

SPANISH IRRIGATION IN TAOS VALLEY

JOHN O. BAXTER

A study prepared
for the
New Mexico State Engineer Office
Santa Fe, New Mexico

September 1990

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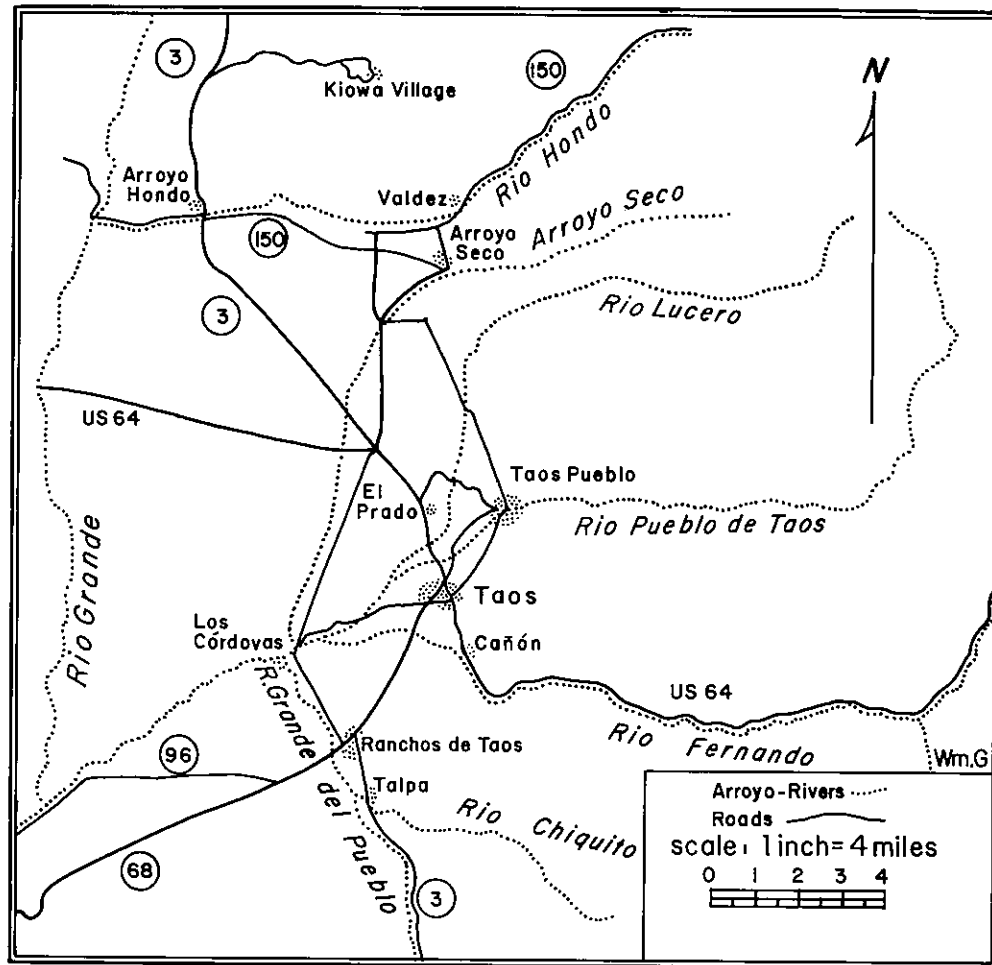
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INTRODUCTION

Settlement in Taos Valley 1540-1800



Spanish conquistadores from the expedition led by Francisco Vázquez de Coronado visited Taos Valley and the large Tiwa Indian pueblo located there while exploring the upper reaches of the Río Grande. Guided by a Pecos native known as Bigotes, a party commanded by Hernando de Alvarado, one of Coronado's officers, moved out from headquarters at Tiguex near present Bernalillo, arriving at Taos in the summer of 1540. An unidentified scribe, perhaps Alvarado himself, portrayed the location as follows:

This river [Río Grande] originates at the limits of settlement north of the slopes of the sierras where there is a large pueblo, different from the others. It is called Yuraba . . . The houses are built very close together. They are five or six stories high . . . This pueblo has more people than any other in all that land. We reckoned that it must have numbered fifteen thousand souls.¹

Another soldier, Melchior Pérez, offered an even higher figure, estimating the Taos population at thirty thousand.² Evidently the multi-storied pueblo and surrounding area made a deep impression on the Spaniards although they greatly exaggerated the village population.

During the next summer, while Coronado sought the elusive kingdom of Quivira, far to the east on the buffalo plains, his lieutenant Tristán de Arellano sent a foraging party under Velasco de Barionuevo from Tiguex to Taos to obtain winter supplies. In an account of this expedition, Coronado's leading chronicler, Pedro de Castañeda, called the pueblo "Braba" and noted that the Spaniards had renamed it "Valladolid." Concerning the Río del Pueblo that divided the village, Castañeda observed that the stream flowed swift and deep. Lacking any ford, the natives crossed over

on bridges made of heavy pine timber. Although Indian agriculture received little attention in the Coronado narratives, Juan Jaramillo wrote that all the pueblos, including Taos, grew maize, beans, and squash. Unlike other villages near Tiguex, Taos raised no cotton because of the high elevation and short growing season. To provide clothing, native craftsmen fashioned garments for men and women from deer and buffalo hides.³ Coronado's men returned to New Spain in the spring of 1542, disillusioned by the lack of gold and silver in the fabulous North. After their departure, more than fifty years elapsed before other Spanish adventurers returned to Taos Valley.

In January 1598, Juan de Oñate led an expedition composed of 129 settlers and ten Franciscans out of San Bartolomé in present Chihuahua to establish a permanent colony in New Mexico.⁴ By July 11, the advance guard had reached the Tewa village of Ohke, renamed "San Juan Bautista" by the Spaniards, where Oñate made his headquarters. Despite the long journey, the proud *adelantado* made brief visits to Taos and Picurís within a week. With assistance from 1,500 "barbarian Indians," the colonists began work on an acequia for a proposed city to be called "San Francisco de los Espanoles" exactly one month after arriving at San Juan.⁵ The new community failed to materialize, but the ditch construction clearly demonstrated Spanish priorities. On September 9, representatives from Taos and several other pueblos gathered at San Juan to swear oaths of allegiance to the Spanish Crown, although it is unlikely that any of the king's new vassals understood what the ceremony entailed. Six days later Fray Francisco Zamora, newly chosen to be missionary at Taos and Picurís, left San Juan to assume his post, thus establishing a Spanish presence among the Tiwas.⁶

Once established in New Mexico, Oñate wrote enthusiastically to king and viceroy about the wonders of the most recent addition to the Spanish empire. Describing Indian agriculture he declared with elan that, "Their corn and vegetables . . . are the best

and largest to be found anywhere in the world."⁷ Other members of the expedition recalled a few years later that the Pueblos were skilled farmers, producing corn, cotton, beans, squash, melons, and watermelons, which they planted in May and harvested in August. Some fields were irrigated; others depended on seasonal rains. In times of plenty the natives stored sufficient food supplies for future needs. Wheat planted by the colonists yielded twenty to thirty fanegas from a fanega of seed.⁸

Unfortunately, Oñate and his followers soon experienced a wide range of problems. In Taos Valley the newcomers aroused the animosity of the Pueblo Indians. Despite their oaths of allegiance to the king, the natives of Taos Pueblo refused to submit meekly to the invaders' demands. As early as 1609 Fray Francisco Velasco reported that the Tiwas of Taos and Picurís had formed an alliance with Pecos and some Apache bands to oppose the Spaniards and their Indian allies.⁹ Because of disagreements over tribute and efforts by authorities to suppress native religious practices, resistance at Taos continued throughout the seventeenth century. Early in 1640, the Indians killed their missionary, Fray Pedro de Miranda, and two other Spaniards. After destroying the church, they joined Apaches living at El Cuartelejo in present western Kansas where they remained for about twenty years before returning reluctantly to their village.¹⁰

Given this chronic unrest it is not surprising that Taos played a leading role in the great revolt of 1680 in which all the Pueblo Indians united to drive the Spaniards from their homeland. By that time Spanish encroachment on Indian lands provided yet another cause for discontent at Taos. When the storm broke on August 10, over seventy of the valley's settlers were killed in addition to two Franciscans, Fray Antonio de Mora and Fray Juan de la Pedrosa. By chance a number of leading Taos Valley residents happened to be absent and escaped. Returning home to a scene of devastation and carnage, Sargento Mayor Fernando Durán y Chaves and his

son Cristóbal made their way past Santa Fe, joining other refugees in the Río Abajo. Domingo de Herrera and Diego Lucero de Godoy, who also held the rank of sargento mayor, had been ordered to El Paso for escort duty in July, service that probably saved their lives.¹¹

Still reeling from the shock of the Indian uprising, New Mexico's Hispano citizens retreated to El Paso where they remained in exile for twelve years. In 1692, a new governor, the redoubtable Diego de Vargas, led an exploratory expedition up the Río Grande to persuade the Pueblos to accept Spanish sovereignty. When he arrived at Taos on October 7, Vargas expected stiff opposition. Instead, he found the village deserted, although the party saw smoke in the mountains to the northeast where the Indians had retreated. Emissaries persuaded them to return to their homes and render new assurances of allegiance.¹² The natives soon recanted, however. Returning the following year with settlers to reestablish the colony, Vargas encountered widespread resistance. In June 1694, the governor advanced on Taos from Picurís to secure much needed supplies but found the pueblo abandoned once again. After seizing large stocks of grain stored in the village, Vargas's men beat off an attack from eighty Taos warriors while returning to Santa Fé by a circuitous route. Two years later most of the pueblos rebelled again. At Taos the natives left their village and hid in the mountains until coaxed down by Vargas after an unseasonal snowfall made their refuge untenable. At last, in October 1696, an uneasy peace settled on Taos Valley.¹³

Unfortunately, Hispano land and water use near Taos during the seventeenth century is almost completely undocumented. If New Mexico's governors had authorization to make land grants similar to those conceded after the revolt, all evidence was destroyed in the great upheaval. However, requests to government officials by post-revolt settlers for agricultural and grazing lands near Taos refer to earlier occupation by various citizens. Among

the most prominent were Diego Lucero de Godoy, who settled north and west of the pueblo along the river that still bears his name, and Fernando Durán y Chaves, who lived near present Ranchos de Taos and also gave his name to an important stream.¹⁴ Both men survived the revolt as we have seen. Other Spaniards with claims in the region include Bartolomé Romero, Francisco Gomez Robledo, and, possibly, Domingo de Herrera,¹⁵ who seems to have been the only one of the five to return to New Mexico with Vargas.¹⁶ Eventually their lands were given to others, but resettlement in Taos Vally proceeded slowly. Early in 1706, Fray Juan Alvarez, custodian of the Franciscan Order in New Mexico, submitted a detailed report of mission conditions within his jurisdiction to higher-ups in Mexico City. At Taos Pueblo, Alvarez estimated a native population of seven hundred persons, but failed to enumerate a single Spaniard residing in the area.¹⁷ The situation began to change in the next decade, however.

Attracted by fertile lands and abundant water for irrigation, a number of venturesome Spaniards looked longingly on Taos Valley as a place for permanent settlement. By 1715, authorities had established civil government in the region with the appointment of an alcalde mayor who maintained headquarters at the pueblo. At least one request for nearby lands had already been made. On April 28, 1710, Cristóbal de la Serna, a soldier of the Santa Fé presidio, petitioned Governor José Chacón Medina Salazar y Villaseñor for the lands near present Ranchos de Taos formerly occupied by Fernando Durán y Chaves. Situated along the Río de las Trampas (Río Grande del Rancho), the tract lay between the middle road to Picurís on one side and "the hot spring" (Ponce de León Hot Springs) on the other. Five years later Chacón's successor, Governor Juan Ignacio Flores Mogollón agreed to Serna's request for revalidation of the grant because extended military service had prevented earlier settlement. Before putting Serna in possession on June 15, 1715, Alcalde Juan de la Mora Pineda notified the governor, the cacique, and other officials from the pueblo of Taos who

made no objection and promised not to plant on the grant in the future. The alcalde indicated the other two boundary calls as an old monument on the east (actually north) and the mountains to the south.¹⁸

During the next few years Captain Serna campaigned frequently against warring Navajos, Utes, and Comanches, which left little time to develop his lands. New Mexico then faced danger, not only from marauding Indians, but also from the French who threatened encroachment from the east. In the summer of 1720, Serna accompanied an ill-starred scouting party to the buffalo plains led by Lieutenant Governor Pedro de Villasur. On August 14, the captain and four of his servants died in battle with Indian allies of the French on the Platte River in present Nebraska.¹⁹ Four years later, two of Serna's children, Juan and Sebastiana, sold the Taos grant to Diego Romero, a transaction recertified by Acting Governor Juan Páez Hurtado on November 24, 1724.²⁰

Before the Revolt, Romero's parents, Alonso Cadimo and María de Tapia had been servants at the hacienda of Felipe Romero in the Río Abajo near Sevilleta where Alonso assumed the name of his *patrón*. Evidently Diego's mother was of mixed blood for Diego described himself as the son of a Spaniard and a *coyote*, and became widely known as "El Coyote." María de Tapia fled south in 1680 accompanied by Diego and his sister Ana María, but all three returned to New Mexico with Vargas after thirteen years at El Paso. In 1694, Ana María married Juan de Villalpando; the family eventually settled near her brother at Taos.²¹ Together with his wife, María de San José, and their four children, El Coyote had located there by 1714 when he registered a livestock brand and declared himself to be a resident of San Gerónimo de Taos.²² Before his death in 1742, Romero prospered on the Serna grant, accumulating substantial herds of horses, cattle, and sheep,²³ but he also found himself entangled in frequent squabbles with Indians from the pueblo despite their earlier acquiescence to Serna's occupation.

Soon after recertifying Serna's grant in 1715, Governor Flores Mogollon approved another petition for lands in the Taos area presented by the widow Francisca Antonia Gijosa. As a bride of seventeen, Francisca had come north from Mexico City with her late husband, Antonio Moya, one of sixty families recruited at the capital in 1693 to support the recolonization of New Mexico.²⁴ Claiming that she needed pasture for a few sheep and goats, the lady asked for lands in Taos Valley formerly held by Bartolomé Romero, then deceased. Stipulating that the grant must be occupied within six months, the governor agreed. On September 20, 1715, Alcalde Juan de la Mora Pineda indicated that the tract lay north of the middle road to Picuris between *las piedras negras* (black rocks) on the west and *la toma de la acequia* (intake of the ditch) to the east,²⁵ one of the earliest references to a specific acequia in the Taos area. Later testimony revealed that the ditch mentioned was the Acequia de los Lovatos which originated in the Río Pueblo and is still in use today.²⁶

Whether or not Gijosa ever attempted to use the grant is questionable. Within a year of obtaining possession she and her new husband, Andrés de la Paz, had settled on property recently purchased at Santa Cruz de la Cañada. On May 25, 1725, Francisca Gijosa sold the tract to Baltasar Trujillo of Pojoaque for fifty pesos. Trujillo already owned an adjoining parcel granted to him in 1702 that he had vacated for a time, but had recently reoccupied. Taos Alcalde Miguel Enríquez Jirón y Cabrera put Trujillo in possession June 22, giving the following boundaries for both tracts: east—the intake of the ditch that borders the pueblo (*la toma de la acequia que linda con el pueblo*), west—the black rocks up to the arroyo hondo, south—the middle road [to Picurís], north—the river of said pueblo.²⁷ Seven years later on July 12, 1732, Trujillo sold the whole property to Baltasar Romero who had been in the region for at least two years, long enough to be charged with trespass by pueblo officials along with several of his neighbors. One month after purchasing the Trujillo lands, Baltasar conveyed them

to his younger brothers and sisters on August 12 in a transaction sanctioned by Diego Romero acting as lieutenant alcalde.²⁸

On October 26, 1716, Governor Félix Martínez approved still another petition for a grant near Taos from Antonio Martínez, a mysterious resident of Sonora. To provide for his large family, Martínez requested the lands north and west of the pueblo occupied before the Revolt by Diego Lucero de Godoy. Acting promptly, the governor ordered his Secretary of State and War, Miguel Tenorio de Alba, to go to Taos and take Martínez through the possession ceremony. As boundaries Tenorio indicated the arroyo nearest the pueblo on the east, the Río del Norte to the west, the mountains which are the source of the Río Lucero to the north, and the junction of the Taos River and the Río del Norte on the south. Once again the Indians offered no objection, asking only that they be allowed to continue to plant in a certain *rincón* (bend) along the Río Lucero as they had done during the tenure of Lucero de Godoy.²⁹ Although the newcomer from Sonora obtained legitimate possession, there is no evidence showing that he ever settled the grant. In fact, Martínez never appeared again in contemporary records and the Indian stipulation became moot.

During the 1720s, two more Spaniards looked at Taos Valley as a favorable site for agricultural enterprises. In 1722, Alférez Cristóbal Tafoya ask for a tract at the Piedras Negras, the west boundary call of the Gijosa grant. A relative of Baltasar Romero who later purchased the Gijosa, Tafoya secured approval from the governor but was never put in possession.³⁰ A year later, Sebastián Martín, one of the largest landowners in the Rio Arriba, extended his farming and ranching operations into the Taos area. On October 25, 1723, Martín bought a house and an ill-defined parcel of crop and pasture land from Dimas Jirón de Tejada and his wife María Domínguez for 100 pesos. No boundaries were given but, according to later documentation, the site included the well-watered lands west of the Río Lucero in the area known as Los Estiércoles, now

El Prado. Although the sellers conceded that the rancho had been unoccupied for some time, they claimed title through inheritance from María's father, Captain José Domínguez. In pre-Revolt times it had belonged to Francisco Gómez Robledo.³¹ Since Martín already owned an enormous grant stretching east from the Río Grande between San Juan and Embudo, it must have been the obvious opportunity for irrigation development that drew him to the Estiércoles location.

As Spanish settlement gradually increased in Taos Valley, conflict with the nearby pueblo became inevitable. Intrusions by settlers and their wandering livestock into Indian fields led to frequent litigation, although water rights caused few problems at first. In 1730, the pueblo of Taos complained of trespass by Sebastián Martín, Baltasar Trujillo, and Baltasar Romero to Governor Juan Domingo de Bustamante, then nearing the end of his term in office. After weighing the evidence, Bustamante issued a decree favorable to the Indians, ordering the defendants to move their stock at least three leagues from pueblo farmlands. Martín countered by suing Bustamante for losses caused by his decision, asserting that his title derived from a royal grant. The lawsuit became an issue in the late summer of 1731 during Bustamante's *residencia*, the official investigation made at the end of his tenure. Presiding justice Francisco de la Sierra y Castillo decided in favor of the governor, levying a fine of 105 pesos for perjury. The other settlers quickly accepted Bustamante's decree.³² Even before Sierra issued his decision, the pueblo had filed additional charges before the new governor, Gervasio Cruzat y Góngora, alleging trespass, rustling, and related damages against the same three defendants. Following Bustamante's lead, his successor again found in favor of the pueblo, ordered the settlers to herd their stock away from Indian fields, and issued a stern warning against future transgressions.³³

While Hispanos and Indians quarreled over encroachment, more land-hungry settlers applied for grants in the area. Records

presented before United States officials in the nineteenth century suggest that, during the 1740s, two other grants were made for lands west of the pueblo along the Río Lucero. Both overlapped the tract received in 1716 by Antonio Martínez. In 1857, former mountain man Antoine Leroux claimed a "Los Luceros Grant" for his wife, Juana Catalina Vigil, and other members of the Vigil family. Leroux produced a 1742 document in which Governor Gaspar Domingo de Mendoza allowed a request for a large acreage from Pedro Montes Vigil de Santillana and his nephews, Juan Bautista and Cristóbal Vigil. Mendoza approved but reduced the size, setting the boundaries as the Arroyo Hondo to the north, at a line two leagues west of the pueblo on the west, the crest of the sierra to the east, the lands of Sebastián Martín on the south. Prior to 1857, someone changed the eastern boundary call on the grant paper, which greatly expanded the acreage, but made that part of the document highly questionable.³⁴

During the same proceeding before the Surveyor General, the Taos Indians introduced another document issued in 1745 by Governor Joaquín Codallos y Rabal to substantiate a grant allegedly made to Antonio Martín, son of Sebastián, for lands north of his father's between the Río Lucero and Arroyo Hondo. Settlers at Arroyo Seco based their titles on this grant but did not assert any occupation before 1815.³⁵

In 1744, Taos Valley received a visit from a distinguished churchman, Fray Juan Miguel Menchero, an ambitious Franciscan who hoped to reinvigorate New Mexico's missionary program. After making the arduous thirty-league journey up from Santa Fé, Menchero included his impressions of the northernmost mission in a report to the viceroy, the Count of Fuenclara. Describing Spanish settlement there, he wrote:

The ranches of Taos, four in number, are situated in a beautiful spacious plain, which is crossed from south to

north by the Río Grande del Norte. In a craggy mountain range rise three rivers, which run from east to west and at a distance of three leagues unite in the said plain; one league farther on they come to an end, having precipitated their waters into the current of the Río del Norte. These ranches have ten Spanish families, who live thirty leagues from the capital and are employed in planting and cattle raising.³⁶

At Taos Pueblo, Fray Juan Miguel counted 170 families, a contrast to the still tiny Hispano population. If he missed a river in assessing the water resources available, he quickly recognized the valley's suitability for irrigation. His ten Spanish families comprised the descendants of Diego Romero, Juan Villalpando, Baltasar Romero, and Sebastián Martín. Most of the residents must have lived close to the future village of Los Ranchos de Taos and someone probably occupied the lands near Los Estiércoles claimed by Sebastián Martín and his family. When Martín's daughter Margarita died in 1744, she bequeathed a tract in Taos Valley "between the two rivers" (probably the Lucero and the Pueblo) to her son-in-law Carlos Fernández on behalf of her two daughters, Fernández's wife Juana and her sister Bárbara.³⁷ All three were living at Taos six years later according to a census made at that time.

Changing circumstances led to a series of property divisions among the Romero families as well, transactions that provide a few clues as to settlement patterns and risks of frontier life in Taos Valley. Diego Romero's first wife died in 1734, leading to a partition of her lands and livestock by Alcalde Francisco Guerrero. Real estate consisted of 2,625 varas between the Río Fernando and the Trampas which were divided equally by her three surviving children, Francisco Xavier, Andrés, and Ana María Romero.³⁸ Eight years later, death ended El Coyote's stormy career and, again, Guerrero supervised distribution of the assets. Using a 100 vara *cordel*, the alcalde measured the entire tract of 10,300 varas on May

5, 1743. Romero's second wife Bárbara Montoya received one half with the balance divided among his three children.³⁹ Within a year of her husband's death, Bárbara Montoya had married Antonio Durán de Armijo, but she herself died during childbirth in 1745. An inventory of property that she had brought to the marriage listed a rancho on the Río de las Trampas, without a house, about three leagues from the pueblo. Also mentioned was a five-room house "in which we live" in El Valle de Taos that she failed to locate precisely.

Soon after Bárbara's death, Armijo, on October 29, 1746, bought 405½ varas of *tierra de labor de pan llebar* (farmland for wheat growing) and a two-story, eight-room house from El Coyote's daughter Ana María and her husband Antonio Atienza. In return, Armijo gave 200 *pesos de la tierra*, a currency of account settled with products of the country, in this case an Indian slave woman and four cows and calves. He also conveyed his former residence located "in the same patio" as the one he received, suggesting some sort of clustered settlement closer to the pueblo than the Trampas. The farmlands lay east of the Río Pueblo, bounded on the north by the camino real from la Cieneguilla and on the south by the first field of Francisco Xavier Romero. To the east the dividing line was "the acequia nearest said lands and nearest the said pueblo," indicating more than one ditch nearby. Although the land appears to be part of Ana María's inheritance from her parents, the entire tract was too far to the west if the Río Pueblo was the correct boundary on that side. Examination of Armijo's estate confuses the matter further. Following his death on August 1, 1748 at the hands of enemy Indians, the executors inventoried lands inherited from Bárbara Montoya near the Río Fernando, the eight-room house purchased from Atienza and his wife, but placed the wheat land on the Río de las Trampas.⁴⁰

Meanwhile, Baltasar Romero's siblings also requested a partition of the wheat land purchased in 1732. On June 11, 1745, hard-

working Alcalde Guerrero brought his well-worn *cordel* to the Gijosa-Trujillo tract and, after measuring off 11,600 varas in all, made equal allotments to each family member. Beginning at the pueblo boundary on the east, he laid out 2,230 varas for Cristóbal Tafoya, a brother-in-law, followed by equal amounts for Joseph Villalpando, another brother-in-law, and Juan Joseph Romero. The remaining two shares went to Antonio Atienza as trustee for Rosa and Domingo Romero who were still minors, an arrangement that probably gave Atienza use of the land. The adjoining pastures were not divided but remained for all the partitioners to use in common.⁴¹

In 1750, church officials conducted a comprehensive census of New Mexico's missions, leaving an important record of the provincial population at that time. At Taos, Fray Miguel Gomes Cayuela tallied twenty-three non-Pueblo Indian households totaling 136 persons, a significant increase since Menchero's rough count six years earlier. Providing more detail than most of his colleagues, Gomes recorded full names and racial designation for every family enumerated. Household heads included nine Spaniards, six coyotes, and eight *genízaros* (who were detribalized Indians living among the Spaniards).⁴² The influx of new people into the valley led to renewed difficulties with the pueblo. As in the 1730s, damage to crops committed by roving livestock was the principal irritant, but this time the situation was reversed. The Indians complained that efforts by settlers to protect their farmlands prevented pueblo animals from following usual routes to pasture. To prevent further abuses Governor Tomás Vélez Cachupín took decisive action. On March 29, 1753, he ordered fourteen offenders to fence their fields so that Indian flocks and herds might proceed unimpeded.⁴³ Penalty for non-compliance was a hefty fine of fifty pesos and three months in jail, but the governor did not challenge the settlers' right to occupy their lands. Led by Carlos Fernández, Francisco and Andrés Romero, and Antonio Atienza, the culprits included representatives of all racial groups, Spaniards, coyotes, and *genízaros*.

On a hot June day in 1760, Indians and Hispanos alike turned out to greet Pedro Tamarón y Romeral, bishop of Durango, then making a rare episcopal visitation in New Mexico. After crossing the sierra from Picurís, Tamarón descended toward Taos and immediately noticed the four rivers flowing through the valley to the Río Grande. As he crossed the Río de las Trampas, he observed that it provided "abundant ditches for irrigation." The party stopped nearby at midday, accepting hospitality from a "wealthy Taos Indian" whose house was "well walled-in, with arms and towers for defense," measures adopted as protection against Comanche raids.⁴⁴ Inveterate traders, the Comanches frequently dropped in on Taos to market hides, meat, and captives with Hispanos and Pueblo Indians. The annual Taos fairs became high points in New Mexico's commercial life, but the Comanches were dangerous and unpredictable. If offended by a real or imagined injustice resulting from a business deal, they took a terrible toll of revenge.⁴⁵ One such incident occurred within a month of the bishop's departure from New Mexico. Insulted during a scalp dance at the pueblo, three thousand Comanches descended on the valley determined to crush the Taos Indians and their settler allies. The latter gathered for a desperate defense at the house of Pablo Villalpando, which was probably the residence of Tamarón's "wealthy Taos Indian." Eventually the attackers prevailed, overrunning the settlers' fortifications, killing seventeen, and carrying off fifty-six women and children, a large portion of the Spanish population.⁴⁶

Many of the captives subsequently returned home, but the great Comanche raid of 1760 caused a drastic change in settlement patterns near Taos. Spaniards living on outlying ranches left their homes and moved into the pueblo for protection, although they ventured out occasionally to till their fields. In 1776, when the sharp-eyed Franciscan Fray Francisco Atanasio Domínguez conducted his famous visitation of New Mexico's missions, he found a number of choice sites near Taos abandoned and in ruins. Fur-

thermore, the settlers had also demolished a small plaza to the west, "about two musket shots away from the pueblo." Too far for mutual defense, the location was probably that now occupied by the town of Don Fernando de Taos. Domínguez believed that the situation was becoming less dangerous, however. By the time of his inspection, Governor Pedro Fermín de Mendinueta had ordered construction of a new plaza for the Spaniards "where their farms are," evidently at the present site of Ranchos de Taos.⁴⁷ As Comanche relations improved in the late 1780s, the settlers slowly returned to their farms.

Like Menchero and Tamarón before him, Domínguez praised Taos Valley, describing it as "very pleasant, for in addition to its wide view, it is watered by four fair-sized rivers." Taos Indians cultivated broad fields of wheat and corn irrigated from the ríos Lucero and Pueblo, raising bumper crops that made the region New Mexico's breadbasket when shortages threatened elsewhere. At the pueblo, Fray Francisco admired the large pond, surrounded by cottonwoods and plum trees, that diverted water from the river to benefit the resident friars' vegetable garden. To the south, along the Trampas, Spanish *vecinos* also made good use of water resources to produce bountiful harvests of everything except chile and frijoles. At Los Estiércoles, the swamp grew a big hay crop annually with enough grazing left over to sustain local cattle and the enormous horse herds that accompanied visiting Comanches.⁴⁸

Truly Taos Valley was a land of plenty but competition for its resources became sharper in the years following Domínguez's visitation. Recapitulation of his figures for New Mexico's population discloses a total of 18,344 Pueblo Indians and Spaniards excluding the El Paso area. At Taos he counted sixty-seven Hispano families with 306 persons, an increase of almost 100 percent from the 160 residents indicated by Tamarón sixteen years earlier.⁴⁹ For some years little change occurred at Taos but by 1790, New Mexico's population had jumped to 25,709 with the Pueblo Indians outnum-

bered two to one.⁵⁰ Government officials began concerted efforts to accommodate land-hungry citizens by establishing new communities on the frontiers of the province. To expand the perimeter of settlement, Governor Fernando Chacón made several well-placed land grants in the first years of his administration. These included San Miguel del Vado to the east on the Río Pecos, Cebolleta north of Laguna on the west, and an attempted settlement at Alamillo down the Río Grande near present Socorro.⁵¹ In the north, as the danger of Comanche raids abated somewhat, Chacón approved three grants near Taos in 1795 and 1796; the Cieneguilla, which lies outside the scope of this study, the Río Grande del Rancho, and the Don Fernando de Taos.

Rumors concerning the second of these, the Río Grande del Rancho Grant, provoked controversy even before it was made. Early in 1795, a number of unnamed old settlers from "el Rancho de Nuestro Padre San Francisco del Río de las Trampas" appealed to Taos alcalde Antonio José Ortiz, protesting a proposed grant above their existing fields that would inevitably curtail flow from the scanty stream. Tactfully, the *vecinos* pointed out that additional irrigation would bring diminished harvests, leading to decreased tithes and first fruits for the Church, and great risk for their own livelihoods. A few days later, Ortiz received a second petition from ten Trampas citizens asking to be put in possession of the Río Grande del Rancho tract, probably a stratagem to secure the lands upstream and prevent intrusion by outsiders. Led by José Mirabal, the ten included six Romeroes, some of whom must have been grandchildren and great-grandchildren of El Coyote and Baltasar Romero. Both documents were written and signed by the same man, Nicolás Leal. The alcalde sent the request on to Chacón who ordered that the grantees receive what they asked. On April 9, Ortiz conducted the act of possession laying out a tract south of the Serna grant with the following boundaries: on the south, *la cuchilla de osa*; on the west, the Miranda Cañada and the road to Picurís; to the east, the ridge of the Río Don Fernando; on the north, the

boundary of Manuel Montes Vigil.⁵² The latter property probably comprised some of the land of old Antonio Armijo since his daughter Gertrudis by Bárbara Montoya had married Vigil.

In 1796 Chacón authorized the Don Fernando de Taos Grant, a settlement that quickly became the largest Hispano community in the valley. On May 1, Alcalde Ortiz assembled sixty families southwest of the pueblo near the Río Fernando and took them through the ancient act of possession in which they pulled up grass, threw stones, and shouted "Long live the King!". Mindful of the perils facing the newcomers, Ortiz directed that they arm themselves and be prepared for periodic weapons inspections. He then designated outer boundaries for the grant, which were the cañon of the Río Fernando on the east, lands of Antonio José Lovato to the west, the brow of the hill on the other [south] side of the river to the south, and the pueblo boundary on the north. Finally, the alcalde marked off individual tracts for each settler varying in size from thirty-three to 280 varas, making sure that there was room for future expansion.⁵³ Although the alcalde established the north line at the pueblo boundary, the settlement encroached on Indian lands, making conflict inescapable.

A year later, on May 12, 1797, Ortiz repeated the ceremony, distributing previously unallotted lands on both sides of the river and above the plaza to an unknown number of new arrivals. Chacón reconfirmed both acts August 9, 1799. In an equally important decision, the governor also approved a request made in 1797 by residents of the new community for the surplus waters (*sobrantes*) from the Río Pueblo and Río Lucero,⁵⁴ suggesting that the Fernando's flow had proved inadequate for the growing needs of the settlers. A *sobranter* right meant that the newcomers at Don Fernando could use any water remaining after the Taos Indians and, perhaps the residents at Los Estiércoles, had satisfied their needs. In 1795 and 1800 the pueblo had regained control over much of the Estiércoles area by purchasing two large pieces of land between the

Río Lucero and the Río Grande from José García de la Mora, a great-grandson of Sebastián Martín. According to the deed, the second tract was bounded on the south by "the boundary of the same Indians which divides it from the lands of the settlers of the river Don Fernando and the other heirs that have their pieces of land below the Estiércoles," indicating continued occupation by some of Martín's successors.⁵⁵

Apparently many recipients of the Don Fernando grant had already settled there before Ortiz's possession ritual legalized their occupation in 1796. Exactly two weeks before the ceremony, the alcalde completed a census of communities within his jurisdiction that provided a partial breakdown as to sex, race, and marital status. Pueblo Indians showed little change since 1790: 510 at Taos and 199 at Picurís, which, taken together, comprised almost half of Ortiz's grand total of 1,494. In contrast, the Hispano population had ballooned from 330 to 779, a 135 percent increase in six years. As shown below, Ortiz listed six plazas of Spaniards and mixed bloods giving the patron saint of each community. None had existed when Father Domínguez toured the area twenty years before.

Plaza de San Francisco (Ranchos de Taos)	191
Plaza de Santa Gertrudis	183
Plaza de Nuestra Señora de Guadalupe (Don Fernando de Taos)	195
Plaza de la Purísima [Concepción] (Upper Ranchitos)	61
Plaza de San Francisco de Paula (Lower Ranchitos)	63
Plaza de Nuestra Señora de los Dolores (Cañón)	86
	<hr/> 779 ⁵⁶

In addition to Ranchos de Taos, the oldest settlement in the valley, the census showed two plazas within the Don Fernando grant, Guadalupe and Dolores, presently Taos and Cañón. The list also indicated about ten families at each of the villages now known as Upper and Lower Ranchitos along the Río Pueblo within the Gijosa grant that stretched about six miles from the Lovatos acequia towards the Río Grande.

Inevitably, the population explosion of the 1790s caused increased competition for land and water between settlers and the pueblos and, also, among the settlers themselves. In 1796 an unfortunate event occurred near Ranchos that served as an omen of things to come. On the morning of July 30, Juan Ignacio Vigil, a thirty-two year old resident of "Las Trampas de Taos," noticed that the acequia madre was running bank full as he walked through the fields to deliver a mule to his father. Hoping to irrigate some wheat, Vigil quickly returned home and had diverted part of the flow into his field when he saw a neighbor, José Armijo, cut off the water. According to Vigil the interloper ignored his complaints, a struggle ensued, and suddenly Armijo fell dead.⁵⁷ In a panic, Vigil rode off to Santa Fé where he sought sanctuary in the parish church. Unmoved, Governor Chacón had him carried out and taken to the royal jail. Despite a spirited defense by his legal representative, Vigil was found guilty of homicide after an exhaustive inquiry. However, in 1797, he received a pardon from the Audiencia of Guadalajara.⁵⁸ Documents resulting from the investigation provide a useful source for study of judicial procedure in late colonial New Mexico but they offer disappointingly little evidence as to water use in the Taos area. Even the acequia madre where the fight began is impossible to identify. Nevertheless, the incident demonstrates the settlers' determination to protect rights to precious water, the ultimate source of their livelihoods.

Notes

1. George P. Hammond and Agapito Rey, eds., *Narratives of the Coronado Expedition, 1540-1542* (Albuquerque, 1940): 288-89. See also Herbert Eugene Bolton, *Coronado, Knight of Pueblo and Plains* (Albuquerque, 1949): 185-86.
2. Hammond and Rey, eds., *Narratives of the Coronado Expedition*: 22.
3. *Ibid.*: 244-45, 289, 300.
4. Myra Ellen Jenkins and Albert H. Schroeder, *A Brief History of New Mexico* (Albuquerque, 1974): 19.
5. George P. Hammond and Agapito Rey, *Don Juan de Oñate, Colonizer of New Mexico 1595-1628*, 2 vols. (Albuquerque, 1953), 1: 320-23.
6. *Ibid.*, 1: 342-45, 324.
7. *Ibid.*, 1: 484.
8. *Ibid.*, 2: 626, 634, 660.
9. *Ibid.*, 2: 1094.
10. For a summary of Hispano-Indian relations at Taos in the seventeenth century, see Myra Ellen Jenkins, "Taos Pueblo and its Neighbors," *New Mexico Historical Review* 41 (April 1966): 87-89.
11. Charles Wilson Hackett and Charmion Clair Shelby, *Revolt of the Pueblo Indians of New Mexico and Otermín's Attempted Reconquest, 1680-1682*, 2 vols. (Albuquerque, 1942), 1: xxii-xxxi, 17, 25, 57.
12. J. Manuel Espinosa, *First Expedition of Vargas into New Mexico* (Albuquerque, 1940): 149-56.
13. J. Manuel Espinosa, *Crusaders of the Rio Grande: The Story of Don Diego de Vargas and the Reconquest and Refounding of New Mexico* (Chicago, 1942): 190-96, 281-84.
14. Records of the Surveyor General (SG), no. 116, Antonio Martinez Grant; no. 158, Cristobal de la Serna Grant, State Records Center and Archives, Santa Fe, N.M.
15. SG no. 109, Francisca Antonia Gijosa Grant; Spanish Archives of New Mexico (SANM) I, no. 501, State Records Center and Archives, Santa Fe, N.M.; Hackett and Shelby, *Revolt of the Pueblo Indians*, 1: 147.
16. Fray Angelico Chavez, *Origins of New Mexico Families in the Spanish Colonial Period* (Santa Fe, 1954): 21-22, 36, 46, 60, 97-98.
17. Charles Wilson Hackett, ed., *Historical Documents relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773*, 3 vols. (Washington, 1923-1937), 3: 374.
18. SG no. 158.

19. Alfred Barnaby Thomas, *After Coronado: Spanish Exploration Northeast of New Mexico 1696-1727* (Norman, 1935): 38, 165. For Serna's earlier campaigns, see Elizabeth A.H. John, *Storms Brewed in Other Men's Worlds: The Confrontation of Indians, Spanish, and French in the Southwest, 1540-1795* (College Station, 1975): 234, 242.
20. SANM I, no. 240.
21. Chavez, *Origins of New Mexico Families*: 13, 98, 272, 312.
22. SANM I, no. 240.
23. SANM I, no. 755, 759, 760.
24. SG no. 109; Chavez, *Origins of New Mexico Families*: xii, 240.
25. SG no. 109.
26. Testimony of Simón Lino Trujillo, found in *ibid.*
27. *Ibid.*
28. *Ibid.*
29. SG no. 116.
30. SANM I, no. 941.
31. SANM I, no. 510.
32. Residencia of Governor Juan Domingo de Bustamante, 1731, New Mexico Originals, Bancroft Library, University of California, Berkeley, Cal., ff. 162-69, microfilm copy, Zimmerman Library, University of New Mexico, Albuquerque, N.M.
33. SANM II, no. 361.
34. SG no. 47, Antoine Leroux Grant.
35. SANM I, no. 1292.
36. Hackett, ed., *Historical Documents relating to New Mexico*, 3: 400, 403.
37. SANM I, no. 530.
38. SANM I, no. 755.
39. SANM I, no. 759, 760.
40. Inventories of the estates of Bárbara Montoya and Antonio Durán de Armijo, the land purchase by the latter from Atienza, and related documents are all found in SANM I, no. 240.
41. SG no. 109.
42. *Biblioteca Nacional de México*, legajo 8, no. 81, photostatic copy, Zimmerman Library, University of New Mexico, Albuquerque, N.M. For a published edition of the 1750 census, see Virginia Langhorn Olmsted, ed., *Spanish and Mexican Censuses of New Mexico, 1750-1830* (Albuquerque, 1981).

43. SANM I, no. 1248.
44. Eleanor B. Adams, *Bishop Tamarón's Visitation of New Mexico, 1760* (Albuquerque, 1954): 56.
45. John, *Storms Brewed in Other Men's Worlds*: 312-13.
46. Adams, *Bishop Tamarón's Visitation*: 58. See also Eleanor B. Adams and Fray Angelico Chavez, *The Missions of New Mexico, 1776: A Description by Fray Francisco Atanasio Domínguez with other Contemporary Documents* (Albuquerque, 1956): 251.
47. *Ibid.*: 251, 112-13.
48. *Ibid.*: 108, 111-12.
49. *Ibid.*: 217, n.1, 113; Adams, *Bishop Tamarón's Visitation*: 56.
50. Okah L. Jones, *Los Paisanos: Spanish Settlers on the Northern Frontier of New Spain* (Norman, 1979): 127-28. For the Taos census summary, see SANM II, no. 1110a.
51. John L. Kessell, *Kiva, Cross, and Crown: The Pecos Indians and New Mexico, 1540-1840* (Washington, D.C., 1979): 415-17; Marc Simmons, *The Little Lion of the Southwest: A Life of Manuel Antonio Chavez* (Chicago, 1973): 24-25; Myra Ellen Jenkins and Spencer Wilson, "Socorro—Facts Not Fancy," *La Crónica de Nuevo México* 20 (March 1985): 3.
52. SG no. 58, Rio Grande del Rancho Grant.
53. SG no. 125, Don Fernando de Taos Grant.
54. *Ibid.*
55. Translations of both conveyances are found in SG no. 47.
56. SANM II, "Miscellaneous Documents," microfilm copy, roll 21, frame 545. The Plaza de Santa Gertrudis has not been identified.
57. SANM II, no. 1368, especially *Confeción del Reo*.
58. SANM II, no. 1401.

I THE RIO HONDO

From its source among the high peaks of the Sangre de Cristo Mountains, the Río Hondo rushes westward past the villages of Valdez and Arroyo Hondo before joining the Río Grande fourteen miles northwest of Taos. According to the hydrographic survey conducted by the State Engineer in 1968, the river's twelve principal acequias irrigate 3,700 acres. Official colonization in the Hondo Valley began in 1815 when Governor Alberto Máynez authorized the Arroyo Hondo Grant for a large number of families, although a few hardy pioneers may have settled in the area earlier. At about the same time, accelerating population growth near Taos led to establishment of other new communities northwest of the pueblo, at Arroyo Seco and Desmontes on the Antonio Martínez Grant, and at San Cristóbal beyond the Hondo.

On March 27, Nerio Sisneros, a citizen of the Taos jurisdiction, submitted a petition for himself and some fifty other household heads to Alcalde José Miguel Tafoya asking for lands at Arroyo Hondo to support their dependents. In his request, Sisneros pointed out that the site was favorable for a new community, located well away from Taos Pueblo lands, and offered an abundance of pasture, timber, and water for irrigation. Tafoya immediately forwarded the petition to Governor Máynez who approved it on April 2, stipulating that the commons remain open for public grazing and that no settler receive more farmland than a family could cultivate. Eight days later, Pedro Martín, acting for Alcalde Tafoya, met the newcomers on the ground and took them through the act of possession. Before performing the traditional ceremony, Martín ordered that the occupants must arm themselves for defense and that the grant must remain open to additional settlers.¹

In 1887, when claimants for the Arroyo Hondo Grant came before the Surveyor General to prove ownership of their lands, they

presented copies of two different acts of possession, both signed by Martín. Each paper included a list of settlers, but the two were not identical. Both copies had been made by Alcalde Juan Antonio Lovato, one on July 23, 1823, the other ten years later on March 19, 1833. The earlier one, marked "Exhibit B" by the Surveyor General, included copies of the Sisneros petition and authorization for the grant by Máynez. In the second document, designated "Exhibit A," Martín established the following boundaries: on the north, the landmark of Pablo Córdova; on the south, the mouth of the Arroyo Hondo cañón and the landmark of Pablo Lucero; on the east, the ridge of the mountain; and on the west, the Arroyo Hondo hill. The alcalde then measured off fifty-three individual tracts varying in size from fifty to 300 varas.²

According to the 1823 copy, "Exhibit B," Martín set aside 100 varas amid the agricultural lands for a public plaza, which soon became the village of Arroyo Hondo. While making the distribution, the alcalde marked off a tract in a small bend for Pablo Lucero bounded on the south by a point "where the intake [of the acequia] of the farmland of Arroyo Hondo goes out (*a donde sale la presa de labor del arroyo hondo*)."³ Although somewhat vague, the reference suggests that an irrigation ditch had already been taken out of the Río Hondo prior to the possession ceremony. Records filed in the State Engineer Office show that officials of Arroyo Hondo's three principal ditches, the Atalaya and the Plaza acequias north of the river, and the Acequia Madre del Llano on the south, have claimed 1815 as their priority. Coinciding with the community's original settlement, that date seems reasonable although the Atalaya may be somewhat more recent.

While certifying the 1823 copy of the possession act, Alcalde Lovato made two important additions to the grant records, evidently with the approval of the Taos *ayuntamiento* (municipal council). At the request of Ignacio Gonzales, who represented the citizenry of Arroyo Hondo, Lovato redefined the grant boundaries

as follows: on the north, the hill (*cerro*) on the side of the Río San Cristóbal; on the south, the brow of the hill (*ceja*) that borders the settlers of Arroyo Seco; on the east, the upper little cañón of said river; on the west, the Río del Norte. In the same certification, Lovato also resolved a water dispute with Arroyo Seco, a matter we shall return to shortly.⁴

Ten years after the first act of possession, thirty-six additional settlers, headed by Juan Miguel Tafoya and Manuel Martínez, petitioned for lands in the Talaya area within the Arroyo Hondo Grant, noting the abundance of irrigation water available in the river. On August 25, 1825, the newcomers gathered on the high shelf of land north of the Río Hondo where they received eight tracts of 100 varas each and twenty-eight smaller parcels of fifty varas from Alcalde Severino Martínez as authorized by the Taos *ayuntamiento*. Wording in the alcalde's decree suggested that the recipients probably replaced other landholders who had departed. The document indicated that the recent arrivals obtained full rights as residents of the community, "but without prejudice to the first settlers of Arroyo Hondo who depend on its water."⁵ Occupation of the Talaya lands seems to establish a construction date for the Atalaya acequia no later than 1825.

The ink had hardly dried on Arroyo Hondo's original grant papers when Governor Máynez had second thoughts about the new settlement. On April 11, 1815, the day following the possession ceremony, the governor of Taos Pueblo reiterated old complaints of Hispano encroachment on Indian lands in a letter to Alcalde Tafoya. The latter referred the protest to Máynez who declared Indian lands inviolable and ordered the Taos alcalde to find a solution. The governor also stated that Arroyo Hondo farmers could not plant their fields if such action caused damage to the pueblo. Fortunately for the new arrivals, investigation revealed that, while citizens from other plazas had indeed been guilty of trespass, the

Arroyo Hondo settlement was more than 10,000 varas from Indian lands.⁶

Soon after receiving fields and homesites, *vecinos* of Arroyo Hondo had to wrestle with the problem of sharing water from their river with neighbors on the valley's south rim. Although frequently identified as citizens of Arroyo Seco in early documents, these people actually resided at Desmontes, an area west of Arroyo Seco plaza that gradually emerged as a separate community. There is some evidence that, even before approval of the Hondo grant, settlers on the plain above had begun work on the great ditch that seems to run uphill to irrigate their lands. On modern maps, the big southside canal is called the Cuchilla ditch from its source above Valdez until it reaches the top of the cañon where it divides. At that point, the Desmontes branch continues to the west and the Revalse acequia flows south. The Llano ditch runs south from near the first division and then turns west. The Mariposa, sometimes called the Woody ditch, is a lateral from the Llano.

According to testimony presented in a 1902 lawsuit to quiet title to the Antonio Martínez Grant, construction of the system began in 1809. The witness, William L. McClure, had received his information from José Rafael Vigil, recently deceased at age ninety, who had herded sheep in the area as a boy and knew the acequia's history. Furthermore, Vigil served as mayordomo of the Desmontes acequia for fourteen years.⁷ The tradition recalled by McClure probably explains the declaration date filed with the State Engineer on December 27, 1921. Bolstered by a sworn statement from three other water users, B. M. Woody, a landowner within the Martínez Grant, submitted an affidavit claiming that the Desmontes acequia watered 1,300 acres and was organized about 1808, a date that was applied to all five ditches in the system. However, other documents concerning the origins of Arroyo Seco village suggest that 1815 is a more realistic priority date. In an 1823 decision concerning water use from the Río Lucero, the Taos *ayunta-*

miento asserted that Arroyo Seco residents began developing farmlands and building houses in 1815.⁸ Because construction of the Cuchilla acequia was such an enormous task, it seems unlikely that work began prior to settlement of Arroyo Seco and its outgrowth, Desmontes.

Documents presented in 1826 to settle a claim for lands near Arroyo Seco included an important decree made by Governor Máynez that adds some information concerning use of Hondo water by farmers on the plain above. On August 7, 1815, the governor approved a new grant (*nueva merced*) to Felipe Gonzales and "his brothers," important landholders in the Arroyo Seco-Desmontes area, for an unspecified quantity of water from the Hondo to irrigate a tract recently acquired from the pueblo.⁹ In succeeding pages we shall return frequently to Felipe Gonzales, his associates, and their dealings in land and water.

In later years, everyone agreed that building the Cuchilla acequia up the south wall of the Hondo Canon was a remarkable feat, one that required all the ingenuity and manpower the settlers could muster. Undaunted by lack of technical training and metal tools, New Mexican pioneers completed a major construction project, still regarded with awe by professional engineers. To locate the proper grade for carrying water to the top, someone devised a crude transit, triangular in shape with a sight made of a small piece of lead suspended by a thread from one corner. Workers also manufactured shovels and crowbars from fire-hardened oak and other native woods to move large amounts of rocky soil.¹⁰ Hoping to hasten the project, Gonzales and others promoting settlement on the newly irrigated tract offered choice farmlands to anyone willing to lend a hand.¹¹

Once the ditch had been completed, settlers in the cañon lived in harmony with their neighbors on the plain until the founding of San Antonio (today's Valdez) in 1823. Two years earlier, New Mex-

ico had become part of the new Republic of Mexico, although the end of Spanish sovereignty brought no sudden changes to Taos Valley. On May 27, 1823, Alcalde Vicente Trujillo, acting on orders from Governor José Antonio Vizcarra, once again went through the ritual of possession with seventeen new families at a point about three miles upstream from Arroyo Hondo village. After measuring house lots, Trujillo set off 190 varas for a new plaza.¹² Although written records are non-existent, we can safely assume that the new arrivals soon began construction of the two acequias which serve Valdez farmlands, the San Antonio to the north and the Prando on the south. Recently, owners of the San Antonio declared a priority of May 27, 1823, the date of Trujillo's act of possession. Water users of the Prando acequia and the two Cañoncito ditches downstream have not filed priority declarations with the State Engineer Office.

Establishment of the new plaza marked a change for the worse in relations among Hondo water users. As noted previously, Alcalde Juan Antonio Lovato certified a copy of Arroyo Hondo's grant papers on July 23, 1823 in which he ordered settlement of a quarrel with Arroyo Seco. Approved by the Taos *ayuntamiento*, Lovato's mandate reads as follows:

...the said settlement of Arroyo Hondo holds a total and absolute right to the water from its source and that without its permission and consent, those of Arroyo Seco cannot use from the acequia which they have taken out of the said river for the total water belongs to those who have cultivated lands on the two banks of the said river, those below by right of antiquity, and those above by disposition of the Governor José Antonio Vizcarra, that in years of scarcity of water they should allow all to pass that would be sufficient for the irrigation of the cultivated lands below whose owners hold and enjoy the better right.¹³

Thus, Lovato made the right of Arroyo Hondo village superior to that of San Antonio, and put both ahead of Arroyo Seco and Desmontes. Several months later, on December 30, 1823, Arroyo Seco received another setback when the Taos *ayuntamiento* ruled that the community possessed only a very small water right in the Río Lucero,¹⁴ a decision that we will consider at greater length in the next chapter. Lacking a reliable supply of irrigation water, settlers on the plain south of the Hondo faced a terrible dilemma. Evidently, they resolved it by persuading the recipients of the Arroyo Hondo Grant to allow them a substantial part of the flow from their stream although no written contract has survived. By the late 1820s, local custom seems to have sanctioned regular use of Hondo water by farmers at Desmontes and Arroyo Seco as is illustrated in the following agreement.

On July 27, 1829, Juan Ballejos and fifteen friends appeared before Alcalde Lovato requesting mediation of a thorny problem. Anxious to obtain farmlands to support themselves, the sixteen had petitioned for a tract in the lower part of Desmontes but needed a dependable source of irrigation water before committing themselves to settle there. To that end, they asked Lovato to help them reach a satisfactory accord with owners of the Cuchilla ditch: Felipe Gonzales, Policarpio Córdova, and others. After some bargaining, the latter agreed to permit the newcomers to use the acequia under certain conditions. 1) They must make an irrevocable commitment to assist in widening the ditch and to perform a proportionate share of regular maintenance. 2) They must recognize that the original owners had a prior right to at least six *surcos* of water at all times. 3) To avoid confusion among the users, Lovato recommended that Ballejos and his associates divert their water from a separate lateral. With those stipulations accepted by both groups, Alcalde Lovato drew up a formal agreement that was duly signed and witnessed. Many years later, officers of the Desmontes acequia used the date of this pact, July 27, 1829, as the basis for their priority declaration filed December 9, 1959 with the State Engineer Office.¹⁵

Soon after Ballejos and his companions had negotiated their water agreement, Arroyo Hondo received its first Anglo resident, a shrewd Missouri frontiersman named Simeon Turley. One of many hopeful entrepreneurs who came down the Santa Fé Trail following Mexican independence, Turley erected a two-story adobe flour mill beside the Río Hondo early in the 1830s. According to a local historian, the Missourian bought the land and an existing mill from Juan de Jesús Valdés and David Waldo, another Anglo trader, for forty *reales*.¹⁶ To provide power, he turned water from the Hondo into a large pond and millrace that carried its flow down to the big drive wheel. Turley also set up a distillery. Using water from the clear mountain stream and local grain, he produced "Taos Lightning," the fiery liquor so popular with American "mountain men."

Turley's various enterprises proved successful but his good fortune ended suddenly several months after the takeover of New Mexico by United States forces in August 1846. Early in the following year, Mexican nationalists and Indians from the Pueblo of Taos staged a brief but bloody rebellion against the new regime. During the night of January 18, dissident forces revolted in the village of Don Fernando de Taos, killing New Mexico's governor Charles Bent and several other officials. On the twentieth, 500 *insurrectos* surrounded Turley's headquarters where ten or a dozen Anglos prepared for battle. When ammunition ran low, Turley and several others crept out under cover of darkness. His friends managed to escape but Turley was discovered and murdered by the rebels the next day. The mill, outbuildings, and corrals were destroyed during the siege and never rebuilt.¹⁷

Reinforced by volunteers recruited in Santa Fé, United States troops quickly suppressed the rebellion, restoring order to Taos and other trouble spots nearby. In 1850, New Mexico became a terri-

tory with Taos County as a governmental subdivision. Four years later, Congress created the office of Surveyor General of New Mexico to adjudicate claims for land grants made during Spanish and Mexican sovereignty. Under the procedure established, those grants approved by the Surveyor General and confirmed by Congress were then surveyed. Finally, patents were issued to heirs of the original grantees or their legitimate successors. Claimants to the Arroyo Hondo Grant did not initiate such proceedings until 1887, as we shall see.

After the organization of Taos County, citizens turned to the newly established court system to adjudicate water disputes formerly resolved by the local *alcalde* or *juez de paz* under Spanish and Mexican administration. For example, on May 19, 1852, Arroyo Hondo brought suit in probate court against the inhabitants of Desmontes to determine rights of the two communities to water from the Río Hondo. A brief hearing ensued in which Vicente Martínez represented Arroyo Hondo and Miguel Sanches spoke for Desmontes. Having heard both sides Judge José María Martínez ruled that Arroyo Hondo had first priority in the Hondo, but allowed Desmontes one-third of the river's flow, even in time of scarcity. According to local residents this apportionment is still observed by the *mayordomos* of the *acequias* involved, with Arroyo Hondo's two-thirds divided between its own users and those of Valdez and Canoncito.¹⁸ Judge Martínez also attempted to eliminate damages caused by uncontrolled waste water (*escurriduras*) that inundated fields below Desmontes by ordering irrigators to return the excess to the Hondo by way of Cañada de las Sandías or Cañada de la Madera, threatening to fine any offenders.

Three years after this decision, two groups of Desmontes farmers returned to probate court, seeking resolution of another water problem. Led by Antonio José Ortiz, one faction from "la *acequia principal*" (probably the Desmontes ditch) charged that their opponents had taken out a new ditch in 1851, which caused

great injury to adjoining farmers by backing up and forming pools (*rebalsando*), an obvious reference to the Revalse ditch. The defendants' spokesman, Miguel Sanches once again, answered that the acequia in question had been built in 1826 and had run without interruption since that time. Four witnesses declared that the ditch had been widened recently and did indeed cause damage as charged. With the evidence presented, Judge José Benito Martínez decided that Sanches and his associates must limit the intake of their ditch to two *surcos* and bear responsibility for any subsequent flooding.¹⁹ If truthful, Sanches's statement dates the Revalse ditch to 1826.

In 1856, the year following the decision rendered by Judge Martínez, *parciantes* from the Revalse and Desmontes acequias met again to negotiate a new water distribution. Anxious to avoid the expense of another lawsuit, the two groups called on the famous Taos priest, Antonio José Martínez, and his foster-son, Santiago Valdez, to arbitrate their differences. After consultation, the two *juezes arbitros* proposed a permanent allotment of three *surcos* of water for the Revalse, a 50 percent increase over the previous settlement. Revalse users recognized that this division was subject to reduction according to custom in times of drought and accepted a ban on further extension of their ditch. Both sides agreed that the three *surcos* be distributed by two disinterested persons who well understood what a *surco* was. As they delivered the water, the two were to make an indelible mark, presumably on a bank or headgate, to be watched over by the mayordomos of both acequias, so that the quantity in each ditch could not be changed without detection. On May 1, 1856, Antonio José Ortiz and Miguel Sanches signed the agreement for the contending parties, each side retaining a copy after filing the original with the Territorial District Court.²⁰

With the creation of county government, the Taos county clerk and clerk of probate court began to record land sales, wills, and other transactions, documents that provide occasional references

to acequias as boundary calls. Sometimes landholders delayed many years before recording such papers. For example, on July 17, 1837, Jesús Sandoval, one of the original Arroyo Hondo grantees, sold fifty-one varas of land to José María Chaves of Abiquiú for five cows and five pesos in cash. Three months later, Chaves sold the property to Vicente Martínez who assembled several parcels south of the Hondo. The tract lay between the river on the north and "la acequia de la cuchilla" on the south but it seems likely that the ditch referred to is not the Cuchilla near Valdez, but the Acequia Madre del Llano which runs along the southern edge of the valley and formed the south boundary of several properties later acquired by Vicente Martínez.²¹ The Acequia Madre del Llano is indicated by name in sales made to Martínez by various persons in 1860, 1865, and 1866. Curiously, two of that ditch's major laterals, the Medio and the Cordillera, are mentioned as boundary calls in older documents dated 1855 and 1856.²²

Beginning in about 1865, Anglo miners prospecting for precious metals in the Hondo Valley vied with local farmers for the river's water. Some twenty-five years earlier, rumors had circulated around Taos that Simeon Turley had located a lucrative gold mine somewhere along the Hondo, but his discovery failed to attract much attention at first.²³ After the Civil War, an increasing number of prospectors arrived in New Mexico hoping to find a bonanza amid the territory's vast expanses. At that time, placer mining technology required large amounts of water to separate ore-bearing sands from coarse gravel by hydraulic washing. Stamp mills and other equipment sometimes depended on water for power. During a 1937 interview, Julián A. Martínez, a long-time Arroyo Hondo resident, recalled that, in the spring of 1880, a mining company made arrangements with the villagers to operate a large scale placer mine using local labor and surplus water. After widening the Atalaya acequia to increase its flow, workmen laid pipe and built flumes to reach the company's claims. Despite a major effort, the project proved unsuccessful, ending in the last

months of 1881.²⁴ Later, as a boom developed in the upper valley, two short-lived towns sprang up toward the Hondo's source, Amizette in 1892, and Twining (now Taos Ski Valley) ten years later.²⁵

During the period of greatest activity, relations between miners and irrigators seem to have been relatively good. Few disputes have been recorded despite the clash of interests, suggesting a generous flow of water in those years. An exception occurred late in the 1870s when the two Anderson brothers, Scottish gold seekers, erected a water-driven stamp mill in the valley. To provide power, they obtained permission from nearby farmers to dam their acequia. Once impoundment began, only a few days elapsed before the irrigators demanded more water. An argument ensued in which Alex Anderson spitefully jerked out the dam's headgate, sending the pent up flood headlong into the ditch, which then washed out in several places.²⁶

On December 8, 1887, a group of seventy-four Arroyo Hondo residents filed a petition to obtain title to their grant with Surveyor General George W. Julian. After reviewing the evidence, Julian recommended confirmation by Congress even though the petitioners relied on copies of the grant papers for documentation and failed to explain the absence of the originals. Julian's favorable report failed to stir the lawmakers, however, and the Arroyo Hondo became one of a large number of New Mexico grants with titles undetermined for lack of congressional action. The logjam persisted until 1891 when the Court of Private Land Claims was created to resolve the problem by judicial means. One of the first cases considered under the new procedure, the Arroyo Hondo received approval from the court on December 17, 1892, but controversy concerning the grant continued. The first survey provoked a storm of protest from federal officials and some mining interests who claimed that boundary calls had been improperly located, placing a large portion of the public domain within the grant. On

February 2, 1898, the court ordered a relocation of the east boundary, which silenced most of the complaints. At last, after more than twenty years of litigation, the General Land Office issued a patent for the Arroyo Hondo Grant on April 9, 1908.²⁷

At the beginning of this century, placer miners were not the only Anglo entrepreneurs who coveted water from the Hondo. In the late 1890s, Arthur R. Manby, the notorious British speculator, began accumulating property within the Antonio Martínez Grant, only recently confirmed by the Court of Private Land Claims. As his equity grew, Manby envisioned the grant as a great agricultural empire of irrigated farms and orchards to be manipulated for his own benefit. By 1902, he had acquired sufficient acreage to bring suit to quiet title to the grant, a preliminary to its partition.²⁸ Within a few years, Taos Valley Land Co., a corporation formed by Manby to exploit the grant, filed applications with the Territorial Engineer to appropriate water from the Lucero, the Hondo, and Arroyo Seco for irrigation of 20,000 acres.²⁹ Because his projects would curtail the flow of the Río Grande needed to supply newly-built Elephant Butte Dam, Manby feared opposition from government agencies. However, his attorney, Robert C. Gortner, reassured him that the Territorial Engineer had reacted favorably and that federal authorities could be won over by effective lobbying in Washington.³⁰ In the spring of 1908, territorial officials rejected the Lucero project but approved the other two on April 8 and 21.³¹

To contain construction costs, Manby hoped to enlarge and extend existing acequias laid out by Hispano farmers many years before. On March 12, 1910, Taos Land Co., successor to Taos Valley Land Co., signed an agreement with commissioners of the Desmontes and Revalse acequias permitting enlargement of the Cuchilla ditch from the headgate to the top of the cañon under certain conditions. The commissioners allowed Manby use of their ditches after recognition of a first and prior right to 22.92 cubic feet of water per second in the two acequias. All maintenance would be

performed in common, but the land company assumed responsibility for securing right of way.³²

Whether or not Manby actually implemented the previous agreement or any of his other irrigation schemes is unclear. The English promoter soon over-extended himself financially, losing control of the Martínez grant in 1919 to Charles A. Watson, a Chicago businessman. In 1920, Watson filed a new application for 27,000 acre-feet of water from the Lucero, Hondo, and Arroyo Seco claiming that surpluses were available in those streams after allowing for prior rights, estimated at 8,000 acre-feet per year. Despite opposition from the pueblo, the State Engineer gave his approval subject to existing rights.³³ Probably because of money problems, Watson failed to accomplish any work on the Lucero, but some improvements were made on ditches originating in the Hondo during 1920. On December 21, 1921, B. M. Woody, a *parciante* in the Desmontes ditch, submitted an affidavit to the State Engineer Office claiming water for beneficial use on about sixty-five acres in the Martínez grant. Of these, twenty-three acres were new lands with a priority of October 22, 1920, suggesting some recent acequia extension.³⁴ Legal description of Woody's acreage, old and new, indicated that it was watered by laterals from the Llano and Mariposa ditches.

In addition to the main stream, two important tributaries of the Río Hondo fall within the area covered by the present litigation. For many years, landowners in the high country north of the Hondo have diverted water from Lobo and Gallina creeks to irrigate meadows and pastures. Settlement along Lobo Creek probably began in the mid-1880s. According to a deed drawn up in 1898, Lorin W. Brown, a pioneer Taos County newspaperman, located a homestead on the Agua del Lobo in March 1885.³⁵ Within a decade population in the little valley had increased sufficiently to cause disagreement over water rights. On June 19, 1896, the area's leading landowner, Linton M. Cutter, filed suit in district court

against five of his neighbors to determine priorities in the stream. Judge Napoleon B. Laughlin named T. D. Martin and A. G. Müller as arbitrators authorized to make a fair apportionment. After reviewing the evidence, Martin and Müller recommended the following time schedule to divide the Lobo's flow from June 1 to September 1:

6 AM Monday-6 AM Wednesday	L. M. Cutter
6 AM Wednesday-6 AM Friday	J. C. Spielman
6 AM Friday-6 AM Saturday	J. R. Chambers
6 AM Saturday-6 AM Sunday	J. P. Wright
6 AM Sunday-6 PM Sunday	José Pablo Archuleta
6 PM Sunday-6 AM Monday	Juan B. Martínez

The arbitrators also advised construction of storage reservoirs as a long-term solution to the problem.³⁶

In 1915, Alfred D. Hawk filed an affidavit with the State Engineer Office in which he declared ownership of 684 acres on Lobo Creek and a water right for $\frac{6}{7}$ of the stream's flow. In 1912 and 1913, he had purchased the lands belonging to all parties to the 1896 settlement but one. According to Hawk, his predecessors had applied the water to beneficial use for twenty-seven years, which gave his acequia, Hawk ditch, a priority date of 1887. In 1918, he obtained the remaining $\frac{1}{7}$ right in the creek by purchasing another 160 acres from William M. Baxter. Presently, rights to water from Lobo Creek remain closely held. State Engineer records indicate that four landowners irrigate 180 acres from the Hawk ditch.³⁷

On Gallina Creek, irrigation began at about the same time as on the Lobo. The Gallina's first settler of record, John L. Craig, located a homestead in the area and constructed a ditch extending a mile and a half through the mountains from the creek toward his house. To secure a water right, Craig filed a notice of appropriation for the entire flow of "El Rito de las Gallinas" with the clerk

of Taos County on March 18, 1893.³⁸ Eventually, that date established the priority for the Gallina acequia. Four months later, Craig received a patent for the homestead from the General Land Office in Washington, D.C., but he soon encountered financial difficulties. After mortgaging the property to William L. McClure, a Taos merchant, he sold it to McClure's wife in 1895. The McClures kept the ranch for twenty-five years until it was purchased by the famous art patroness, Mabel Dodge Luhan, for \$1,500. In 1924, Mrs. Luhan conveyed the Craig homestead and all its water rights to her friend, Frieda Lawrence, wife of the prominent British novelist, D. H. Lawrence. Usually known since then as the D. H. Lawrence Ranch, the property was given to the University of New Mexico in 1955.³⁹ Under university ownership, water use has shifted from irrigation to domestic purposes to accommodate a large number of visitors.⁴⁰

On September 19, 1936, representatives from Arroyo Hondo, Valdez/Cañoncito, and Desmontes drew up a written agreement to reconfirm the customary division of water from the Río Hondo. Observing that their predecessors had irrigated from the stream "for a period of time beyond the memory of man," the water users declared that, traditionally, each community had received one-third of the river's flow. The document expressed their desire to continue that arrangement and formalize it with a binding compact. To demonstrate a common purpose, each group appended a power of attorney authorizing the representatives to act for them, signed by the *parciantes*. In 1971, the Taos County clerk officially recorded the agreement in the county records.⁴¹

More recently, the research initiated by the State Engineer to determine historical priorities for the Río Hondo acequias has revived the old question of equitable water allocation among the three communities. On September 21, 1977, attorneys representing Arroyo Hondo and Desmontes filed a stipulation in United States District Court intended to resolve the issue, but Valdez was not a

party to the agreement. Under its terms, water users from the Desmontes ditches, the Revalse, the Desmontes, Llano, and Mariposa, waived their claimed priority of 1808 and accepted a date of 1816 "for administrative purposes." Both parties agreed on a priority of 1815 for the Arroyo Hondo ditches, the Acequia Madre del Llano, Atalaya, and Plaza. In addition, the two signing parties based the stipulation on the understanding that the Valdez acequias, the San Antonio, Prando, and the two Cañoncito ditches, had priorities no earlier than May 27, 1823. The agreement between Arroyo Hondo and Desmontes thus made the rights of Valdez junior to those of the other two communities and threatened the traditional arrangement which allocated a third of the water from the Río Hondo to each of the three communities.⁴²

Notes

1. Records of the Surveyor General (SG), no. 159, Arroyo Hondo Grant, State Records Center and Archives, Santa Fe, N.M.
2. Ibid.
3. Ibid.
4. Ibid.
5. SG no. 86, La Talaya Grant.
6. Spanish Archives of New Mexico (SANM) I, no. 1357, State Records Center and Archives, Santa Fe, N.M.
7. Territorial District Court Records, Taos County Civil Case no. 630, *A. R. Manby et al. v. Daniel Martinez et al.*, January 28, 1902, transcript of testimony: 968-70, State Records Center and Archives, Santa Fe, N.M. Affidavit of Jose Rafael Vigil, SG no. 159.
8. Water Rights Files, Desmontes Acequia, no. 0444, transferred to file no. 01642, State Engineer Office (SEO), Santa Fe, N.M.; SANM I, no. 1292.
9. SANM I, no. 389.
10. Simeon Tejada, "Historia de Valdés," 18-19, August 25, 1939, Works Progress Administration Records (WPA), Taos County-History, folder no. 233, State Records Center and Archives, Santa Fe, N.M. Tejada declared that the ditch had not been built until after the founding of San Antonio (today's Valdez), a statement that seems incor-

rect. See also Taos County Case no. 630, transcript of testimony: 968.

11. SANMI I, no. 389; statement of Nicolás Sandoval, SG no. 58, Rio Grande del Rancho Grant.
12. Although Trujillo's original act of possession is no longer extant, Valdez residents reportedly have a copy. A handwritten copy made by Simeon Tejada is found in "Historia de Valdés": 1-4. Note 10.
13. SG no. 159.
14. SANMI I, no. 1292.
15. The original agreement is no longer extant, but it has been copied twice into Taos County Deed Records in Book A-8: 30, recorded November 16, 1887, and Book M-17: 224, recorded December 14, 1906, Office of the County Clerk, Taos County Courthouse, Taos, N.M. The two documents have different years indicated, 1823 and 1829. I have accepted 1829 as the proper date because ditch owners gave that year as their priority. See Water Rights Files, no. 01642, SEO.
16. Tejada, "Historia de Valdes": 15. Note 10.
17. Janet Lecompte, "Simeon Turley," in Le Roy R. Hafen, ed., *The Mountain Men and Fur Trade of the Far West*, 10 vols. (Glendale, 1965-1972), 7: 301-14.
18. Taos County Probate Proceedings, Book C-1: 140-41, State Records Center and Archives, Santa Fe, N.M. Information provided by Mr. Nick F. Martinez, January 22, 1988, and Mr. Manuel Ortiz, October 12, 1988.
19. Taos County Probate Proceedings, Book C-1: 237-38.
20. Taos County Deed Records, Book A-9: 440.
21. Taos County Deed Records, Book A-7: 766-67.
22. Taos County Deed Records, Book A-7: 758-59, 764, 760-61; will of Antonio Córdova, Taos County Probate Records, Book B-2: 115-18, State Records Center and Archives, Santa Fe, N.M.
23. Lecompte, "Simeon Turley," 7: 304-5.
24. Reyes Martínez, "Hallucinations and a Wildcat Venture," WPA Records, Taos County Pioneers, folder no. 234.
25. For a summary of mining activity at Arroyo Hondo, see Jim Berry Pearson, *The Red River-Twining Area: A New Mexico Mining Story* (Albuquerque, 1986): 4-47.
26. Blanche C. Grant, *When Old Trails Were New: The Story of Taos* (New York, 1934): 184-85.
27. SG no. 159.
28. Myra Ellen Jenkins, "Arthur Rockfort Manby," *The 1966 Brand Book of the Denver Posse of the Westerners* (Boulder, 1967): 251-54.

29. "Tabulated List of Proposed Irrigation and Power Projects in New Mexico-Compiled from Applications for Permits to Appropriate Public Waters," *Second Biennial Report of the Territorial Engineer, 1908-1910*, Records of the State Engineer, folder no. 1924, State Records Center and Archives, Santa Fe, N.M.; Taos County Records, Book M-17: 255-56.
30. Gortner to Manby, May 22, 1907, Napoleon B. Laughlin Papers, Land Grants, file no. 2, folder no. 2, State Records Center and Archives, Santa Fe, N.M.
31. "Tabulated List," *Second Biennial Report of the Territorial Engineer, 1908-1910*.
32. Laughlin Papers, file no. 2, folder no. 4.
33. Alan Laflin, "Report on Land Use and Water Rights under Rio Lucero as Affecting the Pueblo of Taos," April 9, 1941, Section IV, Water Rights, Water Right Files, Southern Pueblos Agency, Albuquerque, N.M.
34. Water Rights Files, no. 01642, SEO.
35. J.C. Spielman to C. C. Lowe, March 26, 1898, Taos County Deed Records, Book A-12: 217.
36. Territorial District Court Records, Taos County Civil Case no. 492, "Linton M. Cutter v. Samuel Johnson et al.," June 19, 1896, Docket Book 1: 258; Water Rights Files, Hawk Ditch, no. 0185, SEO.
37. Ibid.
38. Taos County Deed Records, Book A-10: 133.
39. Taos County Deed Records, Book J-1: 225; Book A-13: 28; Book A-26: 52,325; Book A-55: 314, 536; Book A-60: 521-22.
40. Water Rights Files, Gallina Acequia, no. 01423, SEO.
41. Taos County Records, Book M-45: 336-45. I am indebted to Mr. Ron Oest for providing a copy of this document.
42. The stipulation is found in records of United States District Court, District of New Mexico, *State of New Mexico, ex rel. S.E. Reynolds, State Engineer v. Eduardo Abeyta, et al.*, no. 7896 and 7939, Consolidated.

II ARROYO SECO AND THE RIO LUCERO

Beginning in adjoining cañons south of the Río Hondo, Arroyo Seco and the Río Lucero run southwest from sources beneath Lucero Peak to meet the Río Pueblo near Los Córdovas and Upper Ranchitos respectively. For many years farmers have diverted water from the Lucero to supplement Arroyo Seco's smaller flow, therefore, the two streams are considered together in this report. Historically the people of Taos Pueblo and the non-Indian communities of Arroyo Seco, Desmontes, Las Colonias, El Prado, and Fernando de Taos have found ways to share available water supplies. Relationships have been marred, however, by occasional quarrels and litigation. Court decisions have brought temporary solutions to apportionment problems, but a final compromise, satisfactory to all, has proved difficult to achieve.

As noted in the introductory chapter, officials of the Spanish crown ceded lands between the Hondo and Lucero to various individuals in a bewildering series of overlapping grants. By tradition, Diego Lucero de Godoy dominated the area before the Pueblo Revolt of 1680. After New Mexico's reoccupation, eighteenth-century grantees included Antonio Martínez in 1716, Pedro Vigil de Santillanes in 1742, and Antonio Martín in 1745. For a century or more, land speculators, genealogists, and historians have struggled with the nearly identical names, Antonio Martínez and Antonio Martín. While New Mexico's governors dispensed lands north and west of Taos Pueblo with a generous hand, actual settlement was slow. As we have seen, Antonio Martín's father, Sebastián, had established himself near present day El Prado before 1730. However, colonization at Arroyo Seco and Desmontes was delayed until the early nineteenth century, when the four Sanches brothers, Joaquín, José, Francisco, and Mariano, took possession of lands between Arroyo Hondo and the Río Lucero. Although the basis of their title is unclear, the Sancheses were grandnephews of Antonio

Martín and their claim to ownership seems to have derived from the grant made to him in 1745. Before his death in 1812, Joaquín Sanches sold a large tract known as "La Rinconada del Río Lucero" to the pueblo of Taos, but his right to do so did not go unchallenged.¹

On April 26, 1816, Manuel and Matías Martín of Abiquiú complained to Taos alcalde Pedro Martín that the lands sold by Sanches were in fact the inheritance of their deceased father, and requested that the sale be revoked. Martín forwarded the petition to Governor Pedro María de Allande, who ordered the alcalde to make a comprehensive investigation. On May 13, before Martín had even begun his inquiry, the pueblo relinquished the disputed lands in return for 100 pesos in silver and an ox repaid by Felipe Gonzales, a kinsman of the Sancheses. At the end of May, Alcalde Martín heard testimony from the two Martínes of Abiquiú and from Manuel García, retired alcalde of Santa Cruz, who had important information regarding the case. Their statements revealed that the plaintiff's father, Diego Rafael Martín, was the illegitimate son of Antonio Martín and his niece, Isabel Pacheco. Subsequently, Isabel married Francisco Xavier Sanches by whom she had four legitimate sons, Joaquín, José, Francisco, and Mariano. When Antonio Martín died, he left half of his grant at Taos to Isabel and half to her sister Francisca Pacheco, but Isabel did not claim her share to avoid embarrassing her husband. Alcalde Martín resolved the matter by leading the litigants to the location, where he divided the property into two pieces separated by Arroyo Seco. Mariano and Francisco Sanches received the north portion, which extended to Arroyo Hondo, while Manuel and Matías Martín obtained those lands south and east of the creek, "La Rinconada del Río Lucero."² The partition is confusing because it appears to give the Sancheses the lands granted to Pedro Vigil de Santillanes in 1742. Furthermore, both tracts lie within the Antonio Martínez Grant made in 1716. Nevertheless, Governor Allande approved the division on June 3, 1816.

The Martínes showed little interest in working the lands, however. On April 13, 1818, they sold their share of the grant for 5,500 pesos to the pueblo through Miguel Tenorio of Abiquiú, who acted as agent. Since then the property has been known as the Tenorio Tract. The sales agreement indicated the following boundaries: on the north, Arroyo Seco; on the south, lands of the pueblo; on the east, the foot of the mountain range; on the west, lands of the purchasers (the pueblo).³

Unlike his relatives from Abiquiú who were satisfied with a quick sale, Mariano Sanches began a vigorous campaign to colonize and develop the lands north and west of Arroyo Seco. Born in 1762 at Nuestra Señora de la Soledad del Río Arriba, Sanches had dealt in other lands near Taos from the estate of his great-grandfather, Sebastián Martín, before turning to Arroyo Seco. On March 7, 1811, he sold 125 varas previously purchased from his aunt, Margarita Pacheco, to Simón Quintana. Located across the Río Pueblo from Upper Ranchitos, the property was part of "el rancho del difunto Don Sebastián Martín."⁴ To promote Arroyo Seco, Sanches recruited Felipe Gonzales, recognized him as a nephew, and gave him 1,250 varas of land as a reward for repaying the pueblo for the fraudulent sale made by his brother Joaquín.⁵ Together Mariano and Gonzales enlisted *trabajantes* (workmen) to clear brush and timber from the land, offering potential farm sites as incentives. According to customary procedure, the newcomers laid out Arroyo Seco plaza; Desmontes developed as a scattered settlement. To secure irrigation water, the colonists joined together in building two major canals, the Acequia Madre del Río Lucero del Arroyo Seco, and the Cuchilla ditch complex considered in the previous chapter dealing with the Río Hondo.

In 1942, water users declared a priority date of 1747 for the Acequia Madre del Río Lucero and its major laterals, the Torreón, Alamitos, and Espinaso ditches, but submitted no documentation to verify their claim.⁶ Although the date approximated the grants

made to Pedro Vigil and Antonio Martín in the 1740s, there is no evidence of settlement in the area until the early nineteenth century. During the trial begun in 1902 to clear title to the Martínez grant, one witness, Antonio L. Martínez, stated that the big ditch extending from the Lucero to Arroyo Seco had been taken out in 1806 or 1807. Expressing another view, Napoleon B. Laughlin, a Santa Fé attorney with wide experience in Taos County land grants, testified that Arroyo Seco people began digging the acequia in 1815.⁷

Laughlin probably relied on papers originating in 1823 when Alcalde Juan Antonio Lovato and the Taos *ayuntamiento* adjudicated water rights in the Río Lucero. Litigation began when representatives of Taos Pueblo and Fernando de Taos challenged extravagant claims to the Lucero's flow made by Felipe Gonzales and Mariano Sanches on behalf of Arroyo Seco's citizens. Reviewing the situation on December 30, Lovato declared that land titles at Arroyo Seco derived from a grant made in 1745 by Governor Joaquín Codallos y Rabal, but that no occupation occurred until 1815. On the other hand, Lovato observed, Taos Indians had irrigated from the Lucero since the founding of the pueblo in ancient times. Also, they had acquired an additional right through the Tenorio Purchase of 1818. Any surplus water belonged to the citizens of Fernando de Taos who had established their community long before Arroyo Seco. But as an act of charity, the Taos *ayuntamiento*, through Lovato, conceded one *surco* from the Lucero to Arroyo Seco in times of abundance, a fair allotment in the eyes of the officials concerned.⁸

Statements made by witnesses in two late nineteenth-century lawsuits to settle water rights in the Lucero support a construction date of slightly after 1815 for the Acequia Madre. Filed in 1887, the first case ranged Arroyo Seco against the pueblo of Taos. Appearing on behalf of Arroyo Seco, Juan Gerónimo Martínez stated that the first settlers began the ditch in 1817 and completed it the following year, according to the recollections of his father, still living

at eighty-four.⁹ Other citizens gave similar testimony during the second case in which Arroyo Seco sued both El Prado and the pueblo. Antonio Tircio Gallegos asserted in 1893 that his community had depended on the ditch for seventy-five years; Nepomuceno Valdez, mayordomo of the Acequia Madre, agreed that it had been built in 1818.¹⁰

As we have seen, Lovato's meager allocation of a single *surco* from the Lucero forced Arroyo Seco and Desmontes to look toward the Río Hondo for necessary irrigation water. But, in the 1820s, village leaders faced other problems as well. Following the death of Francisco Sanches, his heirs, José Antonio and Miguel Sanches, demanded a share of the lands at Arroyo Seco from their uncle Mariano. The latter denied his nephews' rights at first, but then relented and agreed to a new partition of the property, offering a proposal that drew immediate opposition from Felipe Gonzales and Policarpio Córdova, whose interests were endangered. Alcalde Juan Antonio Martín resolved the matter by gathering all the contending parties on April 17, 1826, and redividing the lands in question. In addition to the tract allocated to the disputants, Martín marked off 1,520 varas for the *trabajantes* who had cleared the land and dug the acequias. All declared themselves satisfied with the compromise. To ensure future peace, Martín approved a staggering fine of 500 pesos in silver for any troublemaker who later challenged the agreement.¹¹

Despite the best efforts of Alcalde Martín to achieve harmony, problems concerning land titles and water rights continued to plague Arroyo Seco after the 1826 compromise. During the spring and summer of 1830, a community representative, Policarpio Córdova, bombarded Governor José Antonio Chaves with correspondence seeking redress of certain issues. Unfortunately, only Chaves's brief responses remain in the archives, but they indicate persistent difficulties with the Lucero acequia.¹² At some point, Indians from the pueblo placed a cartwheel at the ditch mouth to measure the *surco*

allocated to Arroyo Seco in 1823, a restraint which the villagers found intolerable. About 1838, serious conflict threatened between the pueblo and El Prado on one side and Arroyo Seco on the other. According to evidence presented by José Rafael Gallegos of El Prado in 1890 during the first of the trials just mentioned, partisans of the two factions agreed on a date for a confrontation and marched up to the headgate, armed and ready for battle. Before firing began, however, a tremendous cloudburst forced both sides to seek cover. When the skies cleared, the two armies saw that the Lucero had flooded, making the issue moot. Subsequently, the cartwheel was removed and the river provided enough water to dampen the controversy for awhile.¹³

In 1846, United States troops occupied New Mexico, a change that eventually had profound effects on Taos Valley. Organization of county government provided a new depository for recording deeds and other land transactions. For some areas, such records contain useful references to acequias as boundary calls, but, unfortunately, documents from Arroyo Seco give little information of that kind. In the mid-nineteenth century, most tracts sold reached from Seco Creek to the edge of the Hondo Valley, crossing the Acequia Madre and its major laterals. There are a few exceptions, however. In 1853, Juan Andrés Quintana sold sixty-six varas of farmland at Desmontes to Francisco Medina for a yoke of oxen. Lying between the properties of Felipe Quintana and Felipe Tafoya, the parcel extended from the cuchilla of Arroyo Hondo on the north to "la acequia del espinaso" to the south. The same ditch is mentioned five years later as the north boundary of lands running south to Arroyo Seco purchased by Juan Gerónimo Martínez from his father José Francisco Martínez.¹⁴ In later years, the younger Martínez appeared frequently as a witness for Arroyo Seco in the community's lawsuits to determine land and water rights.

Following the confrontation at the ditch mouth, Arroyo Seco, Los Estiércoles, and the pueblo coexisted reasonably well for a few

decades, but trouble erupted again in 1864. When people from Estiércoles shut off the Acequia Madre del Río Lucero on June 18, a determined group acting for Arroyo Seco reopened the ditch with approval from a local *juez de paz*. The aggrieved parties then appealed to Taos County Probate Judge Juan Santistevan for an equitable distribution. Santistevan took testimony from four witnesses, Lorenzo Martínez and Juan Antonio Baca of Arroyo Seco, and Padre Antonio José Martínez and Juan de Jesús Valdez "from Taos." After considering the evidence, the judge made an allocation based on the amount of water available in the Lucero. When the river carried fifteen *surcos*, Arroyo Seco received three; when there were ten *surcos*, the allotment dropped to two; if the flow declined to eight *surcos*, Arroyo Seco was allowed only one, but that was to be permanent.¹⁵ It is interesting to note that, in this case, Judge Santistevan lumped Fernando de Taos and Los Estiércoles together and failed to mention the pueblo's interests at all.

Although less than comprehensive, Santistevan's decision seems to have eased tensions for another twenty years until 1887 when renewed conflict caused the pueblo of Taos to assert its rights in the Lucero. Urged on by their agent in Santa Fé, the Indians closed off Arroyo Seco's acequia madre with poles, rocks, and earth. They also blocked the trail up the river above the diversion, which Arroyo Seco villagers had recently made passable for wagons to facilitate wood gathering. When questioned by a delegation of Hispanos, the Indians replied that, henceforth, they intended to restrict Arroyo Seco to one *surco* of irrigation water, the amount that would flow through the hub of a Mexican cartwheel.¹⁶ Since compromise seemed impossible, sixty-seven Arroyo Seco citizens filed suit in Territorial District Court to reopen the road and secure a more equitable distribution of waters from the Lucero. On May 13, 1893, after six years of litigation, Judge Edward P. Seeds found in favor of the pueblo, dismissed the complainants' bill, and ordered them to repay the defendants' court costs.¹⁷

Because 1893 was a dry year, reaction to Judge Seeds's decision came quickly. When mayordomos from the three communities failed to agree on an equitable apportionment of the Lucero's waters, about eighty residents from El Prado and Taos Pueblo once again proceeded in a body to the head of the Acequia Madre where they shut down the ditch's flow. Undaunted by their recent rebuff in the court, the people of Arroyo Seco filed a new lawsuit against El Prado and the pueblo on July 6, seeking "the right to the waters flowing in the said Río Lucero." Hoping for a final resolution, the plaintiffs prayed "that the said defendants be barred and forever estopped from interfering, diverting, or obstructing the waters in the said Río Lucero and in the said ditch, or from having any right or title therein, and that your orator's title therein be forever quieted and set at rest."¹⁸

Headed by Francisco Martínez y Martínez, Arroyo Seco's partisans relied heavily on ownership of the Antonio Martínez Grant recently confirmed to them on December 17, 1892 by the Court of Private Land Claims. Both sides presented testimony similar to that given in the earlier trial with a few differences in detail. Plaintiffs' witnesses denied defendants' claims that they possessed other viable water sources, including Arroyo Seco proper, another arroyo known as the *Salto de Agua* [waterfall] and the Río San Antonio [Hondo] via the Revalse acequia. Except for the spring runoff, the first two were usually dry; the third served Desmontes and Las Colonias, not Arroyo Seco. Taking the stand for the second time, Antonio T. Gallegos recalled an earlier suit during Mexican administration in which Diego Archuleta, a prominent military and political leader, had represented Arroyo Seco. According to Gallegos, the court divided the Lucero's waters equally between Taos Pueblo, El Prado, and Arroyo Seco, although there is little documentary evidence to support his claim.¹⁹

Wanting to end the long litigation, Judge James O'Brien, acting for Judge Seeds, appointed Alexander Gusdorf and Juan San-

tistevan to a commission responsible for making a final allotment of the Lucero's waters among the three interested parties. In turn, the two commissioners named the third and last member, William L. McClure, to serve as umpire. Less than two weeks after organizing, the commission submitted its report to the court. On July 31, 1893, Judge Seeds, who had returned to the bench, accepted the commission's findings in his famous decision that awarded 30 percent of the Lucero's flow to Arroyo Seco and 35 percent each to El Prado and the pueblo of Taos. Any surplus remaining after the last two secured their shares went to Arroyo Seco Abajo (Las Colonias).²⁰

Although Judge Seeds's opinion has been widely regarded as a judicial milestone, it failed to provide a permanent division of the Lucero's waters. Much more litigation followed. In 1902, Arthur R. Manby, the English land speculator, began a suit in Taos County District Court to quiet title in the Antonio Martínez Grant as a first step toward its partition. Lands sought included part of the Tenorio Tract, placed within the grant boundaries by the Court of Private Land Claims, despite vigorous opposition from the pueblo of Taos. In 1913, Charles F. Easley, a special referee appointed by the district court, found in favor of Manby, deciding that Miguel Tenorio lacked authority to act for Miguel and Matías Martín and that the Martínes did not have valid title to the lands in question.²¹ Pueblo attorneys carried the case to the New Mexico State Supreme Court, which overruled the lower court in an opinion issued June 14, 1918. The high court's decision stated that the Tenorio deed of April 13, 1818 had been a binding conveyance and that the Court of Private Land Claims had no jurisdiction to confirm the Martínez grant in so far as it conflicted with the Tenorio Tract.²²

On June 7, 1924, Congress passed legislation creating the Pueblo Lands Board to resolve conflicts arising from non-Indian occupation of lands within the pueblo grants. At Taos, claims considered by board members included forty parcels containing

3,413.94 acres on the Tenorio Tract. In a report issued March 17, 1927, the Lands Board found Indian title to the tract had not been lost, thus leading federal government attorneys to file a quiet title suit in United States District Court on behalf of the pueblo. On April 26, 1929, the court ruled in favor of the Indians in a decree stating that the original Tenorio deed of 1818 was a valid conveyance and that the pueblo had maintained possession from that time until origination of the Manby suit in 1902. Defendants then appealed to the United States Circuit Court, but, on September 23, 1930, that body reaffirmed the lower court's decision. In 1934, the non-Indian claimants vacated the Tenorio Tract, receiving \$42,915.26 for their lands, improvements, and water rights, which included 522 acres of cropland under irrigation.²³

Following the Court of Appeals decision in 1930 that confirmed pueblo ownership of the Tenorio Tract, officials from the Bureau of Indian Affairs began efforts to put the lands obtained to use. Surveyors divided the tract into sixteen acre parcels, which were allotted to individual Indians. They also calculated a new division of the Lucero's waters, reapportioning the 30 percent allocated to Arroyo Seco in 1893 to coincide with changed ownership of the lands. An inventory of irrigated lands under the Acequia Madre del Rio Lucero indicated a total of 1,445 acres, including 565 acres within the Tenorio Tract. The exact percentage of the Lucero's total flow pertaining to the 565 acres was determined by the following formula:

$$\frac{565}{1445} \times 30\% = 11.7\%.$$
²⁴

The repartition reduced Arroyo Seco's share to 18.3% and resulted in the following structure:

Taos Pueblo	35.0
Tenorio Tract	11.7

Arroyo Seco	18.3
El Prado	35.0
	<hr/> 100.0%
Las Colonias	any surplus

For many years, the people of Arroyo Seco have argued that the new water diversion which followed the Indian takeover of the Tenorio is unfair to their interests and is in violation of the 1893 decree. They claim that the Tenorio lands did not have a water right in the Río Lucero except for a *sobranste* granted at the will of the mayordomo and commissioners of Arroyo Seco's acequia madre. With their permission, farmers on the tract stored water during the night in two or three small reservoirs to irrigate crops the following day. Other water sources included Arroyo Seco itself, a small stream known as Los Alamitos Creek, and "La Aguita," a marshy area or seep that sometimes produced enough flow to allow diversion in wet years. Former landowners and their descendants concede that they signed away all water rights when they accepted payment for improvements on the land. They insist, however, that government representatives ignored protests that they had no rights to sell. Instead, federal officials told the recipients that the release forms had been worded to cover many situations and that they must sign to receive payment.²⁵

After erection of a new diversion structure on the Lucero in 1939, water disputes became serious again. On July 29, 1940, Arroyo Seco began legal action to restore the community's share of the river's water from 18.3 to 30 percent. Two village representatives, Manuel D. Pineda and José M. Quintana, filed an affidavit in state district court for the purpose of obtaining an order which would require the pueblo of Taos to show cause why it should not abide by the decree of 1893.²⁶ The complainants hoped to prove that the Tenorio held only a *sobranste* right to water from the Lucero. However, counsel for the pueblo, William A. Brophy, countered that Arroyo Seco understood and consented to the new apportion-

ment. As evidence he offered the new diversion structure, built by Arroyo Seco and El Prado, which metered out approximately 18 percent of the river's water to the plaintiffs.²⁷

To support their case, government attorneys gathered information from long-time residents at Arroyo Seco and El Prado, but the statements were not always favorable to the pueblo. Enrique Gonzales, a former Tenorio landholder, testified that he had sold his water rights with his property but didn't know what those rights were. "There was no Mayordomo or commission other than that on the Seco," he recalled. On the other hand, Solomón Sisneros, former mayordomo at El Prado, declared that he had taken part in the construction of the new diversion box. When completed, the structure allocated 18 percent of the Lucero's water to Arroyo Seco, 35 percent to El Prado, and 47 percent to the pueblo, an arrangement understood and accepted by all three parties.²⁸ Since the new diversion could not be made without an allowance for water on the Tenorio, the two statements proved contradictory.

Meanwhile, Brophy maneuvered to secure judicial recognition of a water right for the Tenorio without submitting to an entirely new apportionment of the Lucero's resources. First, he managed to persuade a potentially hostile judge, Livingston N. Taylor, to disqualify himself from hearing the case. Taylor's replacement, Judge Irwin Moise, then ruled that the state court lacked jurisdiction because the United States government was an indispensable party to the suit.²⁹ After a long delay, however, New Mexico's supreme court overturned Judge Moise's ruling on March 19, 1945, and returned the case to district court for further action.³⁰

Although the supreme court's ruling allowed Arroyo Seco residents to renew their suit in the lower court, there is no evidence that they did so. Instead, records of the Indian Irrigation Service suggest that the contending parties arranged a compromise conceding 11.7 percent of the Lucero's flow to the Tenorio Tract. In August

1943, government personnel supervised construction of a new diversion for the Tenorio ditch. Subsequently, a series of permanent concrete structures was built on the Lucero to divide the water in the same proportions. At various times, mayordomos and commissioners of the three groups, Arroyo Seco, El Prado, and the pueblo, have complained that other users have surreptitiously changed the headgates or otherwise wrongfully diverted water into their acequias. Despite these persistent squabbles, the apportionment has continued to the present time although it has never been sanctioned by the courts.³¹

In addition to the Acequia Madre and its laterals, several other ditches irrigate lands near Arroyo Seco village. Originating about $1\frac{3}{4}$ miles above the plaza, the Temporales ditch is wholly dependent on runoff from Arroyo Seco Cañon. To water gardens and other lands close to the plaza, six acequias have been taken out below the point where the Acequia Madre crosses Arroyo Seco - the El Rito, Juan C. Márquez, Euraquio Martínez, Plaza, Elizardo Pacheco, and Toribio Martínez ditches. Regulated by officials of the Acequia Madre, these small ditches receive water from the Lucero. Although documentation is lacking, they probably originated for domestic purposes when Arroyo Seco was first settled in 1815. Contemporary references are also lacking for the lower Arroyo Seco ditch that begins $1\frac{1}{2}$ miles below the village and irrigates nine acres.³²

Further down Arroyo Seco, the Manuel Andrés Trujillo ditch draws its water from a different source. The ditch is named for a well-known settler, a descendant of old Baltasar Trujillo who purchased the Francisca Gijosa Grant in 1725. Manuel Andrés Trujillo received his own grant a century later by authorization from the Taos *ayuntamiento*, an unusual procedure since the documents fail to show approval by New Mexico's governor. On February 23, 1829, the ubiquitous Alcalde Juan Antonio Lovato put Trujillo in possession of 625 varas in the "cañoncito del Arroyo Seco," stip-

ulating that the grantee must fence the lands to avoid disputes and equip himself with firearms. Lovato then designated the following boundaries: on the north, a stone monument placed below said cañoncito; to the east, the ceja of Arroyo Seco; on the south, another cañoncito lower down. Finally, the alcalde set the west boundary "a donde alcanse el agua sin darle más exidos" (to where the water reaches without giving him more of the commons)," suggesting that Trujillo received as much land as could be irrigated and no more. Pastures and watering places were to remain open to all.³³

During the 1830s, Trujillo waged a long struggle with Juan Manuel Lucero, resident of Lower Ranchitos, for title to lands in the cañoncito area. Thwarted by an adverse decision from a local alcalde, Juan Antonio Aragón, Trujillo retained a powerful Santa Fé politico, Juan Bautista Vigil, as his attorney and carried the case all the way to the Supreme Court in Mexico City where he won a reversal. Undismayed, Lucero again sought relief in Taos courts, but received another unfavorable ruling from Alcalde Luis Lee in 1839.³⁴

Between court sessions, Trujillo found time to manage his farm and improve its irrigation system. Since upstream users controlled Arroyo Seco's normal flow, he obtained a *sobranterio* right from owners of the Revalse acequia, the big ditch that carried Río Hondo water across the Desmontes plain to Arroyo Seco. From that junction, Trujillo's allotment continued down Arroyo Seco to the head of his ditch. Although there is no record to date construction of the Manuel Andrés ditch, his grandson, Esquipulo Trujillo testified in 1911 that the acequia had been taken out approximately seventy-eight years earlier, about 1833.³⁵ On August 7, 1849, Charles Beaubien, district judge in New Mexico's recently established United States court system, ordered a decree drawn up by the local *juez de paz* that confirmed Trujillo's right in the ditch.³⁶ Subsequently, owners of the Manuel Andrés acequia relied on this doc-

ument to claim their priority with the State Engineer Office.³⁷ In 1871, *parciantes* in the Revalse ditch composed a second carefully worded statement that clarified relations between the two parties. They declared that Trujillo had used the *sobranste* from their acequia for more than thirty years without troubling them in any way. Therefore, they granted to him, his heirs and successors, a perpetual right to those excess and surplus waters that became available in the Revalse without damage to their own irrigation and no more.³⁸ Subsequently, minor difficulties arose between officials of the two ditches. In 1888, the Revalse's mayordomo imposed a fine on his counterpart in the Manuel Andrés acequia for having broken down (*rompido*) his ditch. *Parciantes* from the Manuel Andrés appealed the fine in probate court but received no relief from the judge who ordered them to pay court costs as well.³⁹

Around 1900, residents of Las Colonias took out a new ditch a short distance above the Manuel Andrés Trujillo headgate on the opposite side of Arroyo Seco. Where the water originated to supply it is unclear. In 1922, a major flood roared down Arroyo Seco, washing out the diversion dams for both acequias. After assessing the damage, ditch officials agreed on an arrangement under which they would rebuild only one diversion that would turn the water for both acequias into the Manuel Andrés. At a point about a mile below the headgate, the Colonias ditch split off, carrying its flow across Arroyo Seco through a flume to water lands on the east bank. The system functioned well enough, but the two groups failed to agree on an equitable division of the water. After ten years of bickering, they resorted to court action to establish a plan for daily use.

On May 7, 1932, District Judge Henry A. Kiker ruled that both acequias were community ditches drawing water from the same source with equal priority, although built at different times. The judge ordered that the two be consolidated into one ditch with two divisions. Representation on the consolidated commission

would include members of both ditches; spring cleaning, and other maintenance would be shared alike. When ample, the water supply would be divided equally, but, in times of shortage, the entire flow would be turned into one ditch for a period not to exceed 3½ days. If the ditch became completely dry, a landowner could obtain an *ausilio* (supplementary water) from the Revalse or elsewhere, but must give the mayordomo forty-eight hours notice. Although equitable, Kiker's allocation evidently proved unworkable. Two years later, Judge Livingston N. Taylor issued a revised decree in which the division was made according to a time schedule. During the irrigation season, Las Colonias users received water from noon Sunday to 6:00 P.M. Wednesday, and *parciantes* in the Trujillo ditch from 6:00 A.M. Thursday until noon Sunday, with the two groups receiving the remaining twelve hours alternately.⁴⁰

The last acequia taken out of Arroyo Seco, the Thomas Tarleton ditch, begins about one-half mile below the Manuel Andrés Trujillo headgate. Approximately seventeen acres of pasture lie beneath it, but, according to the State Engineer Hydrographic Survey maps, the Tarleton is a private ditch without any rights at this time. On December 8, 1937, H. W. Tarleton and his son Thomas Tarleton paid \$6,670 for 480 acres of land west of the pueblo boundary in a tax sale made by the Taos County treasurer. One hundred acres were priced at \$50 per acre, a figure suggesting that part of the tract was irrigable. The deed specifically included all improvements and water rights, but did not indicate that any rights actually pertained to the property. Six months later, the Tarletons ordered a survey of their lands at Las Colonias, which then comprised 561 acres. As recorded in the county clerk's office, the survey covered those lands under the Tarleton ditch, but the plat failed to show any acequias.⁴¹

Located about six miles south of Arroyo Seco village, El Prado, formerly known as Los Estiércoles, also depends on the Río Lucero for irrigation water. Two major ditches serve the commu-

nity, the Acequia Madre del Prado originating just above the south boundary of the Tenorio Purchase, and the Acequia Medio del Prado, which begins approximately three miles further downstream. As noted in the introductory chapter, the extended family of Captain Sebastián Martín dominated the Estiércoles area following Hispano settlement some fifty years after the Pueblo Revolt. Prominent stockmen, Martín and his relatives grazed large herds of cattle, sheep, and horses on the lush pastures west of the pueblo, leading to occasional quarrels with the Indians caused by stray animals. Although documentation is scanty, the Martínes probably raised crops of wheat and corn irrigated from springs or the Río Lucero. One of the few bits of evidence is found in a decree issued by Governor Tomás Vélez Cachupín in 1753 in which he ordered fourteen Spaniards to fence their farmlands so that pueblo stock might have easy access to customary pastures.⁴² The offenders included Carlos Fernández, husband of Martín's granddaughter, who had inherited lands in the Estiércoles area several years earlier.

Attempting to protect the Indian land base and mitigate Hispano encroachment, the pueblo purchased two large tracts near Los Estiércoles in 1795 and 1800 from Sebastián Martín's great-grandson, José García de la Mora, as we have seen. Both are difficult to locate exactly on present day maps. The first extended from the pueblo boundary on the south to the Río del Norte on the north, and from the ruins of the house of Diego Lucero, the pre-Revolt settler, on the east to three cottonwoods in the middle of the cienega on the west. The price was 200 pesos. Five years later, García de la Mora sold the second parcel which comprised 1,450 varas of farmland for 1,450 pesos paid in livestock, grain, and hides. According to the deed, the lands joined the first tract and lay between the same three cottonwoods on the north and "the boundary line of the Indians which divides it from the lands of the settlers of Don Fernández and the other heirs [of Martín] that have pieces of land at the Estiércoles below" to the south. East and west boundaries were the Lucero and the Río del Norte.⁴³

The document indicates non-Indian cultivation in the Estiércoles area before the purchase, which has convinced one historian, G. Emlen Hall, that the Acequia Madre and the Acequia Medio del Prado should receive equal priorities of 1800. A slightly different picture emerged from testimony presented before the Pueblo Lands Board in 1926. According to Mariano Romero, a 102-year-old resident of the pueblo, Taos Indians dug the Acequia Madre and the Acequia Medio (known as the "Flower Ditch") many years before the 1847 rebellion. Although he recalled no specific dates, Romero's statement suggested that the pueblo built both ditches soon after the purchase of 1800. However, Spanish irrigation at Los Estiércoles probably began on the lands claimed by Sebastián Martín, as indicated in documents resulting from the *residencia* of Governor Juan Domingo de Bustamante in 1731.⁴⁴

After 1800, Hispano population growth caused the Taos Indians to renew complaints of trespass on their lands. On April 11, 1815, José Francisco Luján, governor of the pueblo, appealed to Alcalde José Miguel Tafoya for relief from widespread encroachment within the Taos "league." Measured for a distance of 5,000 varas (2.6 miles) in all four directions from the mission church, the "Pueblo league" represented the customary land allotment recognized for native communities by Spanish authorities. Luján failed to specify where the transgressions occurred but El Prado and Fernando de Taos seem likely locations. Tafoya promptly forwarded the petition to Governor Máynez who ordered local officials to find a compromise, after noting that Indian lands were inviolable. Soon afterwards, Tafoya's substitute, Pedro Martín, measured the Taos league and found that settlers had certainly intruded on Indian lands, as much as 1,700 varas measured east and west, and 3,950 varas north and south. According to Martín, the disputed area included 190 families and three plazas which were probably El Prado, Fernando, and, possibly, la Loma. During the next few weeks, Martín and Fray José Benito Pereyro, missionary to the pueblo, tried to arrange an agreement under which the settlers

would exchange fifty head of livestock for the property in question. Determined to regain their lands, the Indians refused, a decision fully supported by Máynez. However, the governor left New Mexico within a year and there is no evidence that his successor, Pedro María de Allande, forced the settlers to vacate.⁴⁵

During the years of Mexican administration, occasional quarrels over land titles continued to mar relations between Taos Indians and residents of El Prado. In 1831, for example, Pablo Gallegos of Los Estiércoles complained that the natives had encroached on the boundary between his lands and the tract purchased by the pueblo in 1800 from García de la Mora. When measurement by the alcalde failed to show any Indian infringement, Gallegos was advised to appropriate an equal amount of land at the other end of his property as compensation.⁴⁶

Such suits caused friction but did not prevent Indians and settlers from joining together to face a common danger, particularly a threat to precious water supplies. In 1836, citizens of Los Estiércoles and Don Fernando allied themselves with pueblo officials to contest a claim advanced by José Vitorino Montes Vigil of El Paso and some of his kinsmen for lands along the Río Lucero. Although they lacked supporting documents, the Vigiles' lost inheritance probably comprised the grant awarded to Pedro Vigil de Santillanes in 1742. In a petition to the Taos *ayuntamiento*, representatives of the three opposing groups asserted that additional settlement would bring grave injury to more than four hundred families who depended on water from the Lucero to irrigate their fields. Any diminution of the river's flow would cause abandonment of the existing communities. Signers included Juan Manuel Lucero, Rafael de Luna, Padre Antonio José Martínez, and other prominent persons. Since the Vigiles failed to prove themselves descendants of the original grantees and could not produce any papers showing a valid title, their claim was rejected after lengthy litigation. In recommending denial by the governor, the *ayuntamiento* reempha-

sized daily use of the Lucero's water "from time immemorial" by the pueblo, Los Estiércoles, and Don Fernando, but failed to mention any rights held by Arroyo Seco.⁴⁷

As mentioned previously, Indians from Taos Pueblo played an active role in the January 1847 uprising after United States occupation of New Mexico six months earlier. During the final battle early in February, avenging troops besieged the pueblo village and destroyed the mission church with cannon fire. After the rebels surrendered, military authorities seized the leaders and put them on trial for murder or treason. Several were convicted and executed on April 9. A few weeks after these traumatic events, when the future looked particularly black, the pueblo sold some of its best lands, the tract at Estiércoles purchased from García de la Mora in 1800. On April 26, 1847, Taos governor Rafael Espinosa and several other *principales* conveyed the property to Padre Antonio José Martínez for \$532.05.⁴⁸ There is some evidence that Martínez acted for other buyers in this transaction. A year later, the priest made a deed for part of the lands to a fellow cleric, Eulogio Valdez, in which he referred to both Valdez and a Vicente Martínez as *compañeros en la compra* (partners in the purchase). The padre's brother-in-law, Juan Manuel Lucero, subsequently recalled that he, too, had purchased lands at Los Estiércoles about a year after the revolt.⁴⁹ By dividing the property among his friends and relatives, Martínez increased the number of Hispano landholders in the Estiércoles area.

On November 15, 1850, Padre Martínez conveyed fifty varas from his rancho at Los Estiércoles to compensate Miguel Quintana for tending his lands and livestock during the next five winters. Bounded by the grantor on the east and José Miguel Martínez to the west, Quintana's parcel lay between the acequia madre on the south and a cuchilla to the north. In 1852, Quintana sold the same piece to Buenaventura López for \$25 with the priest's approval. The second conveyance indicated the same calls on the east, west, and

south. The north boundary, however, was changed to *la acequia que pasa la agua para el rancho de Pablo Gallegos y otros de la cuchilla y tierras mias* (the ditch that carries water for the farm of Pablo Gallegos and others on the ridge and for my lands).⁵⁰ The deed seems to describe a tract west of El Prado between the Acequia Madre del Prado on the south and the Gallegos lateral of the same ditch to the north.

The Acequia Madre del Prado is mentioned again in a deed from 1867,⁵¹ but county records contain few references to El Prado's other important ditch, the Acequia del Medio. However, proceedings from Taos County Probate Court show that the Medio became involved in two confusing court cases in 1879 and 1880. Identified as a "Cuestión de Agua" on the court docket, the first case was presented by farmers from Los Lovatos (Upper Ranchitos) who charged that citizens of Los Estiércoles had illegally built a new ditch in the Río Lucero. Originating above the plaintiffs' dam, it preempted part of the river's flow. Defendants denied that the ditch was new, declaring that it had been used regularly during dry years. They further denied that the water in question belonged to Los Lovatos or to Los Martínez (Lower Ranchitos). After hearing the evidence, a six-man jury found unanimously that the water should follow its natural course without interruptions by those upstream. Judge Antonio Joseph then ordered the mayordomo of the Acequia del Medio de los Estiércoles, Antonio Domingo Fresquis, to comply with the jury's verdict.⁵² The case is puzzling because the main acequia serving Los Lovatos runs out of the Río Pueblo, not the Lucero. Evidently, irrigators from Los Lovatos had secured some right in the Río Lucero and devised a means of diverting its water to benefit their fields.

Brought before the court in 1880, the second case, a dispute between the Acequia del Medio and the Acequia de la Isla, also had some mystifying aspects. On July 14, the Medio's representative complained that Nepomuceno Valdez, mayordomo of the Isla, had

interfered with the usual flow of "la agua de la vega del pueblo," customarily shared by the two ditches. Judge Joseph ordered Valdez to explain his actions in court, but the two parties arranged a compromise on their own initiative, thus avoiding further litigation.⁵³ Nineteenth-century documents sometimes refer to "La Isla" as an area between the Lucero and the Río Pueblo,⁵⁴ but the ditch bearing that name is hard to identify because it does not appear on present-day maps. It may be the Cortez y Sisneros ditch or the lower end of the McClure ditch that heads in the Río Pueblo.

When filing priorities with the State Engineer Office, officials of the two El Prado acequias claimed comparatively recent dates. In 1965, the Acequia Madre commissioners stated that their ditch originated in 1865. Continual extension had increased its irrigated acreage from 500 acres to 1,200 acres served by six laterals. Officers from the Medio claimed a priority of 1854.⁵⁵

Originating from the Lucero on the Tenorio Tract, the Juan Manuel Lucero Ditch runs southwest, irrigating 1,000 acres northwest of Lower Ranchitos on both sides of Arroyo Seco. Various sources have indicated that the Juan Manuel acequia is entitled to the *sobranje* remaining in the Lucero after other parties to the 1893 partition have received their allocations.⁵⁶ According to testimony given in 1911 by Esquipulo Trujillo, grandson of Manuel Andrés Trujillo, the Acequia de Juan Manuel had been constructed eighty years earlier, about 1831.⁵⁷ The date seems reasonable in light of facts gleaned from other sources.

On March 6, 1832, Juan Manuel Lucero married Juana María Martínez at Taos in a ceremony performed by the bride's brother, Padre Antonio José Martínez. At the end of the following year, on New Year's Eve, Lucero bought two houses and 748 varas of land between the Río Lucero and the Río del Norte from the padre for 600 pesos. The south boundary was "las peñas negras" or black rocks, a place name for the area near the junction of Arroyo Seco

and the Río Pueblo. Martínez had owned the property for little more than a year having purchased it from Ramón Romero for six oxen, four mules, a burro, and 430 pesos in cash.⁵⁸ As we have seen, Lucero soon plunged into a losing struggle with Manuel Andrés Trujillo for other lands nearby. It seems probable that Juan Manuel built or improved the long acequia from the Río Lucero about that time although the nature of his water rights is not clear.

County deed records provide no references to the Juan Manuel ditch until June 25, 1872, when Santiago Valdez, executor of the estate of María Manuela Sánchez, distributed three parcels, each thirty varas in width, to her heirs. Lying north of the Río Lucero the three pieces were bounded on the north by "la acequia arriba del llano llamada la acequia de Don Juan Manuel."⁵⁹ The same ditch is mentioned again in a deed dated December 22, 1880, conveying an irregularly shaped tract from Cleofes Trujillo to Melitón Trujillo.⁶⁰ Seven years later, the latter acted as spokesman for his neighbors in a complaint brought in probate court against the pueblo of Taos. Trujillo claimed that the Indians had shut off the Lucero acequia, preventing the water from reaching the lands of many poor people. After ordering pueblo officials to present their side of the matter, Judge Manuel Valdés y Lovato ruled that water must continue to flow as it always had according to custom.⁶¹

Approximately one-half mile below El Prado, the Cortez y Sisneros ditch originates on the Lucero's south bank. Running southwest about 600 yards, the Cortez y Sisneros waters lands belonging to several families on "La Isla," an area between the Lucero and Río Pueblo just above their junction. According to affidavits filed in 1978 with the State Engineer Office by elderly residents of El Prado, the ditch was built in the early 1800s. In 1915, those families using it had then owned their properties for several generations. At the same time, ditch owners submitted copies of deeds from 1895 to 1897 conveying two adjoining parcels of land from Evaristo Mestas and his family to William McClure. Both tracts

were bounded on the north by the Río Lucero and the mill ditch of Francisco Cortez, a reference to the Cortez y Sisneros acequia.⁶²

Two more ditches come out of the Lucero above its junction with the Río Pueblo, the Acequia Madre de la Loma and the South Loma Lateral, which irrigate about 630 acres north of Lower Ranchitos. Although the South Loma has its own headgate, it is considered a subsidiary of the Acequia Madre. In 1965, commissioners Don Graham, José A. Gonzales, and Roberto M. Martínez claimed a priority of 1800 for the two ditches based on affidavits obtained from elderly residents who knew the area's history. Juan Manuel Martínez, 79, stated that his grandfather, Pascual Martínez, believed that construction began before 1805 and that he had worked on the ditch as a very young man. Pablo V. Gómez, 94, recalled that his father had bought lands under the Loma acequia from Juan Manuel Lucero about 1877. Lucero had told the elder Gómez that when *his* grandfather purchased the tract many years earlier, the ditch was already very old.⁶³ Unfortunately, there are few references to the Loma acequias in contemporary documents to support their testimony.

Notes

1. Spanish Archives of New Mexico (SANM) I, no. 1297, State Records Center and Archives, Santa Fe, N.M. This archive contains several documents concerning land titles and settlement at Arroyo Seco produced as evidence in an 1826 lawsuit.
2. Ibid.
3. The original of this document is unavailable. On April 17, 1875, it was recorded in the Taos County records in Book E-5: 129-30, but that volume is no longer in official custody. An English translation from the latter copy is found in Records of the Surveyor General (SG) no. 47, Antoine Leroux Grant, State Records Center and Archives, Santa Fe, N.M.
4. Taos County Deed Records, Book 26: 628-29, Office of the County Clerk, Taos County Courthouse, Taos, N.M.
5. SANM I, no. 1297.

6. Water Rights Files, Acequia Madre del Río Lucero del Arroyo Seco, no. 01749, State Engineer Office (SEO), Santa Fe, N.M.
7. Territorial District Court Records, Taos County Civil Case no. 630 *A.R. Manby et al. v. Daniel Martinez et al.*, January 28, 1902, Transcript of Testimony: 24, 162, State Records Center and Archives, Santa Fe, N.M.
8. SANM I, no. 1292.
9. Taos County Civil Case no. 343, *Juan R. Quintana et al v. Juan de Leon et al.*, August 3, 1887, Transcript of Testimony: 11. Although the original transcript is missing from the case file at the State Records Center, a copy is found in Legal Files, Taos, Southern Pueblos Agency, Albuquerque, N.M.
10. Taos County Civil Case no. 446, *Francisco Martinez y Martinez et al. v. Melaquias Martinez et al.*, July 6, 1893. Copies of the depositions are found in Napoleon B. Laughlin Papers, Land Grants, file no. 2, folder no. 7, State Records Center and Archives, Santa Fe, N.M.
11. SANM I, no. 1297.
12. Chaves to Córdoba, April 16, May 10, July 26, August 2 and 12, 1830, Governor's Papers, Governor's letter-book, Communications to officials in New Mexico, January 2, 1830-August 23, 1831, Mexican Archives of New Mexico, State Records Center and Archives, Santa Fe, N.M.
13. Taos County Civil Case no. 343, Transcript of Testimony: 21-22. The dispute may have been renewed several years later. Records of the Southern Pueblos Agency include a purported translation of a petition from July 19, 1842, by José María Martínez and José Ignacio Valdés addressed to Juan Andrés Archuleta, prefect of New Mexico's First District which included Taos. Representing Estiércoles, Fernando de Taos, and the pueblo, the petitioners protested an earlier decree by Archuleta that allowed Arroyo Seco to take irrigation water from the Río Lucero. See William A. Brophy Papers, microfilm copy, roll 6: 207-8, Pueblo Archives, Pueblo Cultural Center, Albuquerque, N.M.
14. Taos County Deed Records, Book A-8: 587, Book A-7: 39.
15. Taos County Probate Proceedings, Book C-2: 433-35, State Records Center and Archives, Santa Fe, N.M.
16. Taos County Civil Case no. 343, Transcript of Testimony: 1-4, 10-12, 18, 27.
17. *Ibid.*; Record Book A: 373, State Records Center and Archives, Santa Fe, N.M.
18. Taos County Civil Case no. 446, bill of complaint, Edward L. Bartlett Papers, State Records Center and Archives, Santa Fe, N.M. Bartlett represented the pueblo in both suits while Laughlin was retained by Arroyo Seco.
19. Taos County Civil Case no. 446, plaintiffs' depositions, Laughlin Papers, Land Grants, file no. 2, folder no. 7. The petition filed in 1842 indicated that Diego Archuleta represented Arroyo Seco. Brophy Papers, roll 6: 207-8.

20. Taos County Civil Case no. 446, Record Book A: 400, 402.
21. Alan Laflin, "Report on Land Use and Water Rights Under Rio Lucero as Affecting the Pueblo of Taos," April 9, 1941, Section II, Land Titles, Water Rights Files, Southern Pueblos Agency, Albuquerque, N.M.
22. New Mexico State Supreme Court Case no. 2094, *Pueblo of Taos, Appellant, v. A.R. Manby, Taos Land Company, et al.*, Appellees, 1918, Clerk's Office, New Mexico State Supreme Court, Santa Fe, N.M.
23. Laflin, "Report on Land Use and Water Rights," Section II, Land Titles.
24. *Ibid.*, Section V, Current Use of Land and Water Under the Rio Lucero.
25. Information provided by Mr. Frank García, August 19 and October 13, 1988; Floyd W. Beutler to Brophy, April 22, 1941, Almira D. Franchville to Dr. S.D. Aberle, July 3, 1941 Brophy Papers, roll 6: 93, 124-25.
26. Brophy Papers, roll 6: 55-57.
27. "Memorandum on Lucero," Brophy Papers, roll 6: 99-102.
28. Records of the Superintendent, Southern Pueblos Agency, microfilm copy, roll 19: 703, 706-8, Pueblo Archives, Pueblo Cultural Center, Albuquerque, N.M.
29. Brophy to Nathan R. Margold, June 26, 1941; Brophy to John Collier, et al., July 19 and August 7, 1941, Brophy Papers, roll 6: 111-14, 162-63, 174-75.
30. New Mexico State Supreme Court Case no. 4709, *Francisco Martinez y Martinez, et al., Appellants, v. Melaquias Martinez, et al., Appellees*, 1944, Clerk's Office, New Mexico State Supreme Court, Santa Fe, N.M.
31. Eric L. Freelove to L.G. Boldt, July 10, 1943; Freelove to Whitaker, March 19, 1944; Boldt memorandum, March 21, 1944, Records of the Irrigation Engineer, United Pueblos Agency, microfilm copy, roll 3: 972-74, 1082, Pueblo Archives, Pueblo Cultural Center, Albuquerque, N.M.
32. Water Rights Files, no. 057, A-I, SEO.
33. Taos County Probate Records, Book B-4: 242-43, State Records Center and Archives, Santa Fe, N.M.
34. *Ibid.*: 243-46.
35. Taos County Civil Case no. 630, Transcript of Testimony: 625.
36. Taos County Deed Records, Book A-20: 224, recorded March 16, 1910.
37. Water Rights Files, Manuel Andres Trujillo Ditch, no. 0932, SEO.
38. Taos County Deed Records, Book A-20: 225, recorded March 16, 1910.
39. Taos County Probate Proceedings, Book C-6: 346.
40. Copies of both decrees are found in *Manuel Andres Trujillo Ditch et al. v. Las Colonias Ditch et al.*, Taos County Civil Case no. 2638, Manuel A. Sánchez Papers,

State Records Center and Archives, Santa Fe, N.M.

41. Taos County Deed Records, Book A-33: 622, Book A-36: 90.
42. SANM I, no. 1248.
43. SG no. 47.
44. G. Emlen Hall, "Report on Rio Lucero Water Priorities," June 1, 1982, SEO; Records of the Pueblo Lands Board, microfilm copy, roll 51: 325-26, Pueblo Cultural Center, Albuquerque, N.M.; Residencia of Governor Juan Domingo de Bustamante, 1731, New Mexico Originals, Bancroft Library, University of California, Berkeley, Cal., ff. 162-69, microfilm copy, Zimmerman Library, University of New Mexico, Albuquerque, N.M.
45. SANM I, no. 1357. For a discussion of the pueblo league, see Myra Ellen Jenkins, "Spanish Colonial Policy and the Pueblo Indians," in *Southwestern Culture History: Collected Papers in Honor of Albert H. Schroeder*, Charles H. Lange, ed. (Santa Fe, 1985): 204-5.
46. A poor translation of this document is found in the Edward L. Bartlett papers, Antonio Martinez Grant file.
47. SANM I, no. 628.
48. SG, Day Book A: 53-54.
49. Taos County Deed Records, Book 23: 542; SG no. 47.
50. Taos County Deed Records, Book A-7: 402-3.
51. Taos County Deed Records, Book A-4: 113-14, State Records Center and Archives, Santa Fe, N.M. Books A-1 through A-6 are now in the custody of the State Records Center and Archives. All other volumes in this series remain at Taos County Courthouse.
52. Taos County Probate Proceedings, Book C-5: 328-29.
53. Taos County Probate Proceedings, Book C-6: 38-39.
54. Ibid: 336.
55. Water Rights Files, Acequia Madre del Prado, no. 01881, Acequia del Medio del Prado, no. 01930, SEO.
56. Tomás Montoya to Governor Arthur Seligman, October 24, 1932, Water Rights Files, no. 01749, SEO; Laflin, "Report on Land Use and Water rights," Section IV, Water Rights.
57. Taos County Civil Case no. 630, Transcript of Testimony: 625.
58. Taos County Deed Records, Book A-20: 493-94.
59. Taos County Deed Records, Book A-4: 21.
60. Taos County Deed Records, Book A-6: 184-85.

61. Taos County Probate Proceedings, Book C-6: 280.

62. Affidavits of Eloy Herbert Quintana and Cristóbal J. Quintana, February 6 and 21, 1978, on file in SEO. Taos County Deed Records, Book A-12: 22, 151.

63. Water Rights Files, Acequia Madre de la Loma and South Loma Lateral, no. 01876, SEO.

III THE RIO PUEBLO

For centuries, outsiders visiting the pueblo of Taos have been immediately impressed by the beautiful mountain stream that divides the village, the Río del Pueblo. When Coronado's right hand man, Hernando de Alvarado, arrived in 1541, he observed that the river could be crossed only on bridges because of its depth and swift current. During an official visitation of New Mexico's missions in 1776, Fray Francisco Atanasio Domínguez called the Pueblo "a very decent river" with "a rapid current of good, crystalline water." A century later, Lieutenant John G. Bourke of the United States Army, a pioneer ethnographer, extolled the same watercourse as "a sparkling stream which sings down to a junction with the Río Grande. . . to the west."¹ After leaving the village, the Pueblo flows southeast across Indian lands for two or three miles and then skirts the north side of Fernando de Taos townsite. According to a 1968 Bureau of Reclamation report, the river drains a sixty-six square mile area in the Sangre de Cristo range, providing water to irrigate almost 2,300 acres. Of that total, Taos Indian lands comprise slightly more than one-third, about 800 acres, while non-Indians possess the balance.²

As noted in the introductory chapter, New Mexico's governor, Fernando Chacón, authorized the Don Fernando de Taos Grant for about sixty families in the spring of 1796. Located on both sides of the Río Fernando, the new settlement grew rapidly, causing an increased need for irrigation water. After only two harvests, Taos *vecinos* petitioned the governor for the *sobrantes* out of the Río Pueblo and Río Lucero, indicating that the Fernando's flow had proved insufficient for their crops. On November 7, 1797, Taos alcalde, Antonio José Ortiz, gave the settlers a brief document expressing Chacón's approval of a *sobrante* right in the following terms.

On account of a petition made by the settlers of el Río de Don Fernando before the honorable Lieutenant Colonel and Governor of this kingdom, don Fernando Chacón, asking him to be pleased to grant them the surplus waters of the Río de Taos and of the Lucero in the name of his Majesty (may God protect him), his Excellency having given me, the said Alcalde Mayor, the order to give the same to them as above stated in the name of his Majesty, I give them the present [document] for their greater protection.

With official sanction in hand, the settlers probably began construction (or extension) of the Acequia Madre del Río Pueblo at once.³

Originating just below the pueblo village, the Acequia Madre runs south to the east of Fernando de Taos, crossing the Río Fernando through a flume near Cañón, before turning west and ending south of Upper Ranchitos. The pueblo of Taos owns and maintains the upper portion of the ditch that flows across Indian land from its headgate to a point near the Kachina Lodge motel east of State Highway 3. Three major laterals, the Loma, Kit Carson, and Pandos, emanate from the Acequia Madre to irrigate fields and gardens near Taos plaza. Surprisingly, nineteenth century documents provide no references to the Acequia Madre until the 1830s, but its subsidiary, the Acequia de los Pandos, is mentioned much earlier.

Perhaps the most unusual citation is found in the Taos parish archives. On May 9, 1802, the resident Franciscan, Fray Joseph de Vera, baptized a newborn infant who had been found at dawn by a woodcutter among some sagebrush close to the plaza of Don Fernando beside the "azequia de Pando." After the ceremony, Vera entrusted the baby to his rescuer Juan Angel García and his wife María Manuela Martín, who promised to raise him and care for his

spiritual well-being.⁴ Four years later, the Pandos ditch was named as a boundary call in a land transaction. On October 28, 1806, José Romero sold 189 varas of farmland and a five room house to Tomás Sanches for ten dry cows, five mules, fifty pesos in cash, and some dry goods. Bounded on the east and west by lands of Fray José Benito Pereyro and Pablo Lucero, the tract lay between "la sequia de los Pandos" on the north, and *la seja de la cruz alta* (brow of the tall cross) to the south, which was also the southern limit of the Fernando grant.⁵

After the early 1800s, deed records frequently refer to the Pandos lateral as a boundary call, unlike the Acequia Madre which is seldom mentioned until some years later. Beginning in 1830, Antonio José Martínez, New Mexico's famed nationalist priest, purchased several parcels of land east of the Taos plaza and north of the public road to Cañón. On April 19, Felipe Sandoval sold him an odd-shaped piece bordered on the east by the undulating contour of the Acequia Madre. Subsequently, the same ditch was named again in other deeds that the priest received from Sandoval in 1831 and 1832. Once he had assembled the various parts, Martínez gave the entire tract, and other real estate, to his housekeeper, María Teodora Romero.⁶ In 1852, a group of Anglo-Americans, headed by Judge Charles Beaubien, bought a small piece in the midst of Teodora's lands for use as a cemetery. The site already contained the graves of countrymen killed during the siege of Taos Pueblo in 1847. As seller, Teodora noted in her deed that an acequia bordered the graveyard, referring to the Kit Carson lateral from the Acequia Madre, which still marks the plot's west boundary.⁷

Identification of the third lateral, the Loma, is more difficult because its name is so similar to the Acequia de la Loma Abajo, which originates from the Río Pueblo and runs nearby. Both irrigate lands pertaining to La Loma, a neighborhood in Taos northwest of the main plaza. However, the Loma lateral is clearly indicated in a deed made January 20, 1880, when María Rosalía

Guará sold some farmlands to William A. Kittredge for forty dollars. Located north of the plaza of Don Fernando, the piece lay south of *una vena de la acequia madre que corre hacia el poniente y va para las casas de la loma* (a lateral of the Acequia Madre that runs west and goes toward the houses of La Loma).⁸

For many years farmers depending on the Río Pueblo managed to maintain reasonably good relations with the pueblo of Taos, unlike their counterparts under the Río Lucero. Evidently Hispanos and Indians found ways to share the stream's resources without resorting to lawsuits. However, after litigation began in the 1870s, court decrees gradually changed the settlers' original *sobranste* right into an absolute share that was expressed in a number of different ways. Trouble began in 1871, when a commission of citizens from Don Fernando and some of its *suburbios* complained to Probate Judge Pedro Sánchez that pueblo members interfered with the river's flow and prevented them from irrigating their fields. In a hearing held on July 10, the Indians readily conceded a water right to their adversaries, but maintained that the real problem was proper allocation during time of scarcity. Judge Sánchez quickly disposed of the matter by ordering pueblo officials to allow passage of two *surcos* as a permanent allotment to the mayordomo of the Acequia Madre.⁹ He made no reference to other users downstream.

Predictably, Sánchez's hasty decision failed to provide a satisfactory distribution of water from the Río Pueblo. Seven years later, Hispano irrigators returned to court, once again seeking relief. In response, Judge Antonio Joseph summoned José María Luján, *alcalde* of the pueblo, and other *principales* to come before him, but the Indian leaders managed to elude Sheriff Gabriel Lucero, and did not appear on the appointed day. Undeterred by the defendants' absence, Joseph proceeded to establish a three-man arbitration committee composed of Luján, Lucero, and "the mayordomo of the Fernández precinct," directing them to meet in the Río Pueblo cañon above the uppermost Indian dam. At that point, they

were to calculate the number of *surcos* carried by the river and divide them equally, giving half to the pueblo and half to the settlers. Presumably, this arrangement included residents of Ranchitos and other communities below Don Fernando. On July 11, 1878, Lucero reported to Judge Joseph that the court's order had been carried out.¹⁰

After the settlement arranged by Judge Joseph, there is no record of further controversy concerning the Río Pueblo until 1893 when the apportionment issue arose again. On August 2, representatives from the pueblo and Don Fernando gathered at the county courthouse for a public meeting that had been organized spontaneously without authorization from the courts or any other governmental body. Juan Santistevan spoke for the non-Indians and chaired the session, while Domingo Bernal led the pueblo delegation. The deliberations resulted in an agreement that allocated water from the Río Pueblo when shortages occurred according to a time schedule. From twilight Friday until dawn Monday, residents of Fernando de Taos received the river's entire flow. Next, irrigators on the Acequia Madre, including those near the cemetery, had exclusive use of the water all day Monday. At other times, the stream belonged to the Indians, giving them complete control about four days a week. At the meeting's end, the signers proceeded to the county clerk's office to record what they had done.¹¹ Despite its importance, the document is unclear on some important points. Did it include the non-Indian communities below Fernando de Taos? Did the upstream users, the pueblo and Fernando, claim exclusive rights in the Río Pueblo in times of scarcity?

Ten years after the meeting of 1893, La Acequia Madre del Río Pueblo brought suit against the Pueblo de San Gerónimo de Taos in Taos County District Court. The original bill of complaint has disappeared from official custody, but the litigation seems to have been instigated by Arthur R. Manby, the notorious British land speculator. At that time, Manby was promoting several ambitious

irrigation schemes in Taos Valley. On March 21, 1905, Judge John R. McFie issued an "Agreed Decree," that also bore the signatures of the opposing attorneys and Manby, as agent for the plaintiff corporation. Under its terms, representatives of the Acequia Madre secured the right to clean the entire ditch from the intake just below the pueblo village to its mouth. During the process, the acequia could be widened up to six feet, with sufficient depth to carry eighteen inches of water, which probably meant a significant enlargement. In subsequent years, the two parties to the suit promised to clean and maintain those portions of the ditch crossing lands belonging to each of them respectively. Water use from the Río Pueblo would be determined by the contract of 1893, a copy of which was made part of the decree.¹² In 1910, Manby dismayed many irrigators on the stream, Indians and non-Indians alike, with plans for a large dam to impound water from the Río Pueblo, but nothing came of his proposal.¹³

From its source almost a mile below the Acequia Madre headgate, the McClure ditch carries water to fields and pastures north of the Río Pueblo below El Prado. The ditch is probably named for William L. McClure, a second generation storekeeper on Taos plaza, who accumulated considerable farmland throughout the county during his long career. In the 1890s, McClure bought several parcels at "La Isla," an area between the Lucero and Pueblo rivers irrigated by the McClure ditch.¹⁴ Nineteenth century records provide no references to such a ditch, but, occasionally, they do mention an "acequia de la Isla," suggesting a recent name change. As noted in the previous chapter, *parciantes* from the Isla acequia quarreled briefly in 1880 with farmers under the Acequia del Medio del Prado over water arising in the Estiércoles vega. In 1886, Benigno Valdez used "la acequia de la isla" as a reference point in a mortgage on his land to Juan Santistevan, a wealthy merchant who made many loans.¹⁵ However, the ditch may antedate these citations by many years.

Beginning about 500 yards below the McClure intake, the Acequia de la Loma Abajo runs south from the Río Pueblo along the west side of the present town of Taos. Although the ditch serves a large acreage, it is seldom cited in land transactions or other records. An exception occurred on June 3, 1850, when María Dionicia Medina sold to her neighbor, Manuel Santistevan, a small piece of farmland for three pesos, six reales in cash. Bounded by the seller on the east, the late Antonio Sanches to the west and Pablo Trujillo on the north, the plot extended south "to the limits of the plaza." This vague description was clarified by a second deed drawn up in 1856, by which María Dionicia conveyed an even smaller parcel to María Rosalía Medina to straighten out the ditch that flowed between buyer and seller. Thus, the east, west, and north boundaries remained the same and the plaza was further identified as "La Loma."¹⁶ Juan Santistevan, the ubiquitous moneylender, held mortgages in this neighborhood too. On June 9, 1894, he made a loan of \$135 on tillable land in Precinct 1 (Fernando de Taos) bordered on the east by "la acequia que corre abajo de la loma."¹⁷

In 1902, Juan Santistevan, civic leader, merchant, and creditor for many in Taos Valley, found himself in deep financial difficulty. Overwhelmed by debt, he declared bankruptcy, naming Arthur R. Manby, the English speculator, as his trustee. Details of Manby's administration need not concern us here, except to note that, during the liquidation process, he compiled an inventory of Santistevan's real property that made some interesting references to acequias as boundary calls. The list included a small orchard near Placitas bounded on the east by Román Martínez, on the west by a public road, on the south by Santistevan, and by the acequia of Albino Archuleta to the north.¹⁸ Evidently the ditch is the Acequia de los Archuletas that originates just east of the intersection of Highway 64 ("the public road") and the Río Pueblo north of Taos near Placitas. Manby's inventory also refers to the Sánchez ditch beginning about one-half mile downstream from the Arch-

uleta. "La Acequia de los Sánchez" was identified as the east boundary of a narrow strip 1,000 varas long by 50 varas wide, lying between the ditch and another public road.¹⁹ During the 1930s, a federal agency, the Works Progress Administration (WPA), constructed a drainage channel through a marshy area south of the Río Pueblo and west of the highway between Taos and El Prado. Flow from the WPA ditch runs into the Sánchez acequia, supplementing water diverted from the river.

Although official records consulted during this study have provided few references to the Archuleta and Sánchez acequias, the same sources have revealed no information at all concerning the Molino ditch that also irrigates lands in the same area north of the Taos townsite. It seems likely, however, that all three ditches and the Acequia Abajo de la Loma were built about 1800, soon after settlement of the Fernando de Taos Grant four years earlier. Perhaps the grantees used these ditches, which are close to Fernando de Taos plaza and within pueblo grant boundaries, to implement part of the *sobrante* right from the Río Pueblo obtained in 1797. Additional evidence can be drawn from a lawsuit for ejectment begun in 1815 by the pueblo of Taos, charging that large numbers of Hispanos were trespassing on Indian lands. An investigation by Alcalde Pedro Martín revealed that 190 families in three separate plazas had established themselves on the pueblo grant. One of the three plazas must have been Fernando de Taos, which suggests intensive settlement and concurrent irrigation on nearby Indian land, a situation that fits the four acequias mentioned above.²⁰ Like water users under many Taos acequias in recent times, *parciantes* depending on these ditches have respected the needs of their neighbors and shared available water supplies without regard to historical priority.

About one-half mile downstream from the Sánchez headgate, the Acequia de los Lovatos issues from the Pueblo river, running south to water farmlands near Upper Ranchitos. Early documents

frequently refer to the community as *la Plaza de Nuestra Señora de La Pura y Limpia Concepción*, but it was also known as Los Lovatos. The official census of the Taos jurisdiction in 1790 listed five Lovato men as heads of households, showing that the family was already well established in the area. However, the Lovatos acequia is older than the plaza. As noted in the opening chapter, when Francisca Antonia Gijosa received possession of a large land grant below the Río Pueblo on September 25, 1715, Alcalde Juan de la Mora Pineda placed the east boundary at *la toma de la acequia* (the intake of the ditch). Ten years later, the same acequia was cited again when Francisca sold her grant to Baltasar Trujillo.²¹

In a later era, following the United States takeover of New Mexico, the Gijosa Grant came before Surveyor General Henry M. Atkinson for approval in 1878. Several witnesses identified the Lovatos ditch as the acequia at the east boundary. Despite a favorable recommendation from Atkinson, Congress failed to act on the Gijosa, but the grant eventually received confirmation in 1893 from the Court of Private Land Claims. Trouble soon arose when the survey revealed that the Lovatos headgate lay about one-half mile inside the grant previously patented to the pueblo of Taos. Forced to reconsider, the justices eliminated the overlap by shifting the Gijosa boundary to the west far enough to make the two grants coterminous, placing the headgate on Indian land.²²

During the late nineteenth century, Lovatos farmers encountered occasional problems with *parciantes* from other acequias concerning equitable apportionment, the kind of difficulties that often occur when water is at stake. In July 1873, for example, Probate Judge José Rómulo Martínez appointed a three-man commission to resolve a dispute between Upper and Lower Ranchitos. According to the court record, the latter plaza received water through "la acequia de los Martines," probably the San Francisco de Paula ditch. After making a thorough inspection, the commission recommended a time schedule that divided the water equal-

ly: three days and nights for each acequia in turn. Judge Martínez quickly concurred.²³ Six years later, Los Lovatos representatives returned to probate court, complaining that farmers above at Los Estiércoles had preempted water belonging to them, a case discussed in the previous chapter. As we have seen, Judge Antonio Joseph ruled in favor of Los Lovatos, ordering the upstream users to allow the water to follow its natural course without any interference.²⁴

Of the many ditches originating in the Río Pueblo, only a few have filed priority declarations with the State Engineer. On June 28, 1940, Los Lovatos officials claimed a priority of 1880, a very conservative date in view of the acequia's long history. The declaration included a list of fifty-five users who irrigated approximately 400 acres.²⁵

From its source on the west bank of the Río Pueblo across from Upper Ranchitos, the Acequia de los Molinos runs south for about a mile almost parallel to the river. Like many ditches that draw from the Pueblo, the Molinos acequia is seldom mentioned in official records. Fortunately, there are a few exceptions. On June 1, 1852, José Francisco Mares traded a he-mule, well-broken and without blemish, and \$100 in cash, to Desiderio Abeita for an irregularly shaped piece of land west of the Río Pueblo at "el rancho de arriva." Fifty varas wide from the river to "la acequia madre" (the Molinos ditch), the tract measured seventy-five varas in width from there to the Río del Norte, the west boundary.²⁶ The land came to Abeita by inheritance from his father-in-law, Pablo Trujillo, a prominent citizen who had owned a mill west of the Río Pueblo. Trujillo's holdings were mentioned again in 1887, when Anastacio Rivera of Upper Ranchitos filed with the Taos County Clerk an *escritura de posesión* (document of ownership) for two pieces of land. Obtained by purchase and inheritance, both parcels extended east from the Río del Norte to the junction of the Río Pueblo and "la acequia del molino del finado Pablo Trujillo," certainly the Molinos ditch. According to Rivera's declaration, he had

possessed the lands since 1853. His predecessors had purchased from Trujillo, who had owned the property for thirty years, carrying the chain of title back to the 1820s or before.²⁷

Situated south of the Río Pueblo less than a mile below Upper Ranchitos, its twin community of Lower Ranchitos also lies within the Gijosa Grant. Irrigated lands at Lower Ranchitos are served by the Pacheco ditch and the Acequia de San Francisco de Paula, patron saint of the plaza. On the State Engineer's hydrographic survey, the latter ditch has been erroneously named "San Francisco de Asisi." As we have seen, Baltasar Trujillo purchased the Gijosa lands in 1725, subsequently selling them to Baltasar Romero, who then conveyed them to his brothers and sisters in 1732. On June 11, 1745, after receiving a petition from the siblings, Alcalde Francisco Guerrero partitioned the grant's agricultural lands among Juan Joseph Romero, Cristóbal Tafoya, Joseph de Villalpando, husbands of Ana María and Antonia Romero, and Antonio Joaquín Atienza, guardian of Mariano and Rosa Romero. Beginning at the pueblo boundary, presumably the intake of the Lovatos acequia, Guerrero divided 11,600 varas into five equal pieces of 2,320 varas each, ending below the present site of Los Córdovas. For the first time, the petition referred to the lands as *tierras de pan llebar*, a term usually translated as "wheat land," but, according to one prominent scholar, Michael C. Meyer, its true meaning is "irrigated land."²⁸

Whether or not the various Romeros proceeded to settle their tracts after 1745 is unclear. The 1750 census of the Taos area teemed with Romeros and Villalpandos, but none of the individuals named in the partition can be definitely identified. An Antonio Atienza married to a María Romero is the closest match.²⁹ Nonetheless, subsistence farmers did move on to the grant during the following decades. Despite Comanche raids and the hardships of frontier life, new communities developed along the south bank of the Río Pueblo. In 1796, Alcalde Antonio José Ortiz counted sixty-one persons at the plaza of "La Purísima" (Upper Ranchitos) and sixty-

three at "San Francisco de Paula" (Lower Ranchitos), showing that both were recognized villages at that time. Therefore, we can conclude that farmers at Lower Ranchitos constructed the Pacheco and San Francisco de Paula ditches sometime between 1745 and 1796.³⁰

About 1804, Severino Martínez, a prominent citizen of Abiquiú, moved to Lower Ranchitos where he gradually accumulated substantial amounts of land. Father of Padre Antonio José Martínez, who has appeared frequently in this report, don Severino built a twenty-nine room house on the north or west bank of the Río Pueblo that has been recently restored. Before his death in 1827, the elder Martínez drew up a will that included references to irrigated lands on both sides of the river as parts of his estate.³¹ Because of the large number of family members living nearby, nineteenth century documents sometimes refer to Lower Ranchitos as "Los Martines."

Also located within the Gijosa Grant, the plaza of Los Córdovas stands about 1½ miles downstream from Lower Ranchitos just west of where the Río Grande del Rancho joins the Río Pueblo. To irrigate their crops, farmers at Los Córdovas take water from the Fernando, the Río Grande, and the Pueblo. East of the Río Grande, the McCarthy ditch and the Acequia de la Otra Banda depend on springs that are fed by seepage from the Río Pueblo. Unfortunately, both acequias have proved difficult to document, as has the Blás Chávez ditch north of the river. However, county records have provided some information concerning the Anderson ditch that waters about ten acres close to Los Córdovas cemetery.

On June 6, 1830, José Ignacio Córdova of Los Córdovas appeared before Alcalde Pablo Lucero, requesting authorization to locate a grist mill near the confluence of the Río Pueblo and Arroyo Seco. Because of the lack of public lands elsewhere, Córdova specifically asked for a site north of the river (*en la otra banda*), and stated that he planned to place the acequia and its intake in front of

his house. Lucero approved at once.³² Almost sixty years later, in November and December 1888, Córdova's grandchildren, Juan de Dios and Lucía Córdova, with their respective spouses, sold the mill site and the acequia to Alexander J. Anderson. A Canadian-born Scot, Anderson had first come to Taos Valley in the 1870s with his brother William to mine gold at Arroyo Hondo.³³ In 1908, Alex Anderson filed a claim with the clerk of Taos County in the name of Taos Valley Mills for 400 inches of water from the Río Pueblo and "Taos Creek" to power the mill from February 1 to May 30 and September 1 to November 30 each year. In his declaration, Anderson asserted that his predecessors had acquired the right more than fifty years earlier and that he had used the water for milling and irrigation since 1888.³⁴ About 1924, a fire destroyed the mill, causing Anderson's successors to use the acequia primarily for irrigation.

A private acequia beginning downstream from the Anderson ditch, the Drake ditch irrigates three small parcels of land north of the river. According to the present owner, the Drake ditch formerly connected to the Anderson, extending beyond the present terminus to water these tracts. About 1945, W.H. Drake, a previous owner, constructed a new diversion and headgate, but continued to irrigate the same lands, giving the two acequias a common priority.³⁵

The last ditch issuing from the Río Pueblo originates in the cañón below Los Córdovas where a narrow strip of irrigated pasture hugs the river's south bank. Known as "Los Alamos," the area receives water from an acequia of the same name. On July 17, 1902, Antonio Romero recorded a statement with the county clerk, laying claim to the Acequia de los Alamos "by right and possession." Romero also claimed one *surco* of water for the ditch, which was 1,500 varas long from dam to mouth.³⁶ Forty years later, in a declaration made to the State Engineer Office, six *parciantes* from the Alamos stated that the ditch irrigated forty-nine acres. The largest tract belonged to Antonio Romero, perhaps the same man

or a descendant. At that time, the landowners claimed a priority date of May 1824, but offered no supporting documentation.³⁷ However, Taos County deed records include a reference to early settlement at Los Alamos exactly ten years after the declaration date. On May 1, 1834, two impecunious citizens, José Domingo and Manuel Gregorio Durán, appealed to the Taos *ayuntamiento* for farmlands needed to sustain their large families and pay the customary church obligations. Specifically, they requested a tract, vacant and uncultivated, "on the other side of the Río de Taos below the *abrevadero* (watering place) called Los Alamos." The *ayuntamiento* gave its approval on the same day, and the Duranes were placed in possession on May 17, 1834.³⁸ Although ten years late, these documents may be the source of the priority claimed.

Notes

1. George P. Hammond and Agapito Rey, eds., *Narratives of the Coronado Expedition, 1540-1542* (Albuquerque, 1940): 244-45; Eleanor B. Adams and Fray Angelico Chavez, *The Missions of New Mexico, 1776: A Description by Fray Francisco Atanasio Domínguez with other Contemporary Documents* (Albuquerque, 1956): 110; John G. Bourke, "Bourke on the Southwest," ed. Lansing B. Bloom, *New Mexico Historical Review* 12 (January 1937): 44.
2. Bureau of Reclamation, "Appendixes (in Four Volumes) to Volume II-Tributary Units, Definite Plan Report, San Juan-Chama Project, Colorado-New Mexico, Appendix C-Plans and Estimates" (Amarillo, Texas, August 1967, Revised March 1968): 186-88.
3. Records of the Surveyor General (SG), no. 125, Don Fernando de Taos Grant, State Records Center and Archives, Santa Fe, N.M.
4. Archives of the Archdiocese of Santa Fe, Taos Baptisms, Book B-38: 18.
5. Miscellaneous Northern New Mexico Documents, Simmons-Arrowsmith Collection, no. 10, State Records Center and Archives, Santa Fe, N.M.
6. Taos County Deed Records, Book A-8: 349-51, Office of the County Clerk, Taos County Courthouse, Taos, N.M.
7. Taos County Deed Records, Book A-1: 130-31, State Records Center and Archives, Santa Fe, N.M. Books A-1 through A-6 are now in custody of the State Records Center and Archives. All other volumes in this series remain at Taos County Courthouse.

8. Taos County Deed Records, Book A-8: 307-8.
9. Taos County Probate Proceedings, Book C-4: 276, State Records Center and Archives, Santa Fe, N.M.
10. Taos County Probate Proceedings, Book C-5: 267-69, 272.
11. Taos County Deed Records, Book A-10: 174-75.
12. Territorial District Court Records, Taos County Civil Case no. 684, *La Acequia Madre del Rio Pueblo de San Geronimo de Taos v. the Pueblo de San Geronimo de Taos*, April 25, 1903, State Records Center and Archives, Santa Fe, N.M.
13. Francis C. Wilson Papers, folder no. 1453, State Records Center and Archives, Santa Fe, N.M.
14. Taos County Deeds Records, Book A-10: 336-37; Book A-12: 166, 218.
15. Taos County Mortgage Records, Book J-1: 19-22.
16. Taos County Deed Records, Book A-1: 123, 125.
17. Taos County Mortgage Records, Book J-1: 248-49.
18. Napoleon B. Laughlin Papers, "Assignment of Juan Santistevan to A. R. Manby," folder no. 136, State Records Center and Archives, Santa Fe, N.M.
19. Ibid.
20. Spanish Archives of New Mexico (SANM) I, no. 1357, State Records Center and Archives, Santa Fe, N.M.
21. SG no. 109, Francisca Antonia Gijosa Grant.
22. Ibid.
23. Taos County Probate Proceedings, Book C-4: 360.
24. Taos County Probate Proceedings, Book C-5: 328-29.
25. Water Rights Files, Acequia de Los Lovatos, no. 0935, State Engineer Office (SEO), Santa Fe, N.M.
26. Taos County Deed Records, Book A-9: 73.
27. Taos County Deed Records, Book A-8: 9-11.
28. SG no. 109; Michael C. Meyer, *Water in the Hispanic Southwest* (Tucson, 1984): 128. Based on documents originating in Chihuahua, Meyer's argument is not entirely convincing for New Mexico. He fails to account for other kinds of *tierras de labor* (farmland) that were also irrigated.
29. *Biblioteca Nacional de México*, legajo 8, no. 81, photostatic copy, Zimmerman Library, University of New Mexico, Albuquerque, N.M. For a published edition of the 1750 census, see Virginia Langhorn Olmsted, ed., *Spanish and Mexican Censuses of New Mexico, 1750-1830* (Albuquerque, 1981).

30. SANM II, "Miscellaneous Documents," microfilm copy, roll 21, frame 545. See also Myra Ellen Jenkins, "Acequias in the Taos Area", n.d., a report prepared for the State Engineer Office.
31. Ward Alan Minge, "The Last Will and Testament of Don Severino Martinez," *New Mexico Quarterly* 33 (Spring 1963): 33, 36-38.
32. Taos County Deed Records, Book A-9: 47.
33. Ibid: 280-83; Jim Berry Pearson, *The Red River-Twining Area: A New Mexico Mining Story* (Albuquerque, 1986): 12.
34. Taos County Deed Records, Book M-17: 467.
35. Information provided by Mr. Gabriel Chavez, November 28, 1989.
36. Taos County Deed Records, Book A-16: 209.
37. Water Rights Files, Acequia de los Alamos, no. 0948, SEO.
38. Taos County Deed Records, Book 23: 191-93.

IV THE RIO FERNANDO

Although the Río Fernando is the smallest of the principal tributaries feeding into the Río Pueblo de Taos, the stream irrigates many acres of crops and pasture as it flows east out of a deep mountain cañon toward the Río Grande del Norte. Dependent on springs and snowmelt, the Fernando drains an area of sixty-four square miles below Palo Flechado Pass in the Sangre de Cristo range.¹ Authorized Hispano settlement along the river began in 1796 when Governor Chacón approved the Don Fernando de Taos land grant for sixty landless families. However, a number of venturesome citizens apparently established themselves on grant lands earlier without benefit of governmental approval. A census of communities in Taos Valley taken two weeks before the official possession ceremony showed two plazas already in place within the Fernando de Taos Grant: Nuestra Señora de Guadalupe (Taos) and Nuestra Señora de Dolores (Cañón), with populations of 195 and 86 persons respectively.² From the beginning, the grantees found the Río Fernando inadequate for irrigation, causing them to ask Chacón for *sobranter* rights in the Pueblo and Lucero rivers.³ Since then, water shortages have persisted, but valley farmers have usually found ways to cope with them.

On May 1, 1796, Alcalde Mayor Antonio José Ortiz gathered the petitioners for the Don Fernando de Taos Grant and took them through the traditional act of possession described in the opening chapter of this study. After the ceremony, Ortiz allotted individual tracts of farmland to each household, beginning with Tomás Montoya who received thirty-three varas at the west end of the grant. Most of the settlers received parcels sixty-three varas wide, extending across the river from the *ceja de la cruz alta* (brow of the hill of the tall cross) on the south to the pueblo boundary on the north.⁴ Deed records from later years indicate that, long after the original distribution, Taoseños continued to buy and sell these same sixty-

three vara plots. Having secured possession of their agricultural lands, the settlers undoubtedly began construction of the two major ditches that originate in the Río Fernando: the Acequia del Sur and the Acequia del Norte. Presently the two ditches share a common diversion point at the mouth of Fernando cañon where the allotment for both is thrown into the Acequia del Sur. A short distance below, the Acequia del Norte's share, one third of the water, is turned back into the river and then taken out again at the Norte headgate.

In 1906, *parciantes* from the two acequias recorded documents in the county courthouse in which they claimed exclusive use of their respective ditches for the full capacity of each, about four square feet for the Acequia del Sur and half that amount for the Norte. Both statements were based on prior appropriation and continued use by "ancestors and grantors of said claimants" since 1760, a date unsupported by any evidence now available.⁵ Much later, in 1967, representatives of the Acequia del Sur filed a declaration with the State Engineer Office, setting forth a priority of 1800.⁶ Officers of the Acequia del Norte failed to make any declaration at that time, but water users from the two ditches agree that both should share a simultaneous priority date.

The first official mention of irrigation on the Fernando de Taos grant appeared in a petition made in 1817 to Alcalde Tomás Ortiz by a group of *vecinos* headed by José Martín, *mayordomo de la acequia*. Briefly reviewing the grant's history, Martín recalled that, after receiving their lands in the name of the King, the settlers had received authorization from Alcalde Antonio José Ortiz to take out a community ditch, probably the Acequia del Sur del Cañón. With encouragement from Ortiz, the grantees had then constructed a second ditch that conformed with the Acequia Madre, which carried the *sobranter* from the Río Pueblo unused by the Taos Indians.

This second ditch seems to be the Acequia del Norte del Cañón that flows north from the Río Fernando, ending in the Ace-

quia Madre del Río Pueblo. According to Martín, the arrangement provided an equitable distribution satisfactory to all. Major difficulties arose, however, when excess water from a mill operated by Vicente Trujillo caused the acequia to wash out, blocking both the road to the farmlands and the public road following the river. Since the main thoroughfare into the cañon runs along the Fernando's north bank, it appears that the ruptured ditch was the Acequia del Norte. In his response, Tomás Ortiz emphasized that the overriding consideration must be the public good. He decreed that, if investigation proved the allegations to be true, the mill and millrace causing the damages must be altered or eliminated.⁷

Thirty years after Alcalde Ortiz wrestled with problems caused by Trujillo's mill, a party of Anglo-American "mountain men," en route to Taos town, crossed over the Sangre de Cristos and descended into Fernando cañon. They arrived in early April, a short time after the Taos Rebellion of 1847, the high point of nationalistic resistance to the invasion of New Mexico by United States forces during the previous summer. The travelers included Lewis H. Garrard, a greenhorn of seventeen who had come out from Cincinnati for a look at the "Wild West." Despite his youth, Garrard was a careful observer who later recorded his experiences in a book entitled *Wah-To-Yah and the Taos Trail*. Although his recollections of New Mexico focused on the trials and executions of those Pueblo Indians and Mexicans condemned for participation in the revolt, Garrard also described local institutions, such as the irrigation system in Taos Valley.

When the party first emerged from the cañon into the agricultural lands bordering the Río Fernando, Garrard noted that:

The brook down which channel we had kept the preceding few hours, was, at its egress, directed into a large "acequia," or ditch, and from that in numberless smaller ones, through the valley to serve in lieu of the grateful

showers in which the American farmer puts so much dependence.

Garrard's ditch must have been either the Acequia del Norte or the Acequia del Sur del Cañón. After passing a distillery producing the famed *aguardiente de Taos*, the newcomers saw workers giving their acequia its regular spring cleaning under the direction of the mayordomo.⁸

During his brief visit, Garrard learned that, in spite of primitive tools, the soil in Taos Valley produced good crops of wheat and corn, yielding an ample return from the seed planted. Concerning irrigation, he wrote:

The valley, in every direction, was cultivated, and in the total absence of fences, presented the unusual sight of one large field, stretching away for miles, intersected by numberless ditches. The melting snow from the mountain flows to the valley, where it is turned into large acequias; from there into branches, and again through each man's possession. When a plat needs watering, the ditch below it is stopped with a few shovelfull of earth, water suffered to flow in, and, there being no egress, it inundates the plat, thereby giving the vegetation a more effectual and well-timed flooding than the uncertain showers. This seems a preferable mode; for the ditch once dug, with an occasional cleaning, serves forever. When it does need scraping out, the alcalde, or mayor, issues an order, and the work is done by the people conjointly; so the labor is but slight to any one man.⁹

As Garrard and his friends rode through Fernando cañon in 1847, they passed large groves of cottonwoods and thickets of willows that composed the bosque along the river banks. Seemingly a permanent part of the landscape, these trees were threatened with

destruction in the 1870s, leading to a very unusual lawsuit. On May 10, 1877, twenty-one landowners dependent on the Río Fernando complained to Probate Judge Antonio Joseph that one Juan Sánchez and his employees had been systematically cutting large numbers of cottonwoods within the cañon. In doing so, Sánchez and his men eliminated the cooling shade that the petitioners thought necessary to maintain an adequate water supply in the river. According to popular belief, exposure to the blazing summer sun would cause shortages of water for irrigation, bringing great hardships for all concerned. After ordering an appearance by Sánchez, Judge Joseph ruled in favor of the complainants, finding that excessive cutting in the bosque would lead, little by little, to diminution of the water so necessary to sustain agriculture in the valley. Thereafter, anyone convicted of such destruction would be regarded as a transgressor, subject to all the rigors of the law.¹⁰

Almost ten years later, some of the same petitioners came before Joseph's successor, Judge Antonio Tircio Gallegos, seeking resolution of problems in the Acequia del Sur del Cañón. They were particularly concerned with the proper location of the *desagüe*, the relief channel that returns floodwater to the river and prevents damage to the acequia. Also, irrigators on the lower end of the ditch asked for a more equitable division of water by the mayordomo to curb those above, who frequently took more than their share. On July 5, 1886, Gallegos appointed two disinterested persons as a commission to inspect the acequia and make recommendations to the court. Ignoring the apportionment issue, the commissioners reported that the *desagüe*, then located in the "arroyo de la cruz alta," would afford maximum benefit for the community by flowing through the lands of Pedro Trujillo. That suggestion brought such a howl of disapproval from Manuel Pacheco and José María Maes that Gallegos ordered a new investigation by a different committee. When the second report concurred with the first, the court ruled that the *desagüe* would run through Trujillo's property. To appease the protestors, Gallegos

directed that the acequia's mayordomo place a headgate (*compuerta*) at the former site of the *desagüe*, thus assuring water for Pacheco and Maes when their turn came to irrigate.¹¹

During the first decade of the twentieth century, a number of Anglo promoters initiated elaborate plans for irrigation projects in Taos Valley. As conceived by Arthur R. Manby and other newcomers, the proposals envisioned vast developments of farms and orchards, all dependent on water taken from the region's major streams. For a variety of reasons, most of these schemes failed to materialize. However, in 1909, Benjamin G. Randall built a small reservoir drawing from the Río Fernando, one of the few projects of its kind to be completed. A New Yorker, Randall had arrived in Taos around the turn of the century to operate a flour mill and soon became prominent in the local business community. Within a few years, he began purchasing farmland situated between the Río Fernando and the *ceja de la cruz alta*, accumulating about 175 acres by 1910.¹²

Some time in 1908, Randall filed an application with Territorial Engineer Vernon Sullivan to appropriate water from the Fernando for a reservoir with which he proposed to irrigate his landholdings. Fearing the results of Randall's plans, the community of Cañón, through its representatives, J. A. Salazar, Francisco Vigil, and Demóstenes Martínez, immediately protested the application. However, both sides wished to avoid litigation, causing them to negotiate a compromise signed December 21, 1908.

Under its terms, Randall agreed to build his reservoir outside the cañon in a location that would not endanger lands below, evidently a major concern of the village residents. He also promised to place the new structure so that it would not interfere with the river's flow and that he would claim only those waters pertaining to lands he owned. In return, the people of Cañón conceded a right to any surplus available in the Fernando and consented to end their

opposition to Randall's proposal before the Territorial Engineer.¹³ After receiving approval from Sullivan on February 11, 1909, Randall began construction, completing his dam and reservoir in September at an approximate cost of \$1,500.¹⁴

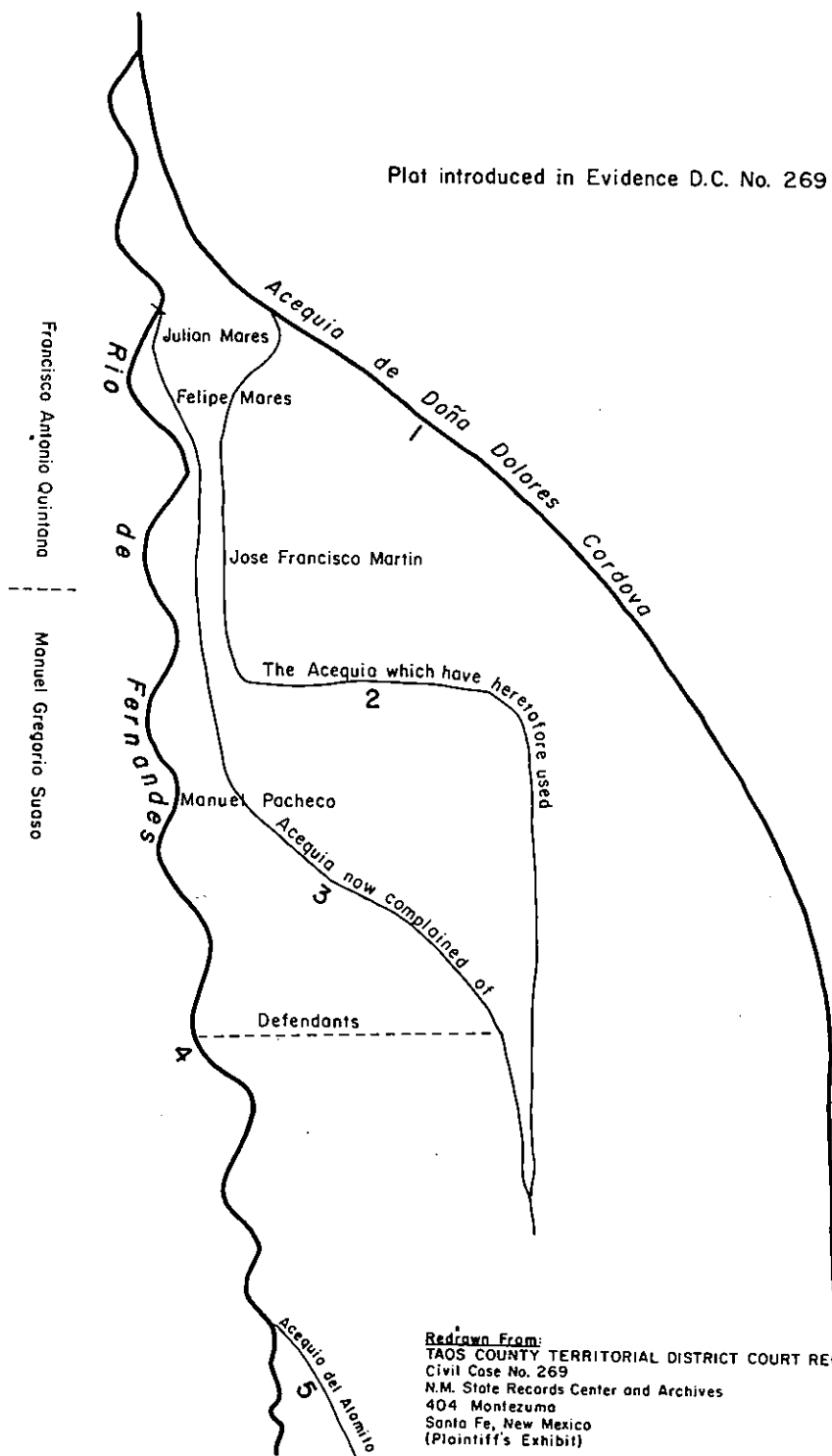
Unfortunately, the 1908 agreement soon proved unsatisfactory to both parties. On October 22, 1910, Randall brought suit in Taos County District Court against the "South Ditch of the Río Don Fernando de Taos," its commissioners, and mayordomo. Plaintiff asserted in his complaint that, of the 405 acres irrigated by the Acequia del Sur, he had acquired ownership of about 175 acres, or $\frac{3}{4}$ of the total, and was therefore entitled to a like amount of water from the ditch. After finding that he had received only one-half of his share in 1909, Randall had built a dividing box in the main ditch at the point where his lateral originated, an arrangement that ensured his $\frac{3}{4}$ allocation. Although acequia officials had allowed the device at first, they later raised objections, causing Randall to seek legal means to prevent interference. On November 1, 1910, Judge John R. McFie issued an injunction and required Randall to post a \$500 bond. Evidently the litigants made a settlement out of court since McFie dismissed the suit at plaintiff's costs on May 2, 1911.¹⁵ According to Luis Trujillo, present mayordomo of the Acequia del Sur, the division is now made through a time schedule. Between 7 p.m. and 4 a.m., the Randall lateral receives its full capacity. At other times, the flow is available for other users. The hydrographic survey conducted by the State Engineer Office in 1969 showed that the Randall ditch and reservoir served 139 acres at that time.

Originating about $2\frac{1}{2}$ miles below the Acequia del Sur headgate, the Vigil y Romo ditch irrigates lands south of the Río Fernando west of Highway 64. Documentation of the Vigil y Romo has been hindered by lack of references to it in Taos County deeds and court records. Recently, a member of the Vigil family said that the acequia had been built about 1890 to irrigate lands of Cornelio Vigil

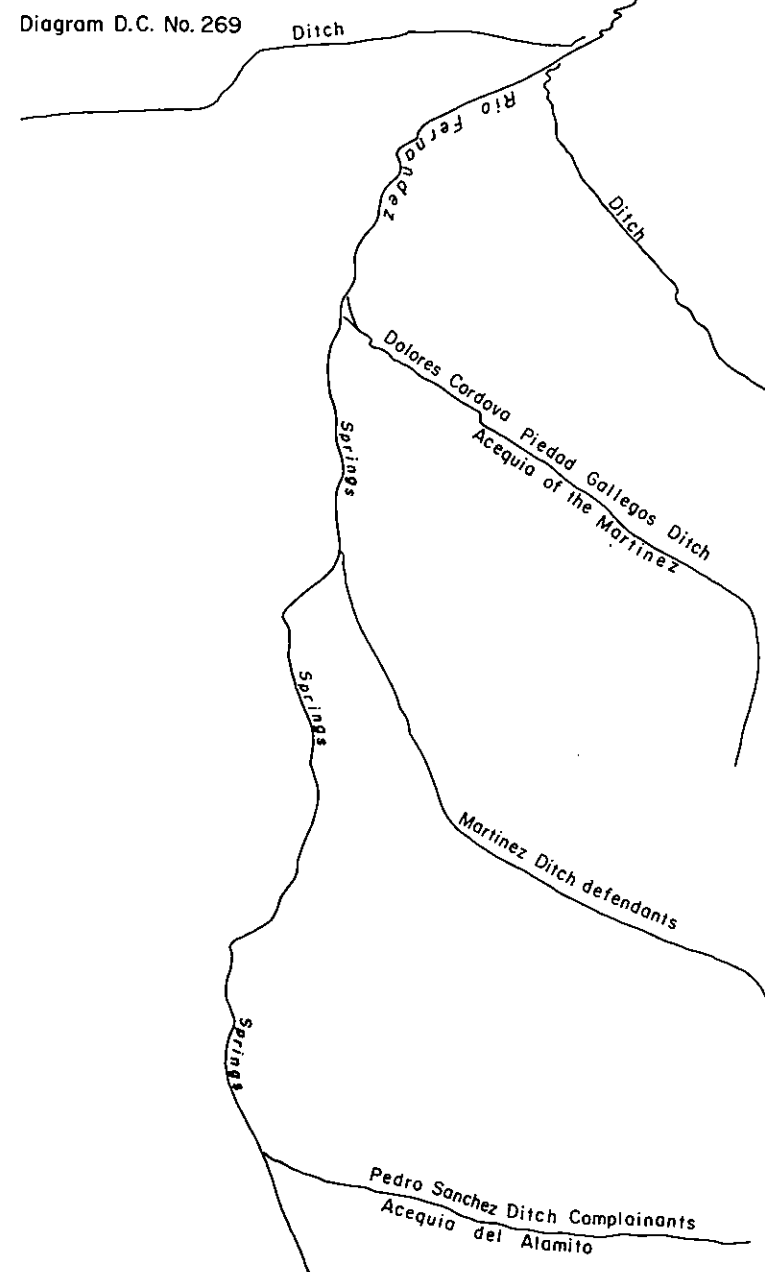
and Lucas Romo.¹⁶ Fortunately, much more information is available concerning the next two ditches out of the Fernando, the José Benito Martínez and the Alamos, because of legal proceedings in 1883 to determine water rights in that part of the river.

On April 13, José Martín, Florencio Martín, Pedro Sánchez, and Dolores Córdova brought suit against three Martínez brothers, Leandro, Agapito, and Severino, charging unlawful preemption of irrigation water from the Río Fernando. In a lengthy statement, the plaintiffs asserted that they farmed several hundred acres south of the river watered by the Acequia de los Alamos, which was more than fifty years old. At some distance above the Alamos intake, most of the Fernando's flow was turned into a public acequia called the José Benito Martínez or María Dolores Córdova (who had been husband and wife). Between the two headgates, some large springs arose in the riverbed, supplementing the Fernando's scanty resources. In previous years, the defendants had irrigated with a lateral from the José Benito Martínez Acequia, but, early in the spring, they had begun to build a new ditch that appropriated the springs' flow, water that plaintiffs claimed by prior right. (See accompanying sketch maps on pages 94 and 95.) To obtain redress, they requested an injunction from the court, blocking further construction.

Rising to the challenge, the Martínez brothers responded that they, too, cultivated several hundred acres along the Fernando lands that had been irrigated for more than seventy years (since about 1813), much longer than those owned by the plaintiffs. The defendants denied that the Alamos ditch was fifty years old, or that it enjoyed prior rights to the springs in the streambed, claiming that there was usually plenty of water for everyone except in the driest years. As to the so-called new ditch, the brothers declared that it was known as "la acequia de los Martínez" (not to be confused with the José Benito Martínez Acequia), and that it was the second oldest ditch on the Fernando, presumably after the Norte and Sur



Redrawn From:
 TAOS COUNTY TERRITORIAL DISTRICT COURT RECORDS
 Civil Case No. 269
 N.M. State Records Center and Archives
 404 Montezuma
 Santa Fe, New Mexico
 (Plaintiff's Exhibit)



Redrawn From:
 TAOS COUNTY TERRITORIAL DISTRICT COURT RECORDS
 Civil Case No. 269
 N.M. State Records and Archives
 404 Montezuma
 Santa Fe, New Mexico
 (Defendant's Exhibit)

acequias upstream. Furthermore, they contended that their ditch had been in constant use until the previous year when high water destroyed the dam. Hence, the work then taking place had been merely routine repair of an existing structure, not new construction as charged. After considering both statements, Judge Samuel B. Axtell, Chief Justice of the New Mexico Supreme Court then presiding in the First Judicial District, issued an injunction as requested in the original complaint. On June 7, Axtell appointed Joseph F. Bonham, a Las Cruces attorney, to hear testimony for the court as "special examiner."

Although often confusing and contradictory, statements submitted by a parade of citizens from Ranchitos appearing as witnesses provide some insight into the history of the ditches under consideration. Juan de los Reyes Mares, sixty-seven, said that he had known both ditches as long as he could remember, but wasn't certain which was older. In contrast, José Benito de Herrera, sixty-six, declared that the Martínez acequia antedated the Alamitos, which had been built as recently as 1847 or 1848. Manuel Gregorio Suaso, fifty-eight, recalled that, in earlier years, he had farmed defendants' lands on shares with their father, Pascual Martínez. Suaso had secured a water right to irrigate those same fields by working on the José Benito Martínez ditch, which had been constructed before he could remember. He said that the acequia recently taken out of the Fernando by the three brothers was new, but had been built on the ruins of an older ditch. Finally, Francisco Salas Martínez, fifty, son of José Benito and Dolores Córdova, testified that his grandfather had taken out the Martínez brothers acequia more than thirty-six years earlier (before 1847), but had later abandoned it about 1850.

In rendering his decision, Judge Axtell sidestepped the priority issue by arranging a compromise among the attorneys representing the opposing parties. Signed September 20, 1883, the agreement recognized the new Acequia de los Martínez as a per-

manent ditch with a water right to be taken out from the Río Fernando below the Doña Dolores, or José Benito Martínez, ditch. For six days out of each month, the first, second, eleventh, twelfth, twenty-first, and twenty-second, the acequia was allowed to run at full capacity, with the proviso that the stream remain unobstructed on all other days. Both sides agreed to pay an equal share of court costs resulting from the litigation, including \$150 for the special examiner.¹⁷

The hydrographic survey of the Río Fernando completed by the State Engineer Office in 1969 failed to locate any ditch between the José Benito Martínez and the Alamitos. However, the Bureau of Reclamation inventory conducted a few years earlier did list the Acequia de los Martínez, indicating that, once again, it had been abandoned about twenty years before.¹⁸ According to the 1969 survey, a branch of the José Benito Martínez had also been abandoned by that time. The portion still in use approximated the lateral used by the Martínez brothers before 1883, as shown on the sketch map.

After reviewing testimony presented in the 1883 lawsuit, what priorities can be allocated to the José Benito Martínez and Alamitos acequias? Although the many statements disagree in details, taken together, they comprise the best evidence now available to determine the age of the two ditches. Curiously, no one claimed any construction before 1800, although the ditches lay within the Francisca Antonia Gijosa Grant that had been made and settled in the eighteenth century, as indicated in previous chapters of this study. Plaintiffs claimed that lands under the Alamitos had been irrigated for fifty years, since the early 1830s. If Juan de los Reyes Mares spoke factually, the ditch may have been built somewhat earlier. At the other extreme, defense witness José Benito de Herrera placed the construction date at 1847 or 1848. The truth probably lay somewhere between.

Parciantes of the José Benito Martínez Acequia have declared a priority of 1812 in the State Engineer Office, about twenty years before the dates set forth by witnesses during the trial.¹⁹ However, the José Benito Martínez/Dolores Córdova ditch may well be older than the Alamitos because none of the litigants challenged its rights to water from the Fernando. The recollections of Mares and Manuel Gregorio Suaso suggested a priority of about 1830 or slightly earlier.

The last two acequias on the Río Fernando originate on the north bank a short distance below the Alamitos headgate near the river's junction with the Río Pueblo. Known as Graham ditches no. 1 and no. 2, they irrigate several small parcels belonging to Donaldo Graham or his successors. Property owners have failed to claim priorities for the Graham ditches and little information has been discovered to determine appropriate dates for them.

Notes

1. Bureau of Reclamation, "Appendixes (in Four Volumes) to Volume II-Tributary Units, Definite Plan Report, San Juan-Chama Project, Colorado-New Mexico, Appendix C-Plans and Estimates" (Amarillo, Texas, August 1967, Revised March 1968): 192.
2. Spanish Archives of New Mexico (SANM) II, "Miscellaneous Documents," microfilm copy, roll 21, frame 545, State Records Center and Archives, Santa Fe, N.M.
3. Records of the Surveyor General (SG), no. 125, Don Fernando de Taos Grant, State Records Center and Archives, Santa Fe, N.M.
4. *Ibid.*
5. Taos County Records, Book M-17: 176-77, Office of the County Clerk, Taos County Courthouse, Taos, N.M.
6. Water Rights Files, Acequia del Sur del Cañon, no. 01957, State Engineer Office (SEO), Santa Fe, N.M.

7. Taos County Deed Records, Book A-5: 253-63. This volume, sometimes identified as "E-5," is no longer in official custody. Martín's petition and Ortiz's response were added to a copy of the Don Fernando de Taos land grant papers that was recorded by County Clerk Santiago Valdez on July 20, 1876. A transcript of the documents is found in an abstract of title prepared by Northern New Mexico Abstract Co., Taos, N.M., June 5, 1968, located in the SEO files.

8. Lewis H. Garrard, *Wah-To-Yah and the Taos Trail*, ed. Ralph P. Bieber (Glendale, 1943): 232-33.

9. *Ibid.*: 245-46.

10. Taos County Probate Records, Book C-5: 187-90, State Records Center and Archives, Santa Fe, N.M.

11. Taos County Probate Records, Book C-6: 231-32, 234-35.

12. Taos County Deed Records, Book A-18: 182, Book 28: 192, Office of the County Clerk, Taos County Courthouse, Taos, N.M.

13. Taos County Deed Records, Book M-17: 548-49.

14. "Tabulated List of Proposed Irrigation and Power Projects in New Mexico-Compiled from Applications for Permits to Appropriate Public Waters," *Second Biennial Report of the Territorial Engineer, 1908-1910*, Records of the State Engineer, folder no. 1924, State Records Center and Archives, Santa Fe, N.M.

15. Territorial District Court Records, Taos County Civil Case no. 902, *Benjamin G. Randall v. South Ditch of Rio Don Fernando de Taos*, Jose H. Lucero, Donaciano Lucero, and Silviano Trujillo, Commissioners, and Romulo Trujillo, Mayordomo of Said Ditch, October 22, 1910, Record Book C: 461, Record Book D: 9.

16. Information provided by Mrs. Edna Vigil Wilton, May 2, 1988.

17. Territorial District Court Records, Taos County Civil Case no. 269, *Jose Martin, Florencio Martin, Pedro Sanchez and Dolores Cordova v. Leandro Martinez, Agapito Martinez and Severino Martinez*, April 13, 1883.

18. Bureau of Reclamation, "Appendixes to San Juan-Chama Report," Appendix C: 194.

19. Water Rights Files, Jose Benito Martinez Acequia, no. 1030, SEO.

V THE RIO GRANDE DEL RANCHO AND RIO CHIQUITO

Rising in the remote back country of the Sangre de Cristo Mountains, the Río Grande del Rancho meanders north down a long cañon filled with willows and cottonwoods, entering Taos Valley about two miles above Ranchos de Taos. After receiving Pot Creek (Rito de la Olla) at Fort Burgwin Research Center, the river converges with the Río Chiquito below Talpa and finally discharges into the Río Pueblo at Los Córdovas. Together, the Río Grande and the Chiquito drain an area of 120 square miles, forming the Río Pueblo's largest tributary.¹ Usually called "Río de las Trampas" in Spanish colonial documents, the river became known as the Río Grande del Rancho after 1795 when Governor Fernando Chacón authorized a land grant with the same name. Even then, summer water shortages worried the settlers, as mentioned in the introductory chapter of this study.²

As we have seen, much of the land near present Ranchos de Taos was controlled by Fernando Durán y Chaves before the great Pueblo Indian uprising of 1680. Since Chaves did not return to New Mexico during the Spanish reoccupation of 1692-93, his rancho remained unclaimed until 1710, when Governor José Chacón Medina Salazar y Villaseñor granted the property to the soldier Cristóbal de la Serna. Following Serna's death in 1720 during the ill-fated Villasur expedition, his heirs sold the Taos lands on August 5, 1724, to Diego Romero, a mixed-blood from the Río Abajo, usually known as "El Coyote."³ Accompanied by his extended family, Romero settled on the rancho, which lay between the Ponce de León Hot Springs and the middle road to Picurís on the east and west, and an old monument and Picurís Mountain to the north and south. Together they pastured livestock, broke out farmlands, and, presumably, constructed irrigation ditches. In 1742, Romero drew up a last will and testament that itemized var-

ious kinds of farm implements, such as hoes and plowshares, in addition to significant numbers of horses, cattle, and sheep.⁴

Subsequent wills and deeds made by other Romero family members provide references to cultivated lands on the Serna grant, but the sites are difficult to locate precisely. For example, an inventory compiled in 1748 after the death of Antonio Durán de Armijo listed farmlands along the Río de las Trampas without indicating boundaries. The tract was identified as *tierra de pan llevar*, a term usually translated as "wheat land" or "irrigated land."⁵ When El Coyote's son, Francisco Xavier Romero, died in 1765, his estate included 1,300 varas of *tierras labradas* (cultivated lands), also located on the Río de las Trampas.⁶ Thirty years later, Buenaventura Romero, perhaps a grandson of old Diego, bought three adjoining pieces of *tierra de pan llevar* from Antonia Romero, Ana María Romero, and Francisca Zapata, apparently heirs to an estate. Measuring eighty-five varas each, the three parcels lay along the Trampas river between the boundary of the settlers of Don Fernando on the north and the Picurís Mountain to the south.⁷ Although identification of individual acequias on the Serna grant has proved difficult, recurrent references to farmlands suggest continuing irrigation in the Trampas Valley throughout the second half of the eighteenth century, if not earlier.

Further evidence of irrigation from the Trampas in the later 1700s can be found in reports of churchmen visiting Taos Valley. After crossing the river while traveling from Picurís to Taos Pueblo in 1760 during an official tour of New Mexico, Pedro Tamarón, bishop of Durango, noted the "abundant" acequias emanating from the Trampas to water nearby fields.⁸ Sixteen years later, Fray Francisco Atanasio Domínguez stopped in at Taos while making an inspection of New Mexico's missions for the Franciscan order. Recalling the region's streams, Domínguez wrote that the Río de las Trampas "belongs" to the Hispano frontiersmen who used it to irrigate "very good lands" along its banks. Although Comanche

raiders had driven the settlers into the pueblo when Fray Francisco made his visitation, the plaza at Ranchos de Taos was then under construction.⁹ According to a third ecclesiastic, Fray Juan Agustín de Morfi, the plaza, which was protected by defensive towers, had been almost completed by 1779. Like the others, Morfi noted that the settlement enjoyed copious arable lands irrigated from the Río de las Trampas.¹⁰

After the establishment of Ranchos de Taos plaza, Hispano population in Taos Valley grew slowly between 1776 and 1790, increasing from sixty-seven to seventy-seven families with 306 and 331 persons respectively.¹¹ Nevertheless, settlers along the Trampas feared competition from outsiders for irrigation water. As indicated in the introductory chapter, a group of Ranchos residents petitioned for the Rancho del Río Grande Grant early in 1795 to prevent others from settling upstream and interfering with precious water supplies. Having secured favorable consideration from Governor Chacón, the grantees received possession of the Rancho del Río Grande tract on April 9, thus gaining control of the river's headwaters.¹²

After 1790, the number of Hispano settlers in the Taos jurisdiction expanded rapidly. During the next three decades the non-Indian population quadrupled, rising to 1,260 persons in 1821, the year of Mexican independence.¹³ The big increase led to formation of several new communities in the region, including Arroyo Hondo, Arroyo Seco, and Talpa. On June 14, 1823, Manuel Lucero of Río Chiquito donated 105 varas of land for a placita east of the river about 1½ miles above Ranchos de Taos. After 1838, the new plaza became known as "Talpa," following construction of a chapel dedicated to Nuestra Señora del Rosario, patroness of a popular shrine at Talpa, Jalisco, Mexico.¹⁴ Since Talpa's residents already farmed lands nearby, establishment of the new village probably brought few changes to customary use of water from the Río Chiquito. However, a proposal for a new settlement in the upper cañon of the Río Grande del Rancho, the new name for the Trampas, brought immediate resistance from landowners downstream.

On March 13, 1837, eleven landless family heads led by Nicolás Sandoval requested a land grant at the junction of the Río Grande and the Rito de la Olla from Governor Albino Pérez. In his petition Sandoval stated that an unfriendly alcalde had dispossessed him of lands at Desmontes which he had earned by working on the Cuchilla acequia, the big ditch that flows out of the Río Hondo to the plain above. Anticipating opposition from water users below their desired location, Sandoval and his associates expressed willingness to irrigate with springs rising far back in the mountains that never reached Pot Creek or the Río Grande. Pérez referred the petition to the members of the Taos *ayuntamiento* who appointed a three-man investigative committee composed of Juan Manuel Lucero, José Jesús Trujillo, and Dr. David Waldo, a leading Santa Fé trader who had established residence at Taos. After due deliberation, the committee returned an adverse report because the lands had already been granted in 1795. In turn, the *ayuntamiento* recommended that the governor disapprove, adding that the springs in question were inadequate for irrigation and that new diversion in the upper cañon would harm 300 families downstream. On April 20, 1837, Governor Pérez denied Sandoval's petition, eliminating the threat to farmers below on the Serna and Río Grande del Rancho grants.¹⁵

To summarize briefly, the previous discussion demonstrates a continuing pattern of irrigated farming dependent on the Río Grande del Rancho beginning no later than the 1740s. Water diversion for agriculture may have occurred before the Pueblo Revolt of 1680, the great dividing point in New Mexico history, but no evidence is now available to support such a contention. While the general pattern of water use can be clearly perceived, documentation of particular acequias has proved to be difficult. Nevertheless, reports made by prominent churchmen visiting Taos Valley in the eighteenth century referred to an extensive irrigation system with

many ditches drawing from the Río de las Trampas as early as 1760. Their observations suggest that 1760 is a reasonable priority date for the principal acequias originating on the Cristóbal de la Serna Grant, although some are undoubtedly older than others.

Recently, ditch users along the Río Grande have put forth a wide range of dates to establish priorities when filing declarations with the State Engineer Office. In 1951, *parciantes* from the Jarosa ditch and the Acequia en Medio, which originate just below Ranchos de Taos plaza, claimed a priority of 1675. At the same time, officials of the Acequia de Tío Gerbacio, beginning a short distance downstream, stated that construction of their ditch began about 1698.¹⁶ No evidence presently available supports these late seventeenth century dates. In contrast, most of the other ditch commissions have declared priorities between 1800 and 1840. When filing their declaration in 1930, users of the Acequia Madre del Río Chiquito claimed an origination date of 1875, obviously much too late.¹⁷ In comparing dates set forth by acequia officials with documentary references, we will first consider the upper Río Grande del Rancho ditches, then those along the Río Chiquito, and, finally, those on the lower Río Grande del Rancho.

Longest of all the ditches fed by the Río Grande del Rancho, the Acequia del Finado Francisco Martínez originates at the mouth of the cañon and flows north about 4½ miles. Sometimes known as the Llano Quemado ditch, it irrigates several hundred acres on the river's west bank. On November 2, 1933, ditch users filed a statement in the State Engineer Office asserting that their acequia had been in use for 100 years.¹⁸ Subsequently, state officials considered the statement as a declaration of an 1833 priority, but Taos County deed records show that the Martínez ditch preceded that date by several years, at least. On February 15, 1827, Pedro Martín sold 110 varas of land in the Cañada de Miranda to Amador Vigil for 160 pesos. Situated between the seller's lands on the east and Elena Lovato's to the west, the tract lay north of the *ojo caliente*

(Ponce de León Hot Springs). On the north was *la sequia que comunmente llaman del llano del Don Francisco Martín* (the acequia usually called of the plain of Francisco Martín), who, perhaps, was not yet deceased. The deed also indicated that Vigil received a water right (*derecho de agua*) from the ditch, a very unusual stipulation in land transactions of that period.¹⁹

Records of other land sales made during the years of Mexican administration frequently referred to the Martínez acequia as a boundary call. On August 5, 1887, María Andrea Montoya recorded a *manifiesto de posesión* (declaration of ownership) with the county clerk, which listed land titles in the Miranda cañada. These documents included a deed drawn up on May 28, 1833, from Elena Lovato to Amador Vigil, both mentioned in the earlier sale, for twenty varas bounded on the north by the Francisco Martínez ditch.²⁰ In 1844, José Ignacio Gonzales bought ninety-two varas of land from Felipe García for ten pesos, five fanegas of wheat, two buffalo hides, and a pint of aguardiente. Located in the barrio of Nuestra Señora de San Juan, the parcel was bounded on the north by the Río Grande, and on the south by "la acequia del difunto José Francisco Martín," identified for the first time as no longer living.²¹ Two years later, the Francisco Martínez received official recognition as a community ditch when heirs of Manuel Durán requested partition of lands between the Río Grande and the acequia. Durán had obtained formal possession of the tract from Alcalde Tomás Ortiz in 1809. After making the division on May 22, 1846, Juez de Paz Buenaventura Lovato specifically noted that the ditch course must remain free and without damage because it was communal property.²²

From its source close to the Martínez headgate on the opposite or east bank, the Acequia Madre del Río Grande flows north less than a mile before emptying into the Río Chiquito. About 500 yards downstream, a second headgate diverts water pertaining to the Acequia Madre del Río Grande out of the Chiquito into the

ditch's lower portion, which continues for another 3½ miles, ending north of Ranchos de Taos. Two subsidiary ditches, the Pueblito and the Lucero, begin near the Acequia Madre's junction with the Río Chiquito and claim a common priority with the "mother ditch." In a declaration submitted to the State Engineer Office on March 30, 1951, representatives of the Acequia Madre claimed a priority of 1800 for the ditch, but offered no documentation to support that date.²³ However, the records do provide references to the Acequia Madre, some direct, some indirect.

On June 21, 1793, Bernardo Lucero, a resident of Ranchos de Taos, purchased a long, narrow strip of land from Francisco Vigil of Abiquiú in a transaction approved by Alcalde Antonio José Ortiz. Located on the upper or east end of the Serna grant, the tract was only 160 varas wide, but stretched all the way from Picurís mountain on the south to the Taos Pueblo boundary to the north. Vigil had inherited the lands from his mother, Gertrudis Armijo, who had received them as a bequest from her father, Antonio Durán de Armijo. A few years later, Lucero appeared again before Alcalde Ortiz to record a different north boundary call, which had been changed from the lands of the pueblo to a *llanocito* at the foot of the mountain between the Río Chiquito and the Río Fernando.²⁴ After making the purchase, Lucero occupied this property in peace for almost thirty years, farming and irrigating much of it with his seven children. However, unexpected problems began in 1820 when another Ranchos resident, Maurilo Bargas, received official possession of part of the lands from Alcalde Juan de Dios Peña, causing a bitter dispute. Eventually, Lucero prevailed, after receiving overwhelming support from the Taos *ayuntamiento* and his neighbors on the Serna grant.²⁵ However, in 1823, Bargas secured possession of another tract close by, where he and his offspring lived for many years.

Details of the controversy need not concern us here, except to note those records that indicate farming and irrigation at the upper

end of the Serna grant. While investigating Lucero's title, officials measured his lands twice, discovering that they included 2,000 varas of *tierra de pan llevar* and an equal amount of uncultivated land (*tierra yriasa*). Conducted by Alcalde Peña, the second measurement gave a more precise description of the area in question. Beginning at the Ojo Caliente (Ponce de León Hot Springs), Peña found 2,000 varas of unplowed land (*sin romper*) to the north up to the river, presumably the Río Grande del Rancho. He then continued in the same direction and measured 1,000 varas of *tierra rota* (plowed land), followed by another thousand varas of *tierra yriasa y baxo de riego* (uncultivated land and under irrigation).²⁶ On modern maps the Río Grande del Rancho is approximately 2,000 varas north of the hot springs; another 2,000 varas extend across the Río Chiquito, unmentioned in the document, to the area now occupied by the Talpa reservoir. If these calculations are accurate, Lucero's "tierra rota," lying largely between the rivers, was probably irrigated by the upper part of Acequia Madre del Río Grande, or its subsidiary, the Pueblito ditch. The other lands, further to the north, may have received water from the Acequia Madre del Río Chiquito or the Acequia Lucero.

Despite its importance, there are few direct references to the Acequia Madre until the mid-nineteenth century. On November 17, 1847, Juan Bautista Vigil paid fifty-seven pesos to Felipe Martín of Picurís for ninety-three varas of farmland in the *llano* of the Río Chiquito. Situated between the river on the east and "la acequia del río grande" to the west, the lands must have been next to the upper portion of the ditch above its second diversion from the Río Chiquito.²⁷

In 1824, Mateo Bueno sold a long, narrow strip only eight varas wide from the rancho of the deceased Antonio Bueno to Juan Antonio Lovato for twelve pesos. Wording in another deed recorded at the same time suggested that the parcel joined a piece of *tierra de pan llevar* purchased by Lovato in 1807. On January 16, 1850,

after Lovato's death, his executor conveyed the same strip to heirs of José Trujillo, indicating that it stretched from the Acequia of the Río Grande to the Fernando de Taos boundary. The description seems to fit the lower portion of the Acequia Madre.²⁸ Like the Francisco Martínez ditch, the Acequia Madre received frequent mention in other deeds and testaments made later in the nineteenth century.²⁹

In contrast, records from that period seldom referred to the Acequia Madre's two subsidiaries, the Pueblito and Lucero ditches. An exception occurred in 1855 during a water dispute brought before Juez de Paz José Dolores Durán that seemed to concern the Acequia Lucero, although it is not mentioned by name. The suit ranged Pedro Medina, a mill owner, against *los asociados en la acequia que nace del Río Chiquito a la cruzada del camino real* (the associates in the ditch that begins from the Río Chiquito at the crossing of the public road), a description that fits the Acequia Lucero. Testimony revealed that Medina's mill interfered with the acequia's flow, causing difficulty for water users below. Eventually, the opposing parties agreed that Medina could build a new *sequiacita* to power his mill, thus eliminating the harmful impediment on the older ditch.³⁰

Almost a mile downstream from the Acequia Madre headgate, a pair of ditches diverts from the Río Grande, the Acequia en Medio de los Ríos on the east, and the Acequia Abajo de la Loma to the west. According to a Bureau of Reclamation survey made in 1967, they water forty-six and fifty-eight acres respectively. In 1951, users of the two ditches claimed similar priorities: 1840 for the Acequia en Medio de los Ríos, and 1838-1840 for the Acequia Abajo de la Loma.³¹ No references to either ditch can be found in official records until some years after the dates presented to the State Engineer Office. In a will written on September 4, 1876, Antonio José Mondragón of San Francisco del Rancho de Taos declared ownership of three parcels of farmland, all bounded by

acequias from the Río Grande del Rancho. Thirty varas in width, the first lay between the Francisco Martínez ditch and the Río Grande; the second consisted of fifty varas bounded by the same river and the Acequia en Medio de los Ríos; the third was bordered by the "highest ceja" on the north, and the Acequia Madre del Río Grande to the south.³² On August 27, 1879, Guillermo Martínez purchased a six-room house and 100 varas close to Ranchos de Taos plaza from Juan de Dios Martínez and his wife, María Encarnación Sanford of Colfax County. The north and south boundaries were: the public road from the plaza (Ranchos) to Río Chiquito and *la acequia que va abajo de la loma* (the ditch that runs under the hill), suggesting that the lands lay on both sides of the Río Grande.³³

More recently, officials of the upper Río Grande acequias have held occasional meetings at the beginning of the irrigation season to formalize division of the river's flow according to established rights. For example, on April 7, 1935, commissioners of five ditches assembled, representing the two major canals, the Acequia Madre and Acequia del Finado Francisco Martínez, and three smaller ones, the Medio de los Ríos, Abajo de la Loma, and the Saucito. The junta's president, Andrés Romero, opened the proceedings by observing that state law required such a meeting on the first Monday in April whenever two or more ditches proposed to divert water from the same stream. Considerable discussion ensued which resulted in a brief but very precise apportionment agreement. The Acequia Madre received an allocation of 58½ miners inches, the Francisco Martínez ditch was allowed 40 inches, and the three lesser acequias obtained 26⅔ inches to be divided among them at their respective headgates (*en la compuerta*). Subsequent water users must have respected the partition for many years because they recorded it with the county clerk on May 8, 1948. However, the pact failed to consider water rights pertaining to ditches at Ranchos de Taos plaza or at Los Córdovas downstream. Farmers from the latter community engaged in frequent water disputes with those above them, as we shall see.³⁴

Just below the diversion of the Medio de los Ríos and Abajo de la Loma ditches, the Cañada Miranda comes out of the mountains from the southwest and enters the Río Grande del Rancho Valley. Two small acequias, the Emilio Chávez and Ponce de León Hot Springs ditches, originate within the cañada and irrigate about eighteen acres there. In former times, the Chávez ditch received water from Ponce de León Hot Springs and from the cañada itself, but the latter source has dried up in recent years, except after a heavy rain. As a result, the Chávez depends entirely on water from the hot springs, carried by the Ponce de León ditch across the cañada through a flume.³⁵ Although there is some documentation available concerning settlement and water use in the cañada, neither ditch has declared a priority with the State Engineer Office.

Late in the fall of 1823, Bernardo Lucero's old adversary, Maurilo Bargas, appeared before Alcalde Juan Antonio Lovato, asking for formal possession of some unoccupied lands in "la cañada del ojo caliente," a location very near the tract in dispute a few years earlier. To support his request, Bargas cited a recent edict by the Mexican Congress that encouraged such grants as a means of promoting agriculture in the new nation. On December 5, Lovato conducted the traditional ceremony in which the grantee pulled up grass, threw stones, but then shouted long life for the "Soverano Congreso," instead of the King of Spain. Bargas received 387 varas bordered on the east by the ojo caliente hill, on the west by the ceja, and on the north by lands of Bernardo Lucero. The south boundary was "a cedar on that side of the acequia," a description that seems to fit the Ponce de León Hot Springs ditch. According to custom, pastures and watering places were to remain in common.³⁶

Later, after other farmers joined Bargas along the cañada, they arranged a very specific distribution of water from the hot springs. As the earliest settler, Bargas held a right to exclusive use for fifteen days, followed by Pedro Martín, a neighbor, who had a right

for eight days. Those two then conceded an equal right to Tomás Fernández for an unstated period. By 1853, heirs and successors of these pioneers found that changes in land ownership made a new water agreement advisable. Previously, Francisco Gonzales had acquired Pedro Martín's property; Gonzales and his brothers had bought lands belonging to Fernández, and part of those pertaining to Maurilo Bargas. Rumaldo Bargas owned the rest. Appearing before Juez de Paz José Dionisio Gonzales, Rumaldo and Francisco Gonzales recorded a new apportionment which gave the hot springs water to Bargas for nine days, to Gonzales and his brothers for nine days, and to Gonzales himself for four days. At the same time, Gonzales and Bargas conceded a very tenuous *sobranste* right to thirteen individuals who farmed a small parcel (*laborcita*) well below on the llano of the deceased Francisco Martín. Stipulating that the beneficiaries not break out the tiniest bit of new land, the two upstream users appointed themselves mayordomos of the hot springs with full control over water distribution.³⁷ Presumably, the allocation to the thirteen flowed down the Cañada Miranda to its junction with the Martínez ditch, and then continued on to the lateral for their field.

A short distance above Ranchos de Taos plaza, the Río Grande del Rancho receives its largest tributary, the Río Chiquito, source of several important acequias. Originating on the east side of the river within the cañon mouth, the Acequia Madre del Río Chiquito flows north about 3½ miles to irrigate 784 acres, according to the 1967 Bureau of Reclamation survey. About 400 yards below the diversion, a principal lateral, the Acequia del Monte, begins, watering 300 acres as it traverses a northeasterly course.³⁸ In the nineteenth century, Taoseños sometimes referred to the Acequia Madre as the "Acequia del Llano del Río Chiquito;" the Acequia del Monte was known as the "Acequia del Troz." The two ditches claim the same priority. On June 25, 1930, Walter Brown, Antonio A. Arguello, and Manuel Trujillo, commissioners of the Acequia Madre, filed a declaration with the State Engineer Office in which

they claimed a priority of 1875, but the ditch is certainly much older than that.³⁹

As we have seen, documentary evidence demonstrates that the Acequia Madre del Río Chiquito watered fields belonging to Bernardo Lucero and his neighbors before 1820, perhaps as early as 1760. Somewhat later, Taos County deed records provide occasional references to the Acequia Madre in the 1830s, 1840s, and 1850s. On February 25, 1839, María Luisa Vigil sold fifty varas of farmland in the Río Chiquito neighborhood to Juan de Jesús Romo for eight goats, a sarape, and a half-fanega of wheat. Situated between lands of the buyer and Francisco Trujillo to the east and west, the parcel was bounded by the Acequia Madre del Río Chiquito on the south, and, on the north, by *el tros del llanito blanco* (the stump of the little white plain). Both the llanito and the big stump were well-known local landmarks. Five years later, Rafael Córdova paid a burro and four pesos in cash to Juana Josefa Medina for a strip of land measuring 67 by 373 varas. The property lay between the acequia madre on the south and the road to the forest on the north. On April 15, 1855, María Casilda de la Luz Gonzales purchased farmlands from Jesús María Chaves on *el llano que baña el Río Chiquito* (the plain watered by the Río Chiquito). Sixty-four varas wide, the tract was bounded by the buyer on the north, lands of the deceased José Aragón on the east, the Acequia Madre del Río Chiquito to the west, and the *camino del trose* to the south.⁴⁰ Named for the same big stump, the road still appears on present day maps.

The same deed records mentioned an "acequia del troz" (Acequia del Monte) a few decades later. On October 12, 1878, Manuel Antonio Durán mortgaged a house and thirty varas of land to the prominent mercantile firm of Z. Staab and Co. as security for forty-five fanegas of borrowed wheat. The lands extended from the acequia del troz on the south to the cruz alta, boundary of the Don Fernando de Taos Grant to the north. Two years later, José Fran-

cisco Durán sold his father, also named José Francisco, fifty varas bounded on the south by Francisco Maestas, on the west by Francisco Romero, on the north by the "acequia del trose," and on the east by the "camino del trose," a location near the present Talpa Reservoir.⁴¹

In 1903, water users from the Acequia Madre found themselves involved in two legal disputes that illustrate water problems of that era, some old, some new. On February 7, commissioners of the Acequia Madre and the Acequia del Monte brought suit against Antonio Valerio, a landowner in the Chiquito cañon, charging that he had illegally taken water belonging to farmers downstream. In their complaint, the plaintiffs asserted that the two ditches were public acequias serving in excess of 100 *parciantes* with water rights more than fifty years old. As a lateral, the Monte had always shared the mother ditch allocation and had used the same intake since its inception. In normal years, the Chiquito provided four *surcos* in March and April, three in May, June, and July, but only one in August and September. During the previous summer, the defendant had caused grave injury to those downstream by turning one *surco* into his ditch, which originated four miles above the Acequia Madre headgate. In addition to \$500 in damages, the plaintiffs requested an injunction that denied Valerio use of his ditch.

Responding that the Chiquito provided plenty of water for all, Valerio said that his predecessors in title had received a right to a single *surco* as early as 1837. The plaintiffs then produced an agreement made in 1878 that allowed a previous owner one *surco* up to June 15 in years of abundance, but gave him nothing when water was scarce. On January 20, 1904, Judge John R. McFie awarded Valerio a conditional *sobranste* right, ruling that, although he could take no water without permission from the two downstream mayordomos, those officials must allow him some in times of plenty.⁴²

A somewhat different picture of the Chiquito emerges from the second lawsuit brought in the same year against "La Acequia del Llano" and its mayordomos by Alexander Gusdorf, a leader of the Taos Valley business community. Hoping to make a profit from commercial agriculture, Gusdorf announced plans to plant 800 acres in alfalfa for livestock feed if he could be assured irrigation water to which he was entitled. For more than twenty years, he had owned over 2,000 acres with water rights from the Chiquito, almost half the land irrigated by that river. If his figures are correct, irrigated farmland under the Chiquito has decreased sharply in the last eighty years. According to Gusdorf, the river would normally provide a flow of twenty-five or thirty *surcos*, a much larger amount than that indicated in the earlier case. Because his neighbors had not been enthusiastic about his scheme, Gusdorf appealed to the court, asking for the total capacity of the ditch one day a week, or two *surcos* every day during the irrigation season.

As a defense, attorneys for the acequia relied on a legal technicality. Under New Mexico law, they argued, the ditch commissioners should have been named as defendants because they had responsibility for water distribution and had not refused the plaintiff. Eventually, Judge McFie dismissed the suit at Gusdorf's request, suggesting that the parties reached some kind of compromise.⁴³ However, the case demonstrates a growing interest in acquisition of water rights for ambitious agricultural projects similar to those planned for other streams in Taos Valley at about the same time.

Approximately 350 yards below the Acequia Madre headgate, the Acequia Antonio María Graham originates on the river's west bank. A small ditch, the Graham irrigates about twenty acres as it describes a wide arc to the west, ending near the Río Grande del Rancho. In past years, ditch owners have experienced a troubled relationship with officials of the Acequia Madre del Río Chiquito who claim that the Graham ditch has only *sobranste* rights to water

from the river. During times of shortage, mayordomos of the two acequias have usually divided the stream's flow by mutual agreement, an arrangement that has provided water to the Graham ditch for two or three days at a time. Graham water users have also been responsible for occasional assessments imposed by officers of the Acequia Madre. Even today, *parciantes* of the two acequias frequently disagree over their respective duties and prerogatives.

Son of an Anglo carpenter who had married into a prominent Taos family, Antonio María Graham began farming along the Río Chiquito in the early 1860s. His first recorded land purchase occurred on December 28, 1862, when he traded a burro to José Esquipula Mestas for a small piece of *tierra de pan llevar* south of the Río Chiquito. Bordered by the buyer on the south, and lands of Juan Carmel Martines on the west, the parcel was bounded on the east by *la sequiacita que va al pie del cerro* (the little ditch at the foot of the hill). The description seems to fit the Graham ditch that originates below a steep slope. Six years later, Graham bought more lands nearby from Antonio José Mondragón, which were bounded by the same *sequiacita* on the east.⁴⁴

Some years after Gusdorf's attempt to begin large-scale alfalfa production, small farmers along the Chiquito conceived a plan to construct the Talpa Reservoir, a private irrigation project that required more than a decade to complete. Fed by its own ditch beginning about 350 yards above the Acequia Madre intake, the reservoir is located on the river's east bank and covers a surface area of eight acres. From the beginning, stockholders in the enterprise intended it to be a means of storing floodwaters for later use. In the late summer of 1919, Juan N. Vigil, a Talpa storekeeper, submitted an application to the State Engineer Office in Santa Fé for construction of a reservoir with sufficient capacity to irrigate 1,000 acres. Vigil included a map and technical drawings made by Guy S. Exon, an engineer.⁴⁵ A year later, Vigil transferred his "notice of intention" to the Talpa Water Users Association, an organization

incorporated on April 24, 1920, with five local shareholders and \$2,000 of paid in capital.⁴⁶ State Engineer T. A. Gillett approved this project on January 25, 1921, assigning a priority of July 20, 1920. All work was to be completed by February 25, 1923.⁴⁷

Although official authorization had been obtained, a long series of delays plagued builders of the Talpa Reservoir. For several years a bad drought parched Taos Valley. A labor shortage resulted as potential workers left to seek jobs in other places to support their families. After officials in Santa Fé granted several extensions of the completion deadline, work began in earnest in the late 1920s. Using horse-drawn scrapers and fresnos, local teamsters built the dam with earth excavated out of the reservoir site. Most employees received the princely sum of twenty-five cents an hour for their labor, but those who brought their own teams were paid twice that amount. To defer some of the expense, the state legislature appropriated \$1,000 for the project during the 1927 session. At last, the dam and reservoir were finished early in 1930. On July 24, George M. Neel, an independent engineering consultant, reported to the State Engineer that his final inspection showed that the work complied with required specifications in every respect. A controversy then developed among two groups of Río Chiquito irrigators, those who wanted their water allocations delivered through the new system, and those who did not. Despite some strong opposition, most residents seemed to have favored participation in the project.⁴⁸

As noted earlier in this chapter, *parciantes* from the three acequias just below Ranchos de Taos plaza have claimed the oldest priorities on the Río Grande, 1675 for the Jarosa ditch and Acequia en Medio, and 1698 for the Acequia Tío Gerbacio. Paradoxically, these ditches have proved more difficult to document than any others along the river. Contemporary records seldom refer to them, but there are some exceptions. For example, on May 20, 1876, María de la Luz Cortez sold a piece of land thirty-one "yardas" in width and two rooms in a house to José Leonires Martín for \$25.

Located at the "sitio of Gervacio Martín" in Los Córdovas precinct, the tract was bounded by the "Acequia del Medio" on the east, and the Ranchos-Los Córdovas road to the west. Eleven years later, María Andrea Montoya purchased lands near Ranchos from the estate of María Josefa Lalandá. Bordered by the "acequia jarosa" on the west and the "acequia del río grande" on the east, this parcel extended across the river.⁴⁹ The third ditch, the Acequia Tío Gerbacio, was mentioned in an 1879 court case that we will soon examine in detail.

Located on the river's west bank at its junction with the Río Pueblo, the village of Los Córdovas receives irrigation water from the last acequias drawing from the Río Grande del Rancho, Los Córdovas ditches no. 1 and no. 2. Beginning 1,000 yards below Ranchos de Taos plaza, Los Córdovas Ditch no. 1 flows northwest about three miles, irrigating almost 400 acres. Previously known as the Acequia del Alamito, the no. 2 ditch originates slightly more than a mile further downstream and waters almost 200 acres southwest of Los Córdovas village. Originally, Los Córdovas no. 1 irrigated all the lands now served by both acequias, but the terrain prevented some farmers near the village from obtaining enough water for their fields. To improve the system, they built a new channel and diversion in 1942 for Los Córdovas no. 2, which facilitated delivery, but did not serve any new acreage. Constructed during rainy weather, workers became so muddy that people at Los Córdovas still call the ditch *La Acequia del Marrano* (the Pig Ditch). A partially abandoned acequia, the Matt Hartt ditch, lies between the other two. Although the upper portion below the diversion is no longer used, the lower end still serves as a lateral of Los Córdovas no. 1.

When filing declarations with the State Engineer Office in 1942, both Los Córdovas acequias based their claims on a copy of a petition made to New Mexico's governor in 1824 to secure an apportionment of water from the Río Grande. On May 3, Antonio

Abán Córdova appealed to Jefe Politico Bartolomé Baca, complaining that residents of Ranchos de Taos denied him irrigation water to which he was entitled through purchase of his lands. His location toward the end of the stream compounded the problem. After considering Córdova's request for a fair share of the water, Baca recommended that he present his land title papers before the Taos alcalde to secure the allocation due him.⁵⁰ No record remains of the alcalde's action in this case, but, not surprisingly, residents of Los Córdovas continued to bicker with upstream users over proper division of the river's resources.

The apportionment issue arose again in the summer of 1861. Three Los Córdovas citizens, Feliz Córdova, José Córdova, and Pedro Vigil, brought suit in Taos County Probate Court against Ramón Mondragón, Jesús María Córdova, and José Antonio Santistevan, *mayordomos de agua en las acequias del Río Grande, sitio del Rancho*. To decide the case, Judge Pedro Valdez empaneled a twelve-man jury, which heard testimony from various witnesses. After due consideration, the jury ruled that, for immediate relief, the Ranchos mayordomos must allot four *surcos* of water for four days and nights to benefit Los Córdovas. In the future, they must allocate one-third of the river's flow for use at the lower village, a ruling adopted by the court on July 1.⁵¹

Another eighteen years elapsed before the quarrel between the two villages resulted in new litigation before the same court. On July 2, 1879, Juan de Dios Córdova, representing the farmers of Los Córdovas, began a suit against the mayordomos of Los Ranchos, charging them with misappropriation of much needed irrigation water. After noting the settlement arranged in 1861, Judge Antonio Joseph agreed to reopen the matter and named a three-man investigative commission. Next day the commissioners reported that they had visited both communities and discovered that the fields of Los Ranchos on both sides of the river were eight times more extensive than those of Los Córdovas. Because the season

had been very dry, they found only four *surcos* running in the Río Grande. To divide that small amount, they suggested a time schedule in which Los Córdovas would receive all the water available from sunset on Friday until sunrise on Sunday.⁵²

Judge Joseph made the commission's report his ruling and considered the matter closed, but, within a few days, the people of Los Ranchos asked for a rehearing, complaining that the investigation had been too hasty. Ever amiable, Joseph named a new commission to perform further research. After another inspection tour, the second group reported that the irrigated fields pertaining to Los Ranchos were ten times larger than those belonging to their rivals downstream. As a consequence, the commission made some subtle adjustments in the distribution schedule. Los Córdovas still received the water from sundown Friday until Sunday sunrise, but during each *bajada* (coming down) of the water, that community must allow one *surco* to remain for the benefit of Los Ranchos. In succeeding turns, the *surco* would be taken alternately by "la acequia del sur" and then in "la acequia del norte." The two ditches were not identified by name, but, presumably, the one to the north was the Acequia Madre del Río Grande, while the other to the south was either the Acequia en Medio or the Acequia Jarosa. To compensate Los Córdovas somewhat, the village received whatever water ran in the Acequia Tío Gervacio while the river's flow was in use below. Once again, Judge Joseph discharged the commission with thanks, indicating that its report represented the will of the court.⁵³

As might be expected, Judge Joseph's decision did not end the controversy. Records in the State Engineer Office showed that the apportionment problem flared again as recently as May 1956 when Los Córdovas residents claimed that the mayordomos of the Acequia Madre del Río Grande and the Acequia del Finado Francisco Martínez denied them an equitable share of water from the Río Grande. The matter seems to have been settled without resorting

to court action, however.⁵⁴ Perhaps the most significant aspect of Joseph's ruling was the emphasis placed on needs of the respective parties in determining water allocation. On two occasions he dispatched committees to determine the extent of fields belonging to the litigants and relied on their experience in making his judgment.

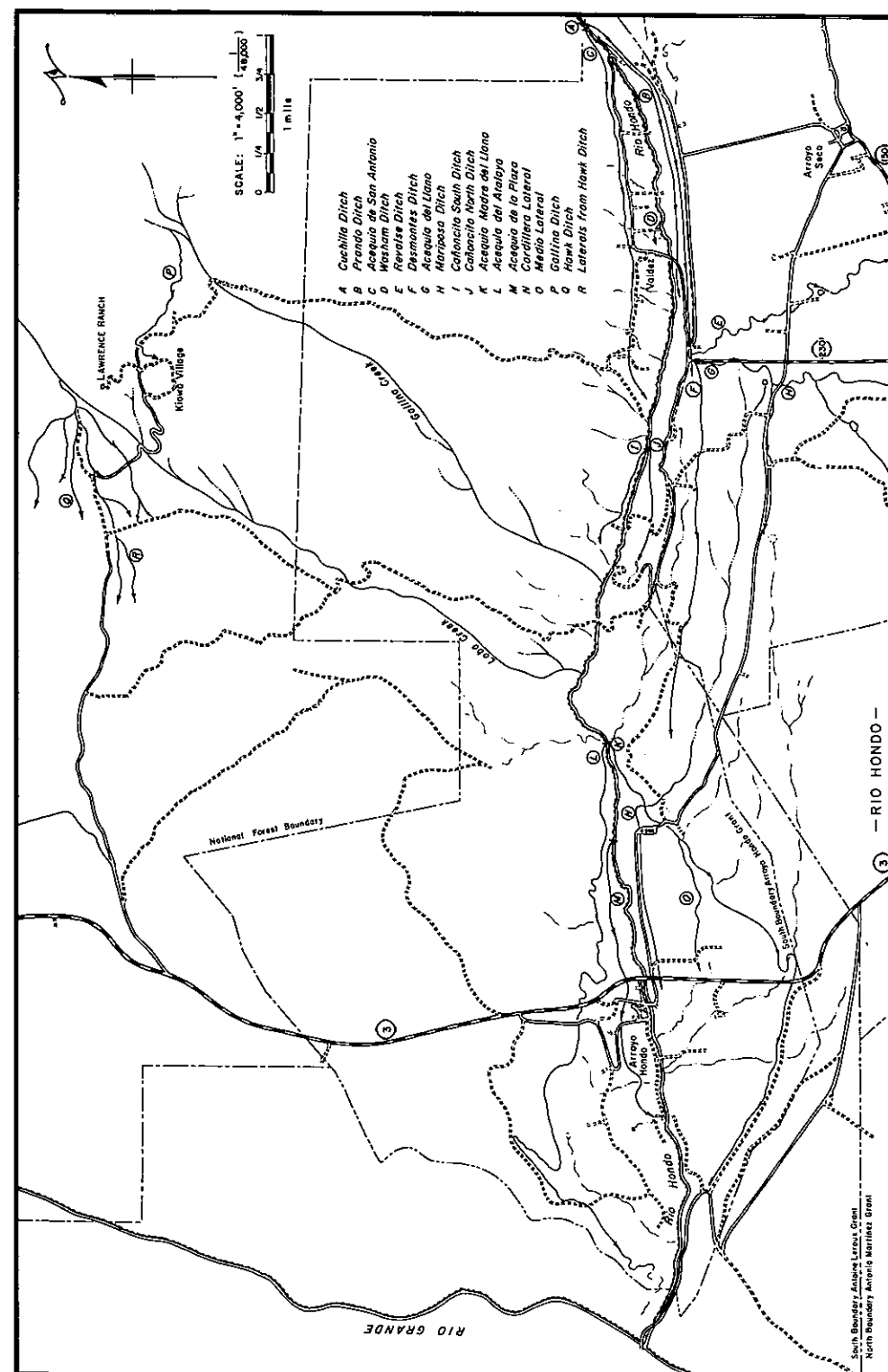
Although water distribution sometimes caused friction between Los Córdovas and irrigators upstream, the two groups also experienced long periods of cooperation in which ditch officials allocated the stream without regard to priorities. In times of drought, family vegetable gardens received special consideration in all communities. To assist downstream users, one of the most important ditches in the system, the Acequia Madre del Río Grande, maintained a special lateral or *desagüe* that facilitated the return of tailwater to the river.⁵⁵

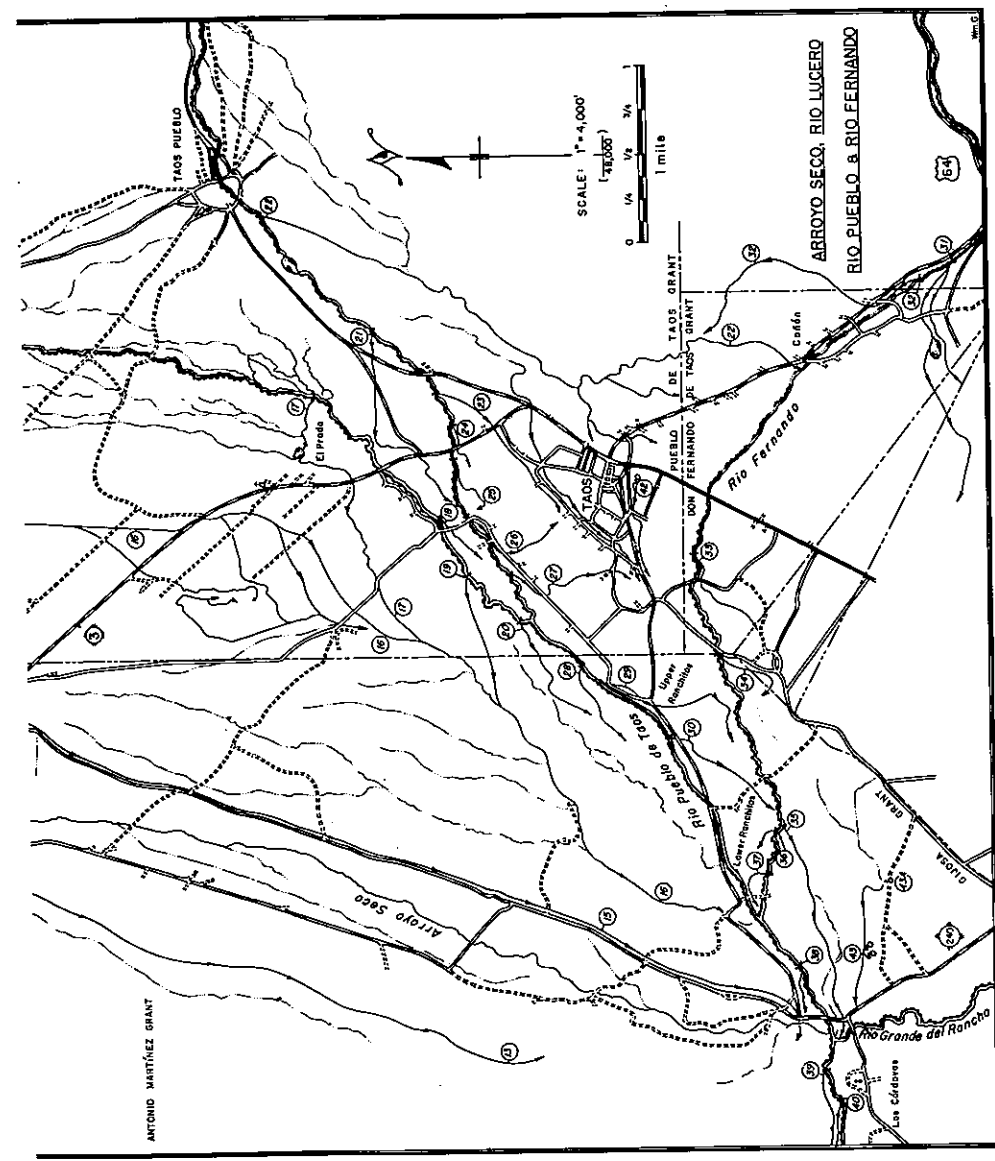
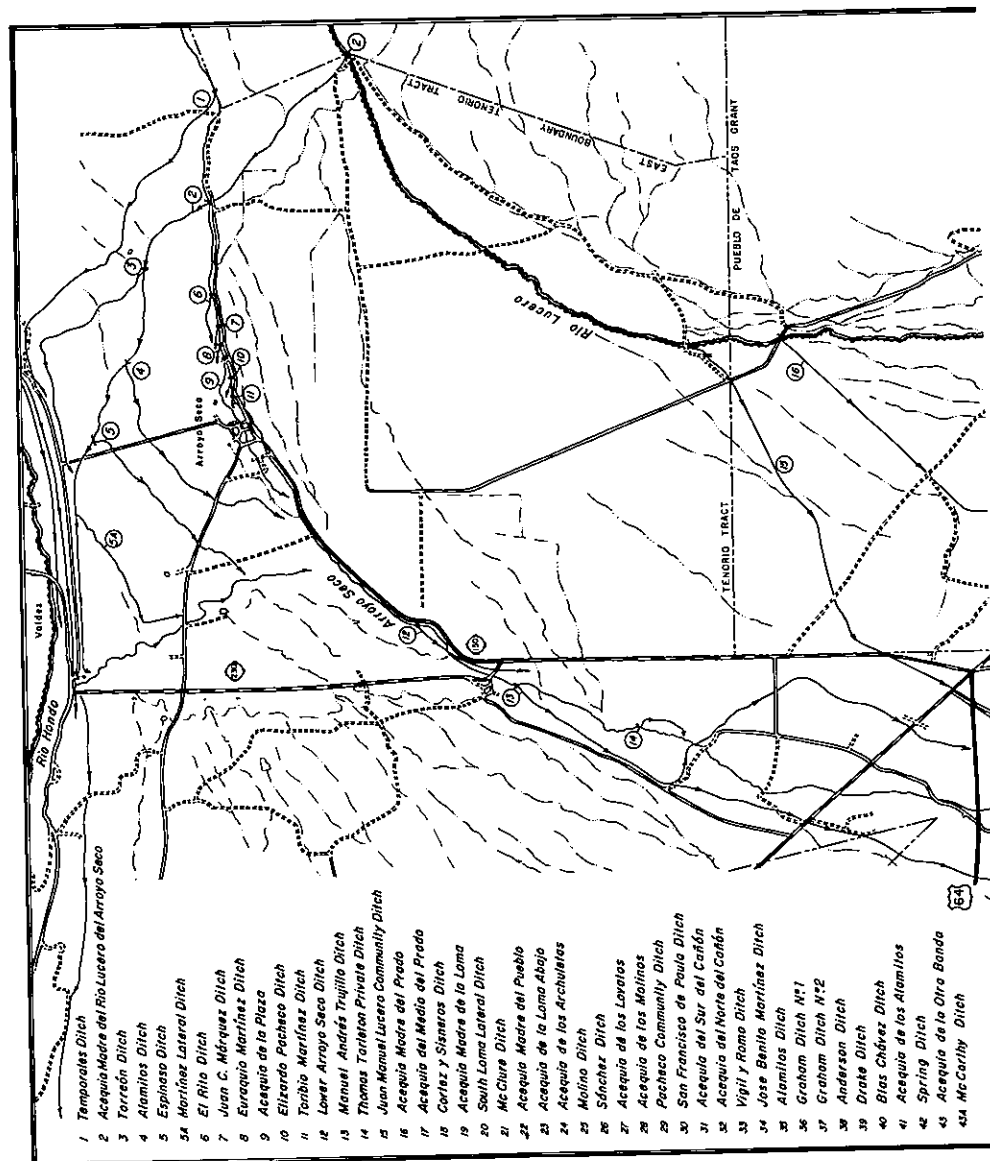
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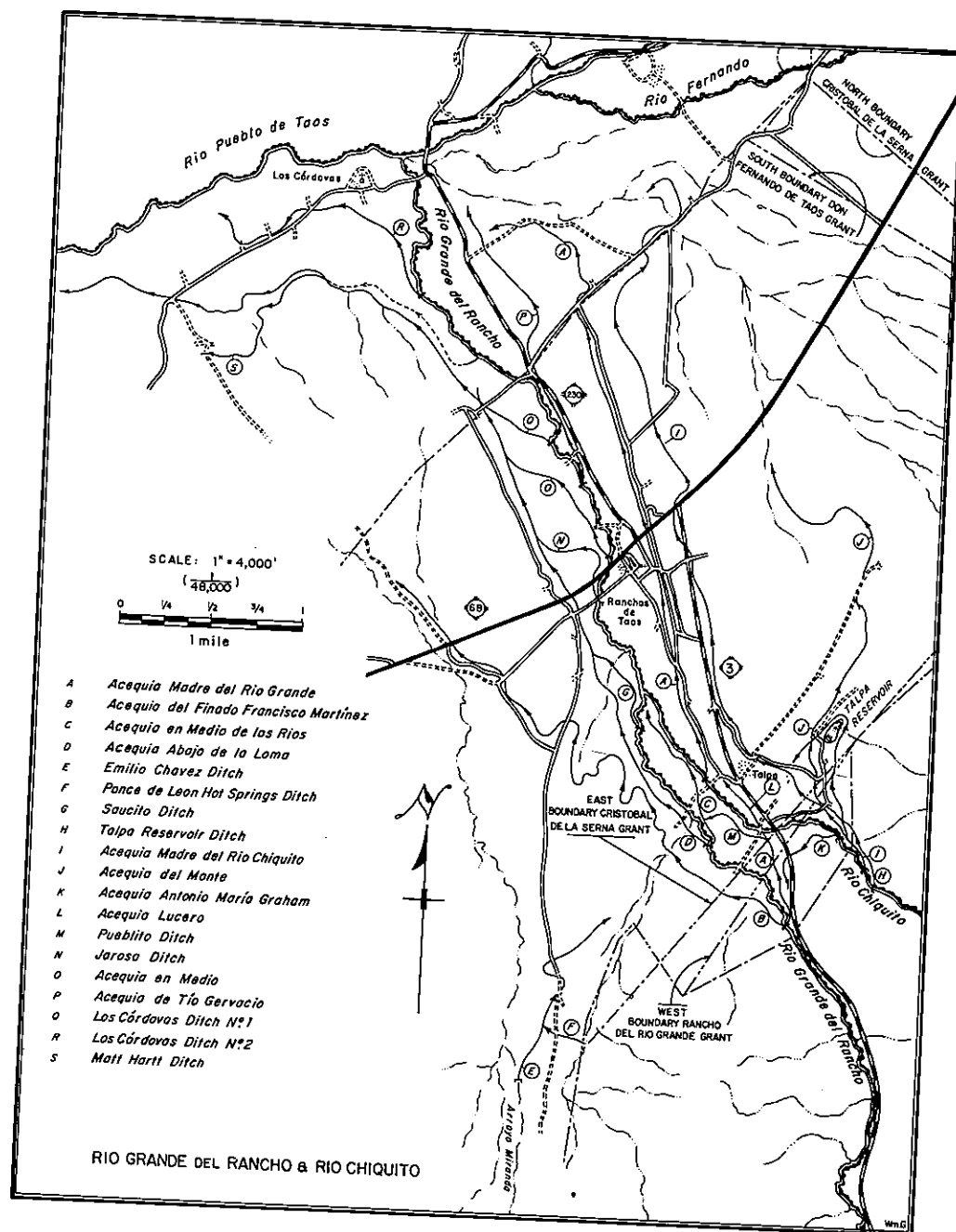
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48. Ibid.
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50. Water Rights Files, no. 0942, Los Cordovas Ditch no. 1; no. 0944, Los Cordovas Ditch no. 2, SEO.
51. Taos County Probate Records, Book C-3: 13-14.
52. Taos County Probate Records, Book C-5: 330-33.
53. Ibid: 334-35, 337-38.
54. Water Rights Files, no. 0942.
55. Information provided by Mr. Juan I. Valerio, December 5, 1989.







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