEMENT

- Historically Irrigated Acreage --- 7,883.64 AFY (dep)
(5,712.78 acres)
- Stock Ponds 114.5 AFY
- San Juan Chama 2,215 AFY
- Deep Ground Water 1,300 AFY
- Municipal, Industrial, Domestic 300 AFY
- Stock Wells 14.72 AFY
- Rio Grande Depletion Credit 100 AFY
- Total(Depletion) 11,927.71 AFY

LESSONS – LEARNED TO DATE

- Water Settlements do not end – prepare for long haul
- Negotiations require compromise/concessions
- Adjudications are expensive – Be prepared to spend own money
- Be an active participant in the process – know your claims
- Hire competent legal and technical experts
- Lawyers are a necessary evil

LESSONS (CONTINUED)

- Community Planning – land use planning
- Implementation takes longer – rubber hits the road
- Negotiators in difficult position – everyone second guesses you including yourself
- Congressional staff are a valued resource
- Do settlements achieve FINALITY?

TAOS PUEBLO WATER SETTLEMENT IMPLEMENTATION STATUS

- Working fulfill conditions precedent
 - Conform Draft Settlement Agreement to Act
 - Amend state leasing statute
 - Secure federal/settlement appropriations
 - Approval of Partial Final Decree
- Implement early settlement projects
 - Plan/design Buffalo Pasture Recharge Project
 - Transfer of BOR Wells
 - Initiate water acquisitions
 - Assess water and wastewater systems
 - Establish Pueblo water administration and Management
 - Administer FEMA and BOR projects

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- **Settlement Enforcement Date — MARCH 31, 2017**
- **ALMOST THERE!!!**

