

**Appendix C**  
**Public Involvement**

**Appendix C1**  
**Public Involvement Plan**

Revised February 1, 2006

# TAOS RWP PUBLIC PARTICIPATION PLAN

## Public Participation

This Public Participation Plan (PPP) has been prepared by Rosemary Romero Consulting (Rosemary Romero, Principal) to ensure that the development of the Taos Regional Water Plan encourages and creates various opportunities for the public to participate in the planning process.

The purpose of public participation is both to inform the public and solicit public response regarding the public's needs, values, and evaluations of activities specific to water planning. The public participation program is designed not only to meet state and regional efforts, but also to include individuals, organizations, agencies, and governmental entities that are interested in the planning and decision-making process. Techniques used for public involvement will include development of a steering committee, interviews, informational literature, and public meetings. The relative success of public participation techniques and the program as a whole will be indicated by how well informed the public is, and how much support there is for alternatives developed by the Steering Committee and project team.

## 1.0 Public Participation Components

The Consultant Team will use several public involvement methods to gain insight into issues and concerns about the planning area. Methods for informing the public and soliciting public input will include Steering Committee meetings, interviews, focused meetings, public workshops, information packets, and media contact. The public involvement process will offer the public and various interest groups information about the project and its potential impacts, and will solicit their ideas and comments regarding different issues. All correspondence with the general public and with the media, including newsletters, will be coordinated with the Taos County Office of Community Development.

Local, state and federal agencies and citizen groups concerned about the regional water planning effort have been identified and included in the public participation program. Some of these organizations are identified below.

### **Local government agencies:**

Taos County Commission  
Town of Taos  
Village of Questa  
Town of Red River  
Village of Taos Ski Valley

**Tribal governments:**

Taos Pueblo  
Picuris Pueblo

**State agencies:**

Taos Soil & Water Conservation District  
NM Environment Department (NMED)  
New Mexico State Forestry Department  
State Land Office  
NM Department of Game & Fish  
State Water Trust Board

**Federal agencies:**

US Forest Service (FS)  
US Fish & Wildlife Service (USFWS)  
US Bureau of Reclamation  
US Army Corps of Engineers  
Bureau of Land Management (BLM)  
Natural Resources Conservation Service (NRCS)

**Local elected and appointed officials:**

State Senators  
State Representatives  
Taos County Manager and County Commissioners  
Town of Taos City Manager, Mayor and Council Members  
Village of Questa City Manager, Mayor and Council Members  
Town of Red River City Manager, Mayor and Council Members  
Village of Taos Ski Valley Mayor and Council Members  
Taos Pueblo Governor and Tribal Council Members  
Picuris Pueblo Governor and Tribal Council Members

**Mutual Domestic Water & Sanitation Associations:**

Taos Valley Acequia Association  
New Mexico Acequia Association  
El Prado Water & Sanitation  
El Valle de los Ranchos W&S  
Mutual Domestic Water Association [Arroyo Seco]

**Citizen Groups & Special Interest Groups:**

Northern Stockman's Association  
Gravel Mining  
MolyCorp  
Taos Ski Valley  
Sipapu Ski Area  
Red River Ski Valley

Taos County Board of Realtors  
River Runners/Native Sons  
Amigos Bravos  
Rio Costilla Cooperative Livestock Association

**Educational Institutions:**

New Mexico Water Resources Research Institute  
UNM-Taos

As other concerned public agencies, interest groups and individuals are identified throughout the study they will be included on the project mailing list. Representatives from these agencies have been contacted regarding participation in the Steering Committee, and many of them have agreed to participate in the Steering Committee as discussed below in Section 6.

## **2. Written Information about the Planning Process**

Information regarding the different aspects and phases of the project will be distributed to the public at Steering Committee and public meetings and/or in conjunction with letters sent to the entire mailing list regarding upcoming meetings. The Consultant Team will utilize the existing database of previous meeting attendees and agency personnel to send out information about the planning effort. The Consultant Team anticipates a total of three distributions to coordinate with the project phases.

# 1: The first information packet may include information about the planning process to date, key project personnel, the time frame for completion of the project and will provide a description of public involvement activities and development of alternatives to meet the future water demand for the planning area.

# 2: The second packet will inform the public about priority alternatives selected for analysis in the water plan.

# 3: The third packet will summarize the proposed alternatives, request comments regarding the alternatives, discuss the status of the planning effort, and discuss recommendations for implementation of the alternatives.

## **3. Public Notification**

The public will be notified of the proposed alternatives, and public input into the process will be solicited through the following measures:

Information provided at the beginning of the project, during alternative development and during the final phase of alternative selection.

Mass media sources have been identified who will advertise public notices, news releases, public service announcements, and news items related to the project. These media sources include newspapers and radio stations that have a circulation or audiences within the project limits.

A project mailing list has been developed. Officials, agencies, interested business owners and other individuals and groups will be sent information to keep them up-to-date with the project's progress.

Notification will include:

- Public notices - display advertisements (newspapers)
- Public announcements (public radio, public service announcements on private radio)
- Mailed announcements of all public information meetings and the public meetings
- Flyers in community activity areas and local businesses

## **4. Public Workshops**

Public workshops will be conducted twice during the planning process. The workshops will be designed to obtain public input into the planning process and, as the project proceeds, share results. These public workshops will be “open house” informational meetings (most likely between 6:30 - 8:30 p.m.) during which individuals are free to participate when they please. Project Team members will be available to answer questions participants may have. In order to reach people in outlying areas, public workshops will be held in multiple areas in conjunction with Steering Committee meetings (i.e. a meeting will be held in one area in the evening, followed by a Steering Committee meeting the next day in another area; followed by an evening meeting in another area; certain meetings held in distant locations may occur separately).

The second set of public workshops will focus on presenting the full range of alternatives developed by the Steering Committee and consultants. Alternatives will be graphically presented, and summaries of the major components of each will be available for review. The second set of public meetings will also include 2 locations in conjunction with a Steering Committee meeting and could also focus on implementation strategies.

### **Public Meeting Sites:**

The Consultant will identify centrally located meeting sites, and meeting locations will be discussed with the Steering Committee.

### **Public Advertisement:**

A display advertisement with a location map will be prepared and placed in local newspapers fourteen days prior to the meeting date.

Flyers will be distributed to local businesses and community use areas to increase public awareness of the Public Meetings.

**Letters of Invitation:**

Notice will be sent to the established mailing list for the project, interested public and agencies, government officials, the local neighborhood associations, and others. Individuals that sign in at any water planning meeting will be put on the mailing list and will be invited to future meetings.

**Public Meeting Preparation:**

Meeting presentation materials, including handouts, graphics, etc., will be prepared to supplement the oral public meeting presentation.

**Summary of Public Meetings:**

Rosemary Romero Consulting will prepare a summary of the public meetings. This summary will include written comments submitted to the consultant.

## **5. Analyses and Evaluation of Public Input**

Progress reports will be prepared to summarize public input and resulting issues. These will include a summary of overall input provided from all sources..

## **6. Steering Committee**

The Steering Committee is a key element for the successful completion of the project and is lead by two co-chairs. The Committee will consist of key decision-makers, members from the surrounding communities, landowners and other interested citizens. Committee members will be recruited from interviews, public meetings, and recommendations.

The Steering Committee will help identify issues and concerns of the local communities. As alternatives are developed, the Committee will meet to review and discuss the alternatives. It will be the responsibility of Committee members to be a conduit of information to others. Up to four meetings annually will be held with the Steering Committee. Meetings will be held in convenient locations as appropriate. These meetings will be open to the general public, and letters of invitation will be sent to committee members.

The Steering Committee determined that Subcommittees would be a useful means of enhancing the planning effort and ensuring implementation of the RWP. Several subcommittees were formed as follows:

**Technical Subcommittee:** Responsible for helping to gather groundwater and surface water supply information, water quality reports, and data to be used by the consultant. Members include: Palemon Martinez, Tony Benson, Peter Vigil, Ron Gardiner, George Crawford, Greg Miller, Rudy Pacheco, John Painter, Ron Gervason

**Demographics/Population Subcommittee:** Responsible for helping to gather data specific to the demand side of the equation. Members include: Alvino Martinez, Ted Terry, Tomas Benavidez, Allen Vigil, Gerald Nichols, Alfredo Benavidez, Matthew Foster.

**Public Welfare Statement:** Responsible for the development of the statement for the Steering Committee to consider and adopt. Members include: Brian Shields, Francisco Vigil, Mary Mascarenas, Simeon Herskovits, Butchie Denver, Rudy Pacheco, Steve Harris

**Conservation Subcommittee:** Members include: Eric Ames, Butchie Denver, Tony Benson

**Implementation Subcommittee:** Will gather funding ideas for implementing the RWP. Members include: Forest Service staff, WRRI, Simeon Herskovits, Eric Ames, Ted Terry, Rudy Pacheco, Allen Vigil, Butchie Denver, Trudy Healy, Tanya Leherissey

**Legal Subcommittee:** Eric Ames, Simeon Herskovits, Tomas Benavidez, Tom Blankenhorn, Butchie Denver, Rudy Pacheco

## 7. Conclusions

Through the implementation of this Public Participation Plan, the Consultant Team will encourage and provide all interested public and agency representatives with the opportunity to learn and comment on the project. The public involvement activities have been structured to provide an open forum for the exchange of ideas and information. The Plan will:

- Provide meaningful public participation and informed decision making,
- Ensure an open and visible planning process,
- Identify and document the interests, concerns, and desires of the various interested agencies and public.

The Plan is intended to encourage an open exchange of viewpoints throughout the stages of process planning and project development. Establishment of dialogue between the project consultant team and the public will ensure that decisions reached are in the best overall public interest, and that those expressions of concern for potential economic, social, and environmental impacts are fully evaluated prior to final decisions. Key to the success of the plan will be stakeholders' ongoing involvement in implementing the plan.



**Taos Regional Water Planning  
Steering Committee**

Name	Steering Committee Member (SC) or Alternate (Alt)	Title/Affiliation
Al Pasteris	SC	NMED SWQB
Albino Martinez	SC	Taos County Board of Realtors
Allen Vigil	SC	Taos County
Aron Rael	SC	Red River Watershed Group
Bennie Mondragon	SC	Central subregion
Bobby Duran	SC	Mayor, Town of Taos
Brian Shields	SC	Amigos Bravos
Butchie Denver	SC	Taos County
Charlie Gonzales	SC	Former Mayor of Questa
Cipriano Medina	SC	Gravel Mining
Craig Swaggerty	SC	Mayor, Town of Red River
David Arguello	SC	RCCLA
Dennis Garcia	SC	State Lands
Duke Cozart	SC	West subregion
Frank Vigil	SC	Northern NM Stockman's Association
Hamilton Brown	SC	Mutual Domestic Water Association
Joe Quintana	SC	River Runners/Native Sons
John Painter	SC	El Prado WSD
Kay Matthews	SC	Rio Pueblo/Rio Embudo Watershed
Leroy Apodaca	SC	Molycorp
Lisa Kirkpatrick	SC	NMDG&F
Malaquias Rael	SC	Mayor, Village of Questa
Manuel Rudy Pacheco	SC	NNM Stockman Assoc.
Mary Mascarenas	SC	South subregion
Mike Van Ormer	SC	Red River Ski Valley
Nathan Sanchez	SC	Taos County
Neal King	SC	Mayor, Village of Taos Ski Valley
Nick Jaramillo	SC	Taos County Commission
Palemon A. Martinez	SC	Taos Valley Acequia Association
Peter Vigil	SC	TSWCD
Sam DesGeorges	SC	Bureau of Land management
Simeon Herskovits	SC	Western Environmental Law
Stephen Trujillo	SC	Taos County TVAA
Telesfor Gonzales	SC	Chair, El Prado Water & Sanitation
Trudy Healy	SC	Water Trust Board
Wilbert J. Archuleta	SC	El Valle de los Ranchos W/S District
Wilfred Rael	SC	North subregion
Ambrose Mascareñas	Alt	South subregion
Armando Martinez	Alt	Molycorp

Name	Steering Committee Member (SC) or Alternate (Alt)	Title/Affiliation
Dan Rael	Alt	U.S. Forest Service Carson National Forest
George Crawford	Alt	Red River Watershed Group
George Martinez	Alt	Rio Costilla Cooperative Livestock Assn.
Greg Gustina	Alt	Bureau of Land Management
Greg Miller	Alt	US Forest Service Carson National Forest
Mario Barela	Alt	El Valle de los Ranchos W/S District
Mario Barela	Alt	El Valle de los Ranchos W/S District
Steve Harris	Alt	River Runner

## **Taos Regional Water Planning Subcommittee Members**

### **Technical Subcommittee:**

Palemon Martinez  
Tony Benson  
Peter Vigil  
Ron Gardiner  
George Crawford  
Greg Miller  
Rudy Pacheco  
John Painter

### **Demographics/Population Subcommittee:**

Alvino Martinez  
Ted Terry  
Tomas Benavidez  
Allen Vigil  
Gerald Nichols  
Alfredo Benavidez  
Matthew Foster

### **Public Welfare Statement:**

Brian Shields  
Francisco Vigil  
Mary Mascarenas  
Simeon Herskovits  
Butchie Denver  
Rudy Pacheco

### **Conservation Subcommittee:**

Eric Ames  
Butchie Denver  
Tony Benson

### **Implementation Subcommittee:**

Forest Service staff  
WRI  
Simeon Herskovits  
Eric Ames  
Ted Terry  
Rudy Pacheco  
Allen Vigil  
Butchie Denver  
Trudy Healy  
Tanya Leherissey

**Legal Subcommittee:**

Eric Ames

Simeon Herskovits

Tomas Benavidez

Tom Blankenhorn

Butchie Denver

Rudy Pacheco

## **Appendix C2**

### **Example Meeting Notices**

**FOR IMMEDIATE RELEASE**

Wednesday, August 31, 2005

Contact: Allen Vigil, Taos County Director of Planning, 505/737-6440

**TAOS REGIONAL WATER PLAN COMPLETES PHASE I**

The Taos Regional Water Plan (RWP) is underway and Phase I of the study is wrapping up. DB Stephens & Associates, working closely with Taos County have completed Phase I which included the initial meetings, developing a public involvement plan, initial water supply assessment and water demand assessments.

Phase II of the effort will include finalizing water supply and demand assessments; developing water budgets by subregions; conducting legal and water rights analysis; selecting alternatives for meeting future water demand; analyzing priority alternatives; preparing a draft Regional Water Plan and finalizing the RWP.

A steering committee of representatives from throughout the County have been meeting every few months to review information and to guide the consultants throughout the process. The Committee is lead by Co-Chairs Commissioner Nicklos Jaramillo and Mayor Bobby Duran. The Regional Water planning effort follows the Regional Water Planning Handbook developed by the NM Interstate Stream Commission in 1994. Development of the Regional Water Planning Template was lead by a sub-committee of Commissioners Palemon A. Martinez and Commissioner Tracy Seidman Hephner to direct the preparation of a Regional Water Planning Template to guide regional planners to a useful and uniform product.

The Taos RWP Steering Committee members have developed several subcommittees to work on specific issues. The technical subcommittee will be responsible for helping to gather groundwater and surface water supply information, water quality reports, and data to be used by the consultant. The Demographics/Population Subcommittee will be responsible for helping to gather data specific to the demand side of the equation. The Public Welfare Subcommittee will be responsible for the development of the Public Welfare statement to be included in the plan. The Legal Subcommittee will be responsible for reviewing legal issues, particularly those pertaining to alternatives.

In Phase II of the process, the steering committee and public will identify alternatives and recommendations to be included in the plan. Implementation of the plan will fall to Taos County, municipalities throughout the county, agencies and other entities. Projects identified in the plan are more likely to receive Water Trust Board funding or through other sources.

Recently, the Healy Foundation made a grant to Taos County for \$75,000 for their aquifer-mapping project. "With this important grant we want the regional water plan and Taos County to meet their goals," said Trudy Valerio Healy, of the Healy Foundation in

Taos, New Mexico. “This grant will enable Taos County to get the information they need to make better decisions. It is our hope that Taos County will be a model for implementation of the water plan.”

At the recent August 23 Steering Committee meeting held in Ojo Caliente, Committee members began to develop a vision for the region. Manuel Rudy Pacheco stressed to the committee the importance of protecting the water. He noted that an element of the Vision should include, “ Preserving Taos regional water for Taos citizens. Water should be kept in the area both physically and legally to meet the needs of the communities.”

The next round of Steering Committee meetings will be held in Red River in early November and the Town of Taos in early January 2006.

-END-

Allen Vigil, Taos County Planner  
Taos County  
105 Albright Street – Suite A  
Taos, NM 87571  
505/737-6440

# TAOS COUNTY



## Regional Water Plan

### STEERING COMMITTEE MEETING

January 31, 2006

The steering committee and the Planning Team, DB Stephens and Associates, invite you to a meeting for the Taos Regional Water Plan. The goal of the regional water planning effort, which is overseen by the Interstate Stream Commission, is to define available water supplies, current and future demands for water, and alternatives for meeting water demands. Alternatives for meeting water supply needs of the region include actions such as water conservation, watershed management, development of new groundwater resources, and other water resource management actions.

The purpose of the meeting is to decide on a list of priority alternative strategies for addressing the region's future water needs. Alternatives identified through this process will be evaluated for feasibility and implementation issues in the regional water plan.

The meeting is scheduled for Tuesday, January 31 at El Taoseno Room at the Taos Civic Center 1:00 - 4:00 (the public is welcome to attend). For more information call Rosemary Romero at (505) 982-9805, [rosemary1350@cs.com](mailto:rosemary1350@cs.com) or Joanne Hilton, Daniel B. Stephens & Associates, Inc. (505) 822-9400, [jhilton@dbstephens.com](mailto:jhilton@dbstephens.com).

Regional Water Planning is made possible through grants from the Interstate Stream Commission.



# Taos Regional Water Plan



The steering committee and the Planning Team, Daniel B. Stephens & Associates, Inc., invite you to attend one of the public meetings scheduled to review the Taos Regional Water Plan:

- Thursday, October 19, 2006 from 6:00 to 8:00 p.m.  
Village of Questa, Town Hall
- Tuesday, October 24, 2006 from 6:00 to 8:00 p.m.  
El Taoseño Room, Taos Convention Center, 120 Civic Plaza Drive, Taos
- Wednesday, October 25, 2006 from 6:00 to 8:00 p.m.  
Community Center, Peñasco, NM (main Highway)

The goal of the regional water planning effort, which is overseen by the Interstate Stream Commission, is to define available water supplies, current and future demands for water, and strategies for meeting future water demands. Priority strategies identified include:

- Watershed management
- Water quality protection
- Public education
- Protection of agriculture (acéquia protection)
- Infrastructure improvements
- Keep water rights in the region
- Growth management

*For more information contact:*

Rosemary Romero  
(505) 982-9805  
rosemary1350@cs.com

or

Joanne Hilton, Daniel B. Stephens & Associates, Inc.  
1-800-933-3105  
jhilton@dbstephens.com.

**Appendix C3**  
**Meeting Notes**

# **Taos Regional Water Plan**

## **Summary of Meeting**

**May 16, 2005**

**Facilitated by:** Rosemary Romero

**Welcome and Introductions:** Allen Vigil, Director of Planning for Taos County, welcomed the steering committee to the regional water plan (RWP) meeting, held at the Town of Taos El Taoseno room.

**Contract Update:** He noted that the Louis Berger Group had started the planning effort with John Shomaker and other contractors, but it became clear that they would not be able to complete the project. The contract was terminated and the Daniel B. Stephens & Associates, Inc. (DBS&A) team was contracted to complete the planning effort. The DBS& A team had participated in the original selection process and was chosen to continue the effort because they received the next highest score in the selection process. Facilitator Rosemary Romero, who had stepped in to help the Louis Berger Group, was on the original DBS&A team and will continue in that capacity. Joanne Hilton, Senior Hydrologist and Project Manager, will be taking the lead on this project. Joanne has 20 years experience in water planning and has been the lead on several regional water plans around the state, as well as on other similar projects.

**Boundary issues:** Joanne described the area to be included in the RWP. It was decided that the western RWP boundary will follow the Taos County boundary. The group agreed that the project would include Taos County and the very northern portion of Rio Arriba County within the Embudo watershed. Participants felt that the Ojo Caliente area, which borders both Taos and Rio Arriba Counties, should be included. Many felt that from a watershed perspective it would make sense to include this area in the plan; however, because it is such a large watershed in which very few people live, it could be problematic.

The planning area will be divided into four sub-areas based on watershed boundaries. These sub-areas will be called the western plateau (area west of the Rio Grande) and the northern, central, and southern sub-areas (located east of the Rio Grande). These zone designations may be easier for the public to support if they are termed as West, North, Central, and South rather than a place name. Information about the area can be accessed through USGS for the Rio Pueblo de Peñasco. The Taos Soil & Water Conservation District also has maps that are determined by “zones.”

**Purpose of the Water Plan:** As specified by the scope of work, in developing the RWP, the consultant will not be doing any new studies. They will use existing information to determine what the supply and demand are for the area. Water budgets for the four sub-areas will be developed to determine the ability of the available supply to meet the long-term demand for the area. Planning staff hoped that the RWP would correspond to the County planning time frame of 50 years. Alternatives for meeting long-term demand will

be developed by the steering committee and public and will then be reviewed against social/political and legal constraints.

Though not mandatory, the Public Welfare Statement can be an important visioning aspect of the plan. It was suggested that in developing the statement several resources could be helpful, including:

- Work conducted by Martha Frank
- Questionnaires (example of Jemez y Sangre)
- David Benavidez work

A web-based dialogue could perhaps be used for developing the public welfare statement.

**Population/Demographics:** Bruce Poster and Marjo Curgus of Southwest Planning & Marketing, a consultant on the team, will be developing the demographics aspect of the plan. They had submitted a questionnaire for the group to answer. The group gave the following ideas about other sources of demographic information:

- BBER at UNM, an excellent source for population studies and demographics
- Mark Cowan, a local appraiser, for current information on house sales
- Taos Economic Development
- Taos Business Alliance
- Taos County realtors
- Taos County Assessor
- Municipal water plans
- Major land stakeholders such as USFS, BLM
- Major water stakeholders such as mutual domestic water associations, tribes, sewer and water associations
- Accounting of any undeveloped water (Mary Helen Follingstad cautioned against any)
- Legal constraints such as the Rio Grande Compact
- Bobby Ortega/banking
- Brent Jaramillo for information about the Questa area
- Beverly Dabovich
- Taos Soil and Water Conservation District for maps
- Dr. Jose Griego from NNMCC for demographic information
- NCHEMS/Ted Apodaca and John Baxter
- Kirstin Knoeple from Molycorp for demographic information
- Hospital
- Schools
- John Otis , Taos Business Alliance
- Crestina Trujillo Armstrong, Farm Bureau & Taos Land Trust
- NNM Stockman's Association

Issues on the horizon include:

- Taos Ski Valley permitting
- Top of the World Project
- Highway expansions
- Airport expansion
- UNM expansion
- Fire plans, which should be integrated into the RWP
- Completion of 40-year water plans
- BLM Resource Management Plan
- Carson 10-year Management Plan Update
- Post Adjudication
- Flood control planning occurring between the Town of Taos and Taos County

**Committees:** The group discussed the value of having several subcommittees. Amy Lewis pointed out that the Jemez y Sangre Water Council had several committees including public welfare, technical, legal, and alternatives committees. The group agreed that they would like to implement a subcommittee structure in order to utilize their individual skills and interests. Several subcommittees were suggested, with the following proposed responsibilities and membership:

- *Technical Subcommittee:* Would be responsible for helping to track down groundwater and water quality reports and data to be used by the consultant. Members of this committee include Palemon Martinez, Tony Benson, Peter Vigil, Ron Gardiner, George Crawford, Greg Miller, and Rudy Pacheco.
- *Demographics/Population:* Would be responsible for helping to gather data specific to the demand side of the equation. Members of this committee include Alvino Martinez, Ted Terry, and Tomas Benevidez.
- *Public Welfare Statement:* Would be responsible for the development of this statement for the group to consider and adopt. Members of this committee include Brian Shields, Francisco Vigil, and Trudy Healy.
- *Legal:* As alternatives are developed, this subcommittee would review them in order to determine if there are legal constraints. Members of this committee include Tomas Benavidez, representatives from the BLM and USFS, Fred Walz, Francisco Vigil, and Rudy Pacheco.

Contact information will be shared with each of the committees and meetings organized as needed.

**Implementation:** It was noted that it would be key to implement the plan. Hand in hand with this will be funding for implementation. The group will need to have a good understanding of funding opportunities that should be coordinated. Possible funding sources include:

- CFRP and Healthy Forest Initiative monies(Dan Rael could talk about these)
- EPA Section 319 grants (NMED could talk about these)
- NMDG&F Habitat Stamp Program
- Water Trust Board
- Private foundations

**Next Meeting:** Peñasco Community Center, June 21, 2005 from 2:00 p.m. to 4:00 p.m.  
Rosemary will contact Mary Mascarenas and make the necessary arrangements.

**Taos Regional Water Plan**  
**Summary of Meeting**  
**Peñasco Community Center**  
**June 21, 2005**

**Facilitated by:** Rosemary Romero

**Consultants Present:** Joanne Hilton, Marjo Curgus

**Welcome and Introductions:** Rosemary Romero, facilitator for the development of the Taos Regional Water Plan, welcomed the steering committee and participants to the regional water plan meeting, held at the Peñasco Community Center. Rosemary thanked Mary Mascareñas, a steering committee member, for use of the center and for distributing flyers about the meeting to community members.

Rosemary noted that the steering committee reaffirmed at a previous meeting that meetings should be rotated around the County in order for steering committee members to hear about the issues specific to the area and to begin engaging more community members in the process.

**Purpose of the Water Plan:** Joanne Hilton gave a brief overview of the plan, the purpose of which is to review the existing data to determine the water supply. Water budgets for the four sub-areas will be developed to determine the ability of the available supply to meet the long-term demand for the area. Alternatives for meeting long-term demand will be developed by the steering committee and the public and will then be reviewed against social/political and legal constraints.

Community members who were new to the water planning effort noted that it would be important to bring background information to each of the meetings, as many people did not know anything about regional water planning and would need to be brought up to speed about water planning and their expected role in the process. Joanne noted that the Regional Water Planning Handbook is online at the OSE website, and County representatives offered to put all of the information on their website.

**Population/Demographics Presentation:** Marjo Curgus, a consultant with Southwest Marketing & Planning, gave an overview of the demographics for the planning area.

At the previous meeting, steering committee members noted various sources for demographic information, including the Bureau of Business and Economic Research (BBER) at the University of New Mexico (UNM). Marjo indicated that she has used a variety of sources that included BBER, census data, and interviews with various local governments, real estate agents, school districts, and others. The BBER has forecast population for a 60-year period of time, from 2000 to 2060.

Indications are that the southern part of the county is growing, but it has had spikes of slower growth that seem to be related to events in neighboring Rio Arriba County and surrounding industries.

Several participants disagreed with some of the projections and felt there were discrepancies between in-migration and out-migration. Marjo noted that demographics could be a challenge because of the complexity in synthesizing information derived from various sources. Taos County staff indicated that growth could also be gauged by the number of gas, electrical and MDWA hookups, propane tank purchases, manufactured homes purchases, school enrollments, births, and deaths.

It was further noted that growth in Taos has been affected by national trends that show a western migration to smaller towns with quality of life amenities. This has led to increased housing costs (e.g., the median house price in Taos is now more than \$300,000). Future impacts could also come from an aging population that has the ability to work at home.

The information for Picuris Pueblo includes all of the grant area, which is misleading. This information should be separated out so that the Pueblo population figures exclude that portion of the grant area that includes non-Pueblo members.

Marjo offered to review the data with the subcommittee, update information as needed, and send a draft of the report to the demographics subcommittee for review.

Members of the audience noted that MDWAs should be included as well as those members of the area that were not hooked up to an association. Many wells in the Peñasco area were hand dug, and the OSE does not have data on these wells. It is estimated that there are about 1,900 such wells in the Peñasco area and about 7,400 throughout the County.

**Subcommittees:** Rosemary reviewed the list of subcommittees, and after discussion about the roles of the subcommittees, additional members were added as follows:

- *Technical Subcommittee:* Responsible for helping to gather groundwater and surface water supply information, water quality reports, and data to be used by the consultant. Members include Palemon Martinez, Tony Benson, Peter Vigil, Ron Gardiner, George Crawford, Greg Miller, Rudy Pacheco, and newly appointed member John Painter.
- *Demographics/Population:* Responsible for helping to gather data specific to the demand side of the equation. Members include Alvino Martinez, Ted Terry, Tomas Benevidez, and newly appointed members Allen Vigil, Gerald Nichols, and Alfredo Benavidez.
- *Public Welfare Statement:* Responsible for the development of this statement for the group to consider and adopt. Members include Brian Shields, Francisco Vigil, Trudy Healy, and newly appointed members Mary Mascareñas, Simeon



Herskovits, and Manny Pacheco. It was noted that this committee should review the work of Martha Frank from the OSE.

- *Legal:* Responsible for reviewing legal issues, particularly those pertaining to alternatives. Members include Tomas Benavidez, representatives from the BLM and USFS, Fred Walz, Francisco Vigil, Rudy Pacheco, and newly appointed member Simeon Herskovits.

**Public Involvement:** Rosemary noted that the previous consultant had developed a plan that included citizens advisory groups for every area. Those present felt that, as long as the steering committee rotated meetings throughout the planning area, additional meetings would not be needed. All agreed that meeting every 2 to 3 months would be sufficient as long as there were data to be presented.

**Next Meeting:** Ojo Caliente, place to be determined  
Late August, 2:00 p.m. to 4:00 p.m.

# Taos Regional Water Plan

## Summary of Meeting

### Ojo Caliente

August 23, 2005

**Facilitated by:** Rosemary Romero

**Consultants Present:** Joanne Hilton

**ISC Staff Present:** Mary Helen Follingstad

**Welcome and Introductions:** Rosemary Romero, facilitator for the development of the Taos Regional Water Plan (RWP), welcomed the steering committee and participants to the regional water plan meeting, held at the Ojo Caliente Hot Springs in Ojo Caliente.

**Grant Announcement:** Rosemary reported that Trudy Healy was unable to attend the RWP meeting due to a family matter. However, Trudy wanted the group to know of a grant the Healy Foundation had recently made to Taos County for their aquifer-mapping project. This type of project will help Taos County reach their goals to have better information for planning efforts.

**Other Announcements:** Dr. Tony Benson gave a brief overview of the local hydrogeology in the Ojo Caliente area. Tony also announced the start of a seminar series that will be co-hosted by the Taos Soil & Water Conservation District (TSWCD). The series entitled *Hydrogeology of Taos County* will begin Tuesday, August 30 from 6:00 to 9:00 p.m., and continue on Tuesday evenings through mid-December. The series will cover the principals of hydrology, including recharge, hydraulic measurements, groundwater movement, and water geochemistry, plus geologic factors controlling groundwater in Taos County.

Tony Benson will be the instructor for the seminar series, which will be held at the Agriculture Center and is offered free of charge. The series will also feature 5 drillers from the area who know much about local groundwater conditions. People are asked to contact the TSWCD at 751-0584 or [adams@newmex.com](mailto:adams@newmex.com) to sign up. For more information, call Tony Benson at 770-8198.

**Overview of RWP Status - Supply and Demand:** Joanne Hilton gave a brief overview of the RWP effort to date. Planners are currently completing Phase I of the planning effort. Phase II will include:

- Finalizing water supply and demand
- Developing water budgets by subregion
- Conducting legal and water rights analysis
- Selecting alternatives for meeting future water demand
- Analysis of priority alternatives
- Preparation of a draft and final water plan

Those present noted that stream gages are an important mechanism for determining flow. Several of the gages in the planning area have been discontinued due to costs. The TSWCD representative pointed out that when the district conducted a study of gages, they found that it cost approximately \$3,500 per year to get the discontinued ones up and running and maintained for a year. The Bureau of Reclamation Denver office could be contacted for additional and historical information from these old gages.

Joanne noted that an alternative developed in Phase II could include identification of data gaps and focus on acquisition of additional data. The Mora-San Miguel-Guadalupe Plan has such an alternative. The gage information will be important for developing water budgets and inflow and outflow.

Participants asked if the consultant would look carefully at the streamflow in the Wheeler Peak area. Indications are that these waters are coming off the Sangre de Cristo Mountains.

It was also noted that agricultural use is currently more than 90 percent of the total water usage. Participants asked if there are trends or economics that could help project what the future use might be. Colorado may have information that would be useful for these kinds of projections. Another participant pointed out that it is unclear how much recharge occurs from acequias used for agriculture that may be a hidden asset.

It was noted that the water adjudication for Taos County is still not finalized. This information, though currently confidential, could be helpful during the implementation stage of the RWP.

**Public Involvement:** Rosemary noted that at the Penasco meeting, the steering committee agreed to continue to meet throughout the various communities as possible. Public workshops will be held when the alternatives are developed. A sample handout was given to participants to review how another RWP prioritized their alternatives. Steering committee members felt that this type of simplified prioritization would be helpful for Taos.

Allen Vigil, Taos County Planner, noted that the steering committee includes agency representation from the Bureau of Land Management, Forest Service, Bureau of Reclamation, Army Corps of Engineers, and others. He felt that their participation was important because of the information they were able to bring to the table. He further noted that many of these agencies have plans.

Rosemary and Allen have made initial contacts with both Taos and Picuris Pueblo. They will continue to work on setting up times to meet in order to let representatives know about the RWP effort and to find out how they would like to be involved. It was noted that the Jemez y Sangre water plan used Ernesto Mirabal from Nambe Pueblo as an observer of the process. He attended meetings and helped to organize communication with the various pueblos in the Jemez y Sangre planning region. Kay Matthews, who has been involved in other efforts in the Penasco area, offered to help organize a meeting with Picuris Pueblo.

**Public Welfare:** The Public Welfare Committee has not yet met. Members of this committee include: Brian Shield, Francisco Vigil, Trudy Healy, Mary Mascarenas, Simeon Herkovits, Manny Pacheco, and Butchie Denver. The steering committee members present encouraged them to meet soon to begin to draft a public welfare statement that could be brought back to the whole group for discussion. Mary Helen Follingstad noted that Conci Bokum had developed a very useful paper that she would make available to the committee for their discussions. Rosemary will send them information to get them started.

**Vision and Goals:** “A shared picture of the future you seek to create – what you believe the RWP can accomplish with specific direction”. The steering committee engaged in a lively discussion about various elements that should be included in the vision statement.

Elements to be included:

- Preserving Taos regional water for Taos citizens. Water should be kept in the area both physically and legally to meet the needs of the communities.
- Living within one’s water means. Conserving water for future uses and not importing water.
- Habitat conservation will add to the ecological health of the area.

Possible alternatives that could support the vision:

- Data to support keeping water in the area; functional gages.
- Develop a process to acquire regional water rights for the “market” with the region. This would mean that there could be a “right of first refusal” for any water rights to be sold that would ensure the water rights stay in the area.

Rosemary will take the elements of the vision and craft a statement for discussion at the next meeting.

**Next Meeting:** Steering committee members recommended going to the Red River area for the next meeting. The next steering committee meeting will be scheduled for late October or early November. The meeting to follow the next meeting will be in Taos and is tentatively scheduled for late January or early February. Rosemary will confirm that the meetings scheduled do not conflict with Taos County meetings and other municipal meetings.

Allen Vigil asked the technical subcommittee to review the John Shomaker information that was developed during Phase I of the project. Joanne offered to make the information available to the committee.

## **Taos Regional Water Plan Meeting Summary**

The following notes summarize meetings held in the Taos Planning Region in October and November, 2005 including:

- A steering committee meeting held in Red River on October 25
- A community meeting held in Taos on October 26
- A community meeting held in Peñasco on November 3

Rosemary Romero facilitated each meeting. Each meeting began with introductions, followed by an overview of the regional water planning process and a summary of water supply and demand information, presented by Joanne Hilton of Daniel B. Stephens & Associates, Inc.

The purpose of these meetings was to identify alternatives, or water projects, that would help the region meet its future water needs. The process was initiated at the Red River Steering Committee meeting, during which an extensive list of alternatives was developed (Table 1). At subsequent meetings held in Taos and Peñasco, participants were asked to review the initial list and to add any other alternatives that they felt were important. Participants at each meeting were also asked to provide their feedback on the alternatives, by assigning green dots to preferred alternatives and red dots to alternatives they did not think were viable. The number of dots (votes) that each alternative received at each meeting is summarized in Table 1. Other comments received at the meetings are summarized below.

### **Steering Committee Meeting, Red River**

- An estimated 90 percent of surface water data (OSE data), including consumptive use data (demand section), may be incorrect.
- Alternative: start listing policy direction (alternatives) = solutions
- Needed information: Taos County market contribution to whole state, limited by Rio Grande Compact
- Monitoring and gages, metering and tracking
- Expand “marketing element” after adjudication.
- Develop fund to be able to purchase water rights.
- Expand knowledge base for keeping water rights in area; large interest in developing area of origin protections (keep water within watershed or groundwater basin; develop anti-export provisions)
- Conservation easements are one way to protect watersheds from development.
- Fix problem with water rights transfers; one idea is to scan water rights maps and overlay them on County maps that record real estate transfers.

- Infrastructure improvements can be very important for specific communities.
- Treaty of Guadalupe Hidalgo conveyed water differently than the rest of the State.
- Public welfare committee will meet November 8 from 10 a.m. to 12 noon
- Legal analysis will be done in Phase II of the water planning effort.
- New committee: Conservation
  - Eric Ames
  - Butchie Denver
  - Tony Benson
- New committee: Implementation (funding)
  - Forest Service
  - Water Resources Research Institute
  - Simeon Herskovits
  - Eric Ames
  - Ted Terry
  - Rudy Pacheco
  - Allen Vigil
  - Butchie Denver
  - Trudy Valerio Healy
  - Tanya Leherissey

Suggested changes to alternatives list:

- Public welfare duty is to support/provide water for those providing stewardship of land
- Establish area of origin policy protections (keep water here)
- Policy to keep surface water rights with land?
- Water bank to compete with first right of refusal?
- Fines/tax on transfers out of region
- Transfer domestic well rights into community well, if that well is polluted
- Compensation measures to protect land from development (conservation easements)
- Agricultural land (develop funding)
- Fix problem of tracking water rights transfers in real estate transactions
- Scan OSE water rights maps and overlay them on county maps (with same scale) (SWCD has begun pilot project scanning hydrographic survey maps but not all adjudications are complete)

Add to vision:

- Protect traditional communities
- Use water wisely
- Health and productivity of watershed (ability to store and produce water)
- Regionalization without individual communities losing identities

**Next Meeting:** The next steering committee meeting will be scheduled for January and will be held in Taos. Possible times for the meeting are 2:00 p.m. to 5:00 p.m. (maybe on two afternoons) or 10:00 a.m. to 3:00 p.m. with some provision made for serving food.

## **Taos**

Several additional alternatives were added to the list and are included on Table 1. Comments made at the Taos meeting included:

- Concern that if domestic wells are limited, people who live in the area won't be able to get water.
- Infiltration from acequias is very important.
- Agriculture should be a partner with the overall goal of water preservation.
- Payment for ditch upkeep is an issue; same number of days to irrigate with even less water, then have to sell rights to keep going.
- Tax to support agricultural land should be considered.
- Consider transfer of water development rights.
- Well interference has been an issue (i.e., well went dry after three new wells were drilled).
- New Mexico Acequia Association will help acequias update bylaws; there are 3,419 acequias diverting surface water in New Mexico.
- Development needs to be designed for supply.
- Need to link watersheds to the water plan.
- More education on agricultural practices and high value crops is needed.

## **Peñasco**

Comments made at the Peñasco meeting include:

- Include La Jicarita subwatershed in local surface water resources.
- It would be a good idea to trade some forest service land for residential development and leave a green belt near communities to preserve and protect traditional agricultural lands (i.e., use non-irrigable lands for development).
- Use USGS data even if it is not current for all gages.

- Over all the group didn't support ditch lining as a blanket practice; ditch lining may be appropriate in some areas where benefits outweigh negative effects on riparian habitat and aquifer recharge.
- Good idea to educate and promote standards that are higher than national standards.
- Offsetting domestic well impairment means to provide funding for people whose domestic wells have been contaminated.
- County supporting unincorporated areas.
- Good idea to support revamping of Cabresto Reservoir (this is taking place outside of the regional water planning effort).
- Add to Vision Statement preservation and protection of traditional lands
- Government responsible for reconciling water issues

### **Suggested Additions to Vision and Public Welfare Statements:**

#### Vision:

- Protect traditional communities
- Health and productivity
  - Ability to store/produce quality
  - Stewardship
- Use water wisely
- Regional solutions without losing individual identities (centralization without homogenization)
- An educated public
- Respect tribal sovereignty/water quality standards
- Sustainable use
- Restoration and protection of watershed
- Agriculture protection as a partner
- Plan so that policies are fair to people who can't afford to buy water rights

Public welfare statement: Include stewardship



**Taos Regional Water Plan**  
**Steering Committee Meeting, – Taos, New Mexico**  
**January 31, 2006**  
**Summary of Meeting**

**Facilitated by:** Rosemary Romero

**Welcome and Introductions:** Rosemary Romero, facilitator for the regional water planning effort, welcomed the steering committee to the regional water plan (RWP) meeting, held at the Taos Convention Center (El Taoseño Room). Consultants, steering committee members, and members of the public introduced themselves.

**Update on Water Transfers:** Kay Matthews, a steering committee member, reported to the group on the status of the protest filed against Top of the World for the proposed water transfer from Taos County to Santa Fe County. The steering committee does not have the authority to sign a protest letter on behalf of their respective organizations or agencies, but it was suggested that Committee members could sign letters in support of the protest as individuals. It was also suggested that the issue could be brought to the Taos County Commission along with a request for a resolution supporting the protest effort. In addition, a similar request could be made of the Acequia Commission.

**Public Welfare Subcommittee Report:** The committee reported that they had met three times and had started to develop a comprehensive statement. They have not yet reached consensus on all of the elements and will meet again to refine the document. Steering committee members discussed what kind of “teeth” the statement would have and asked if this statement would have veto power or legal power. It was pointed out that the statement has neither and County ordinances are the mechanism for implementation.

**Legal Subcommittee Report:** The legal committee will review a draft outline of the legal section that Daniel B. Stephens & Associates, Inc. (DBS&A) will submit. The draft outline will present the designated authors for various parts of the section for the committee’s review and comment. Palemon Martinez suggested using the John Hernandez report entitled “Institutional Constraints.” He thought perhaps that the publication is in the ISC library. Mary Helen Follingstad offered to find the publication.

It was further suggested that steering committee members educate themselves about the Office of the State Engineer (OSE) proposal for restrictions on domestic wells. Information on these proposed restrictions can be found on the OSE website ([www.ose.nm.state.nm.us](http://www.ose.nm.state.nm.us)). A hearing will be held in Española, and steering committee members were encouraged to participate. It was noted that Conci Bokum of 1,000 Friends would be writing comments. Steering committee members could also call Eric Ames (751-0351) for more information.

**Alternative Selection Process:** The group reviewed the alternatives information gathered from the three community meetings held in Red River, Taos, and Peñasco. The steering committee agreed on the following priority alternatives.

Watersheds:

- Management: Interaction between federal, state, and local agencies
- Restoration: Improve watersheds for long-term health (greater funding opportunities are available for this aspect)
- Stormwater catchment

Protecting water quality

- Addressing septic systems
- Constructed wetlands for wastewater treatment
- Stormwater catchment
- Wellhead protection
- Recycling of industrial uses
- Land management and development
- Respect Tribal standards

Protection of acequias

- Bylaw support (Taos SWCD can support/assist in writing bylaws)
- Management
- Water right protection
- Riparian

Area of origin protection

- Includes conservation easements

Develop centralized water and sewer systems

Manage growth consistent with supply

- Density zoning
- Limiting number of wells
- Require well-share agreements
- County/City regulations

The following alternatives were discussed, but a decision was not reached about inclusion in the water plan.

Agricultural conservation

- Surface water conservation
- Groundwater conservation

Undecided as to whether to have this alternative. The concern with this alternative is that water “conserved” would be lost to the area of origin (i.e., water rights could be lost).

Conjunctively manage interaction between surface water and groundwater (groundwater use may affect surface water levels)

Education (this alternative could be imbedded with other alternatives)

- Educate general public about current regulations
- Public information and outreach

Protecting wetlands

- Consider strengthening laws

Potable drinking water conservation

The alternatives will be further discussed and a decision made regarding a final list at the next meeting.

**Subcommittees:** The subcommittees were discussed and are described below.

**Technical Subcommittee:** Responsible for helping to gather groundwater and surface water supply information, water quality reports, and data to be used by DBS&A in reviewing technical analyses. Members include Palemon Martinez, Tony Benson, Peter Vigil, Ron Gardiner, George Crawford, Greg Miller, Rudy Pacheco, John Painter, and Ron Gervason.

**Demographics/Population Subcommittee:** Responsible for helping to gather data specific to the demand side of the equation and for reviewing demographic projections. Members include Alvino Martinez, Ted Terry, Tomas Benavidez, Allen Vigil, Gerald Nichols, Alfredo Benavidez, and Matthew Foster.

**Public Welfare Statement:** Responsible for developing the statement for the steering committee to consider and adopt. Members include Brian Shields, Francisco Vigil, Trudy Healy, Mary Mascarenas, Simeon Herskovits, Butchie Denver, and Rudy Pacheco.

**Conservation Subcommittee:** Members include Eric Ames, Butchie Denver, and Tony Benson.

**Implementation Subcommittee:** Will gather ideas for funding RWP implementation. Members include Forest Service staff, WRRRI staff, Simeon Herskovits, Eric Ames, Ted Terry, Rudy Pacheco, Allen Vigil, Butchie Denver, Trudy Healy, and Tanya Leherissey.

**Legal Subcommittee:** Members include Eric Ames, Simeon Herskovits, Tomas Benavidez, Tom Blankenhorn, Butchie Denver, and Rudy Pacheco.

**Next Meeting:** The group agreed to hold the next meeting in Taos. The group decided that the steering committee would meet on one day, and Joanne Hilton will be available to meet with the various subcommittees prior to the steering committee meeting.

Note: Subsequent to the January steering committee meeting, it was decided that the meetings will take place on March 14 and 15.

Future agenda items include:

- Leadership of steering committee
- Presentation of draft alternatives

**Taos Regional Water Plan  
Meeting Summary  
Steering Committee, Taos, New Mexico  
March 15, 2006**

**Facilitated by:** Rosemary Romero

**Welcome and Introductions:** Rosemary Romero, facilitator for the regional water planning effort, welcomed the steering committee to the meeting, held at the Town of Taos Civic Center. Consultants, steering committee members, and members of the public introduced themselves.

**Subcommittee Reports.** A brief summary of each of the subcommittee meetings, held on March 14 and 15, 2006, was provided. Notes from the subcommittee meetings are provided at the end of these steering committee notes.

**Discussion of alternatives:** Joanne Hilton of Daniel B. Stephens & Associates, Inc. provided a brief overview of the alternatives for meeting future water demand. She noted that there was consensus on several alternatives that the steering committee had decided to include in the regional water plan (RWP). For those alternatives (water quality protection, acequia protection, area of origin protection, infrastructure improvements, and watershed protections), the definition and scope of the alternative were reviewed. The education and water conservation alternatives were discussed at the previous steering committee meeting, but the group had not reached consensus on whether to include those alternative in the plan and further discussion was undertaken. Comments on the alternatives are summarized below:

***Water quality alternative***

- Include pesticide/herbicide management.
- Recycling industrial water use helps with water quality protection.
- Consider impact of air quality on water quality.
- Organize the alternative into three areas
  - Pollution control
  - Source protection
  - Remediation
- Recommend water testing.

***Acequia protection***

- Should include administration/management, irrigation practices, and increasing economic viability of irrigated agriculture.
- The management component should address organizational structures and could include water banking and education.

### ***Area of Origin Protection***

- Will include water banking.
- Consider expansion of strategic river water reserve to protect water (may require legal review).
- Evaluate influence of political processes on protections.
- Transfer of development rights could be specific to acequias in order to protect them.
- Add a delivery of water statement.
- Encouraging importation of water will give credence to other RWP's use of importation to resolve their water budgets.
- Add a statement for support of San Juan-Chama water

### ***Infrastructure Development***

- Add statement of support for public drinking water systems to remain in the public domain, but also encourage these systems to centralize where appropriate.
- Determine the ownership of effluent before including recommendations for effluent reuse in the RWP.

### ***Growth Management***

- Should include both transfer of development rights (TDR), and purchase of development rights (PDR)
- Conservation easements should be encouraged to protect land from development

### ***Watershed Management***

- Due to time constraints, the watershed management alternative was not discussed in detail, but the steering committee confirmed that watershed management is a priority alternative in the plan.

### ***General Comments***

- Consider a ban on exportation of bottled water (water mining)
- Implementation plan should include local, personal and town level of possible activities.

***Education:*** The steering committee discussed how best to include education as a key component of the RWP. It was determined that all of the alternatives have an educational component; however, the group felt that in order to have this as a viable alternative, it would be important to keep it as a separate alternative. The plan could then encourage that education include a central clearinghouse for information and encourage curriculum to educate youth about the importance of water protection.

***Conservation:*** The steering committee decided that the conservation subcommittee should make recommendations for the steering committee to evaluate. The recommendations could be part of the growth management alternative. New members for this subcommittee included Steve Harris and Tanya Leherissey. Original members include Eric Ames, Butchie Denver, and Tony Benson.

**Next Meeting:** The next meeting will be held the first week in May, prior to graduations and other conflicts later in the month. The date will be selected to minimize conflicts.

## **Subcommittee Reports**

**Demographics Subcommittee:** Allen Vigil reported for the demographics subcommittee, which had met on March 14. Bruce Poster from Southwest Planning & Marketing (SWPM), the consulting firm that had conducted the demographics and population study, attended the session. In general, the group agreed that the population projections provided in the SWPM report accurately reflected growth in the County. Some minor changes to the report were discussed. Those included expanding discussion of hotel and bed and breakfast use and undocumented workers, as well as some editorial changes. SWPM will provide a revised report to incorporate the subcommittee's suggestions.

**Technical Subcommittee:** The technical subcommittee met on March 14. Amy Lewis and Joanne Hilton presented information on water budgets, which provide supply and demand information, for the four watershed subregions. One of the issues discussed was estimating water demand for wildlife (i.e., 5,000 to 6,000 elk in the San Antonio Mountain area). As a followup, Amy Lewis spoke with Steve Kohlmann at New Mexico Game and Fish (NMG&F) to obtain information on the population of elk and their water consumption. In Taos County, he estimates at total of 2,545 elk  $\pm$  327. At the high end, 2,872 elk would consume (at 4 gallons per day) 12.9 ac-ft/yr. Other issues discussed included unadjudicated water rights in the South subregion, potentially declining water levels in the Lower Des Montes and West Romero Road areas, and the new well on the west side.

Subcommittee comments will be incorporated when water budgets are presented in the draft water plan.

**Public Welfare Subcommittee:** Simeon Herskovits reported for the subcommittee, which met on March 15. He noted that a two-part public welfare statement had been sent to subcommittee members for review. A goal of the subcommittee is to develop a decision-making framework that could be used as an implementation tool for the RWP. Those present at the subcommittee and steering committee meetings noted several issues that could be further refined or included in the public welfare statement as follows:

- Inter-basin transfers should be included. The document does not have this through legal presumption.
- Clarification of criteria should be explained in order to help implementation staff with decision-making.
- Include aspect of economic development component for water protection.

One member of the steering committee noted that it would be important to include more information about how to be equitable with intra- and inter-region transfers. For example, the statement makes reference to the importance of allowing intra-region

transfers that benefit the community, but inter-region transfers might also be beneficial. He further noted that the statement must be able to handle legal scrutiny by being equitable amongst geographic areas. The public welfare subcommittee indicated that they don't want a document that creates endless litigation. The draft public welfare statement was distributed to the entire steering committee.

It was suggested that, ideally, the public welfare statement could be implemented through an office that was responsible for oversight and implementation of the RWP. This office would be fully integrated with Taos County and could be the repository of information, including maps that could show what is happening with water transfers in a visual way.

The group felt that although education was imbedded throughout the document, it might warrant becoming an alternative in order to compel the public to learn about issues through a targeted effort.

**Legal Subcommittee:** The legal subcommittee met on March 15 to review a draft outline for the legal section of the report, which defined issues to be included in the section and attorneys who would conduct the legal overview. The subcommittee suggested several additions to the legal section, including:

- Multi-sector stormwater regulations should be considered.
- The County has new subdivision regulations that will need to be analyzed to see if they have implications for the RWP. Attorneys Susan Kery or Dominique Carton, working with DBS&A, will need to have a copy of these regulations.
- State law allows water banking, but acequias are the only entities that can now do water banking. The project attorneys should review the implications of water banking for the RWP.
- The implications of the Abeyta Adjudication on water rights should be added to the RWP as background information. In addition, the implications of the Aamodt case should be included.
- Statutes relating to water supply, such as the El Paso lawsuit, should be considered.
- The degree to which future water development is constrained by the Rio Grande Compact should be considered.
- The RWP should include an overview of the Treaty of Guadalupe of Hidalgo (perhaps a section).
- Reference should be made to the work of John Hernandez, which highlights the complexity of issues in the area.
- From a water conservation perspective, it will be important to note the ownership of conserved water.

The legal subcommittee suggested that it would be valuable to have some presentation and discussion of legal issues at future steering committee meetings.



# **Taos Regional Water Plan**

## **Summary of Meeting**

**May 9, 2006**

**Facilitated by:** Rosemary Romero

**Consultants Present:** Joanne Hilton and Amy Ewing from Daniel B. Stephens & Associates, Inc. (DBS&A).

**Welcome and Introductions:** Facilitator Rosemary Romero welcomed the steering committee to the regional water plan (RWP) meeting, held at the Kit Carson Board Room in Taos. Following introductions the group reviewed the agenda.

**Overview of the Abeyta Settlement:** John Painter, one of the participants in the Taos Pueblo Draft Water Rights Settlement Agreement (Abeyta Settlement), gave an overview of the agreement arrived at by the participants. Several parties participated in the settlement negotiations: the Taos Pueblo, the U.S. Government, the State of New Mexico, the Taos Valley Acequia Association, the Town of Taos, El Prado Water and Sanitation District, and 12 Taos-area mutual domestic water consumer associations.

Implementation of the settlement will require both federal and state funding. The local parties' preliminary estimate is that the settlement will cost \$133,814,020. Of that amount, \$100,000,000 will fund the Pueblo Water Development Fund and \$33,814,020 will fund joint use projects necessary to implement the settlement. The local parties are seeking at least \$14,486,503 of state funding for the joint use settlement projects. More information on the settlement agreement can be found on the OSE web site.

Joanne Hilton pointed out that the Technical Subcommittee of the RWP would be able to use the Abeyta information and the implications of the settlement agreement in the RWP. Participants noted that, with the agreement in place, this would be an opportune time to reconnect with Taos Pueblo and Picuris Pueblo and invite their participation on the RWP steering committee.

**Public Welfare Statement:** Simeon Herskovitz handed out the most recent version of the Public Welfare Statement (a copy of which is attached to these notes) to participants and indicated to those present that he had received one comment on the Statement and had incorporated this into the document with other comments from the subcommittee and comments from the previous steering committee meeting.

Additional comments made at this (May 9) meeting included:

- Define the boundaries of the Taos region somewhere near the beginning of the statement.
- Page 1, Section I.A, General Statement, paragraph starting with “notwithstanding the wisdom . . .”

- Technical information will be included in this paragraph when it is available.
  - After some discussion about the use of the word “impairments,” the group decided to use “could impair.”
  - The group felt that the use of the word “development” has negative connotations and suggested that it be changed to “growth.”
- Page 2, Section I.B, Scope, paragraph beginning “The definition . . .”
    - Change the word “violative.” This word may not be understood and should be changed to something else.
    - Add transfer of water within the same ditch and use.
- The group felt that the Abeyta Settlement contained language that would need to be reviewed and included in the Public Welfare Statement. The subcommittee will do this at their next meeting.
- Page 2, Section I.C.1, Cultural Protection:
    - Second paragraph: Remove “and cross-fertilization.”
    - Paragraph beginning “Accordingly, . . .” use the word “impair” rather than “reduce or degrade.” This terminology should be used consistently throughout the document.
- Page 5, Section I.C.8, Conservation: Change “Santa Barbara, California” to “other areas/regions.”
- Page 10, Section II.C, Item 9, Conjunctive Use: Insert less negative language, for example, “drought” or “naturally occurring.”

**Conservation Subcommittee Report:** The Subcommittee will review the public welfare statement and see if there are any parts of this statement and the conservation statement (a copy of which is attached to these notes) that could be consolidated.

**Water Demand Projections:** Joanne gave a brief overview of the methodology and assumptions for projecting water demand. After the brief presentation, Technical Subcommittee members noted that it would be preferable to not use the county average usage rates due to local variability. For example, areas such as Carson have deep wells, but people have to haul their water and use is lower. However, overall the projection of 150 per capita per day seems reasonable. The Technical Subcommittee will review the assumptions by subregion at a later meeting.

**Next Meeting:** The Public Welfare Statement Subcommittee and the Conservation Subcommittee will meet prior to the next steering committee meeting and will have incorporated all of the changes noted during this (May 9) meeting. Simeon noted that further comments on the Public Welfare Statement would be accepted for up to three weeks, and Joanne offered to be the point person for receiving the comments. Subsequently it was determined that comments will be received up to and during the June 15 steering committee meeting, at which time the comment period will be closed.

The group felt that it was important to continue outreach to the pueblos and suggested that Manny Pacheco should follow up with both Taos and Picuris Pueblos. It was also suggested that the two co-chairs of the steering committee, Bobby Duran and Nick Jaramillo, be specifically invited to attend the steering committee meeting and re-commit to the process.

# Taos Regional Water Plan

## Summary of Meeting

June 15, 2006

**Facilitated by:** Rosemary Romero

**Consultants Present:** Joanne Hilton, Daniel B. Stephens & Associates, Inc.

**Welcome and Introductions:** Facilitator Rosemary Romero welcomed the steering committee to the meeting, held at the Taos Convention Center. Following introductions, the group reviewed the agenda. It was noted that the majority of the time would be spent on reviewing the work of the Public Welfare Committee and Conservation Committee. (The Technical Committee had met earlier in the day to review information with Joanne Hilton.) Rosemary noted that at the next meeting, the steering committee would spend more time on the development of the alternatives.

**Public Welfare Statement:** At the previous steering committee meeting, the group had reviewed the Public Welfare Statement and had discussed at length specific concerns and suggestions that were then incorporated into the document. Steering Committee members were encouraged to e-mail or fax other comments after the meeting. Simeon Herskovitz, chair of the subcommittee, noted that he had received only one set of comments, by e-mail, and these were incorporated into the current document. The revised statement was presented and reviewed by steering committee members. Changes discussed are noted by section below.

### *I. Definition of the Public Welfare:*

#### *A. General Statement*

Change, paragraph 3, sentence 4: Delete “. . . not a commodity that could be purchased” (at the end of the sentence).

Paragraph 5: The group agreed that listing “practices” could create conflict.

#### *B. Scope*

Include information about the Abeyta settlement that references water transfers in order to be consistent.

#### *2. Agrarian Character*

Change, paragraph 1, line 5: After “local...” add “custom, culture”

#### *3. Ecological Health: Vitality of Watersheds and Ecosystems*

Change, paragraph 2: Revise the first sentence to read “The watersheds *and other regions* of the . . .”

#### *5. Recreational Tourism*

Change : The group agreed that the word “impair” should be used throughout the document in a manner consistent with its usage in this paragraph.

#### 8. *Conservation/Restoration*

The group discussed whether the word “restoration” should be in this heading when there was no specific information about how to do restoration. However, the group felt that it did belong here because it was specific to the public welfare statement and restoration would lead to conservation. Strategies for specific restoration will be addressed in the Watershed Restoration Action Strategies (WRASS) currently being developed for parts the region and will be summarized as part of the watershed management alternative.

#### 9. *Conjunctive Management*

Change, paragraph 1: Shorten the fourth sentence (beginning “Therefore, measures must be adopted. . .”) to end after “. . . are managed conuunctively.” (Delete the rest of the sentence.)

The group felt that there seemed to be some inconsistencies between the proposed language in the public welfare statement and new ISC regulations on critical well management. The Committee will continue to hone the statement and add in additional information from the Abeyta Settlement, ISC regulations, and Taos County Subdivision Regulations (or others) in order to be consistent.

**Implementation:** The Public Welfare Committee had given much thought to the proposed membership for the proposed Public Welfare and Conservation Review Board. The Steering Committee discussed at length various options and noted that geographical divisions were originally considered but were not thought to be practical. The committee will revisit options for ensuring fair geographical representation, such as indicating that one or more of the designated seats must come from each of the four subregions in the water planning region. It was further decided that, in order to be clear about the importance of diversity and representation, the Public Welfare Committee would draft a guidance statement.

Another issue that will need to be resolved and included in the statement is clarity about who will convene the Board. Members asked, “Is this something the County will have to be responsible for?” All agreed that County involvement is critical in order to give the Public Welfare and Conservation Review Board more credibility and responsibility.

**Conservation Committee Report:** Steering Committee members were given an updated draft of the Conservation Statement and asked to review the document and send written comments to Eric Ames.

**Next Meeting:** The next meeting will be in Taos on Wednesday, August 23, 1:00 to 4:00 p.m.

# Taos Regional Water Plan

## Summary of Meeting

August 23, 2006

**Facilitated by:** Rosemary Romero

**Consultants Present:** Joanne Hilton, Daniel B. Stephens & Associates, Inc., and Amy Lewis, Hydrologist

**Welcome and Introductions:** Rosemary Romero, facilitator for the Taos regional water plan (TRWP), welcomed the steering committee to the TRWP meeting, held at the Town of Taos Convention Center. After introductions, the group reviewed the agenda. It was noted that the majority of the time would be spent on reviewing the alternatives that would be more fully developed in the plan. In addition, there was important discussion about the Public Welfare Statement and next steps.

**Public Welfare Statement:** The Public Welfare Committee has met to integrate comments received to date. At the August 23 meeting, several statements were received and two were read to the group. Taos Pueblo representatives had met with Joanne Hilton and Rosemary Romero to hear an overview of the TRWP effort. At that time, they expressed concern about some of the elements of the Public Welfare Statement. A letter outlining concerns was presented to the group at the August 23 meeting. In addition, other statements were presented to the group from the Town of Taos, Association of Realtors, and Mary Humphries. Jim Brockman, attorney for the El Prado Water District, submitted a memorandum voicing serious concerns about the implementation part of the statement.

Simeon Herskovitz pointed out to the group that the Public Welfare Committee had reviewed several statements from other regional water plans, and that in talking to several of the groups that had developed their statements, the groups indicated that they were not happy with their statements because they were so generic and implementation was a major issue. The hope from the committee had been to create a document that was *comprehensive and value-based*. The Taos Public Welfare Statement went beyond other statements and included the ideas earlier expressed about keeping water in Taos County for Taos citizens, including the idea of how to evaluate transfers. It was not the intent of the Public Welfare Committee to stop transfers, but to create a document that address the current situation, does not protect the communities from transfers, and creates a mechanism for better protection.

The group agreed to spend a small amount of time to discuss some of the specific concerns about the statement, and agreed on a process to incorporate comments or address concerns as appropriate.

- Members of the Public Welfare Committee agreed to meet prior to the next Steering Committee meeting. Committee members present felt it would take a few weeks to review the comments received.

- The Public Welfare Committee will seek consensus on specific areas of concern to be addressed.
- Where there is conflict with state law, there will be resolution; however, policy issues will require more discussion.
- The Public Welfare Committee will meet with representatives of the Abeyta Case.
- Others not previously involved in the Public Welfare Committee will meet with the committee after the committee reviews comments received.

Mary Helen Follingstad, ISC staff representative, reminded the group that the TRWP has to reflect the interests of the entire region and not just the issues expressed by representatives of the Taos Valley, which were narrower in scope. She went on to say that the Public Welfare Statement was a vision and that implementation could be at a variety of levels, including ordinances.

She went on to note that acceptance criteria for regional water plans allow for flexibility; she noted the example of Colorado, which has panels to review transfers.

**Next Steps:** Joanne reported to the group that the contract to develop the TRWP would expire in December 2006. She hoped that the majority of work left, such as the refinement of the alternatives and Public Welfare Statement, could be wrapped up by the end of September, with public meetings to review the alternatives held in mid-October, comments on the TRWP received through early to mid-November, and finalization of the plan by mid-December.

The group suggested that meetings be held in Penasco, Taos, and Questa. One member of the group felt it might be important to hold a meeting in Dixon. It was further suggested that the meeting in Taos could be held on a Sunday afternoon in order to maximize participation. The other community meetings would be organized for early evenings.

**Alternatives Discussion:** The group felt that rather than using the word “alternatives”, these should be *strategies*. Others added that “strategies” linked to the Taos County growth management language. The strategies were not prioritized, but could be linked to other plans such as the State Forestry Plan or watershed health plans, which are linked to NMED 319 dollars. Comments on specific strategies are listed below.

#### *Water Quality Protection*

- Septic systems should include holding tanks, which have been a problem in the Upper Valley of the Red River area.
- Stormwater is related to the Clean Water Act, which is about control of stormwater. The group agreed that this strategy should be about control of

sediment, which is also mentioned in the watershed restoration action strategies (WRASs).

### *Public Education*

- Public education should include information for builders who need to know about regulations and information about how to maximize building for appropriate water conservation. It was noted that city and county regulations include this type of information, but builders do not get this information when their permits are linked to the state process for septic system approval.
- A committee should be developed to address how to develop a clearinghouse for information. It will also be important to develop an inventory of available information and existing conditions.

### *Protection of Traditional Agriculture*

- Correct spelling of acequia and confirm the acres noted. Ray Acosta or Roberto Mondragon may be able to help.
- Manage rather than “prevent” – improving viability/vibrant.
- Need more technical data.
- Add customary sharing.
- Language should be added to discuss the pros and cons of utilizing a water master.
- Add Dispute Resolution Committee.
- Clarify Taos Valley adjudicated acreage

### *Infrastructure*

- Taos Valley Group (El Prado group is out).
- Water suppliers should be La Jicarita Wastewater Study Committee.
- Add West Rim Mutual Domestic (Greater World).

### *Water Rights*

- Discuss management rather than purchase or transfer only.
- Support for other expedited adjudication processes.
- Local management rather than “safe”.
- Include “retain”.

**Next Steering Committee Meeting:** Monday, September 25, 2006, 4:00 – 6:00 p.m. in the Los Angelitos Room at the Taos Civic Center –Town of Taos.



# Taos Regional Water Plan

## Summary of Steering Committee Meeting September 25, 2006 Taos, New Mexico

**Facilitator:** Rosemary Romero

**Consultant:** Joanne Hilton, Daniel B. Stephens & Associates, Inc. (DBS&A)

**Upcoming Public Meetings:** Rosemary reported to the group that three meetings had been scheduled to present an overview of the draft plan:

- Thursday, October 19, Village of Questa Municipal Building
- Tuesday, October 24, Town of Taos, El Taoseño Room (Convention Center)
- Wednesday, October 25, Peñasco Community Center

Joanne noted that when the draft plan is available, letters will be sent to everyone on the master stakeholder list to let them know where the plan will be available. The draft plan will also be available on the DBS&A web site, and CDs will be provided upon request (contact Joanne at [jhilton@dbstephens.com](mailto:jhilton@dbstephens.com) to request copies).

The draft plan will be placed in a variety of locations. Steering Committee members suggested the following areas as possible locations for making the draft plan available:

- Taos County Planning Department
- Village of Questa Municipal Building
- Red River Planning Department
- Town of Taos Planning Department
- Peñasco Clinic
- Taos Public Library
- Anciano Center, Chamisal
- Talpa Community Center
- Pilar BLM Center
- Artesanos in Questa
- Vadito Community Center
- Rio Costilla Livestock Association
- Cozart's gas station in Tres Piedras
- Ojo Caliente Clinic
- Kit Carson Electric
- Taos Agricultural Center

Where multiple locations were suggested for a community, Rosemary will check hours and access to determine which is the better location.

**Discussion on Public Welfare Statement:** Simeon Herskovits, spokesman for the Public Welfare Committee, presented the most recent public welfare statement to Steering Committee members. He pointed out the areas where minimal edits had been inserted as well as areas where there were changes that warranted further discussion.

He noted that the committee had offered to meet with the Abeyta parties to discuss their concerns. In addition, the committee planned to create a memorandum to respond to comments and added that some of the points raised may not require resolution. The memorandum will be shared with the entire Steering Committee.

The draft plan will include the public welfare statement in order to get comments from community members throughout the region. The Steering Committee has spent much of its time reviewing the Public Welfare Statement and very little time reviewing the Implementation Plan and Conservation Plan. It was suggested that committee members review the Implementation Plan and suggest alternative language if possible.

One of the parties to the Abeyta Settlement expressed concern that acéquia commissions must approve water transfers first and that, although TVAA supports the effort to protect water rights, transfers are a necessity in order to address growth. The subcommittee felt that many of the issues raised could be addressed through the memorandum and revisions to the public welfare statement.

**Next Steering Committee Meeting:** The group agreed that it would be helpful to hold a Steering Committee meeting after the public meetings and during the public comment period. It was noted that by this time the Public Welfare Committee would have met and it would give the entire steering committee another opportunity to resolve any issues if needed.

### **Review of strategies:**

Several suggestions were made regarding the strategies analysis and implementation recommendations:

- Add Town of Taos Fire Department in the responsible party category.
- Add municipalities and mutual domestics to water quality protection strategy.
- Taos County or UNM are possibilities for taking the lead on public education.
- Add acéquia associations and SWCDs to the protection of agriculture strategy; clarify that this strategy applies to ranchers as well as farmers.
- Change the implementation priorities of the growth management and keep water rights in the region strategies.
- Add a discussion of the need for monitoring and measuring to collect better data for decision making.

## **Taos Regional Water Plan Summary of Public Meetings**

*Village of Questa, October 19, 2006*

*Town of Taos, October 24, 2006*

*Peñasco, October 25, 2006*

**Facilitated by:** Rosemary Romero

**Consultants Present:** Joanne Hilton, Daniel B. Stephens & Associates, Inc.

**Presentation by Joanne Hilton:** At each meeting Joanne Hilton gave an overview of Taos Regional Water Plan and noted that the goal of the regional water planning effort is to define available water supplies, current and future demands for water, and strategies for meeting future water demands. Priority strategies identified include:

- Watershed management
- Water quality protection
- Public education
- Protection of agriculture (acéquia protection)
- Infrastructure improvements
- Keep water rights in the region
- Growth management

Joanne noted that the Regional Water Plan follows the Interstate Stream Commission *Regional Water Planning Template*.

After the overview participants at each meeting asked questions and gave their perspectives on water planning in general and the public welfare statement. A synopsis of the discussion at each meeting is provided below:

### ***Village of Questa, October 19, 2006***

**General Comments:** Participants noted that the Watershed Management strategy would provide the ability to seek funding for addressing wildfire protection and other watershed needs. The Village of Questa has a CFRP grant for thinning, which should be supported, and ongoing funding for watershed work is needed. Joanne indicated that Watershed Restoration Action Strategies (WRASs) were completed for the Red River and Upper Rio Grande and these would be referenced in the water plan. The WRASs serve in part as mechanisms for getting 319 funding to address water quality issues in watersheds.

One participant asked if the Regional Water Plan would address water quality concerns in the Red River due to contamination and asked “what is being done?” Members of the group noted that the WRASs would be the mechanisms for addressing water quality issues. It was noted that the Red River has been impacted by mining, tourism, and septic tank contamination in the Upper Valley.

One of the strategies that could support the effort to address water quality is the Water Quality Protection strategy, which focuses on identifying and implementing programs to protect water resources such as wellhead protection programs and regional wastewater management to address impacts from septic systems. There is an important need to identify funding to help low-income households address septic issues that could be degrading water quality. It was suggested that the Village of Questa had received a grant to hook low-income homes onto the sewer system, but that funding has expired.

Community members noted that acéquias could be protected through the Protection of Agriculture strategy. Protection could include water banking that is implemented locally. One participant suggested that the Carnuel Land Grant could be used as one model for protection of acequias.

Regarding the strategy of keeping water rights in the region, concern was expressed that residents further south within the region are wanting to buy water rights in the Questa area.

Implementation of the Infrastructure Improvements strategy will help local people repair their systems. The group noted that small communities most often lack the funding to repair their systems. Ideally, local municipalities will help seek funding to address these needs.

Participants felt that Public Education was an important strategy and noted that money is available through grants for education. The younger generation should be learning about how to protect traditional uses. Although the State of New Mexico is generally responsible for education, this could be localized through schools and other programs to educate young people about water rights, land grants etc. An educational program could also include mentoring students and helping to understand the value of protecting water and water rights. The Sangre de Cristo Land Grant plans to start a project to tutor children and to bring them out to the ditches to see how things work in the field.

**Public Welfare Discussion:** Participants noted that it would be important to keep water rights in the region and expressed concern that the Abeyta Settlement would encourage transfers. Other participants felt that although it was important to limit transfers that affected communities, there was also the issue of not hindering individuals from realizing economic gains through selling their water rights. Another participant expressed concern that the Abeyta Settlement was driving the public welfare statement. It was noted that the Abeyta case was ongoing while the planning effort proceeded and the Abeyta participants didn't start to actively participate until the case was settled. There are concerns that are being addressed by the Public Welfare Committee, and the dialogue will continue in order to address concerns as best as possible.

One participant noted that the public welfare statement protects subwatersheds (subregions) through an additional review of transfers. The OSE will receive recommendations from an additional review provided by the public welfare review board, which will further protect communities. Concern was expressed that the review board membership needs to represent the northern community acéquias, not just acéquias in Taos County as a whole.

Participants felt that it would be important to have a place to hold information for the public. A location affiliated with the recommended board would be ideal. The board will be small (9 to 12 members) in order to be manageable and members of the board will need to meet strict criteria.

The participants further suggested that Questa should come together to agree on who would serve on the board. Selection could occur through either election or appointment.

One participant noted that acéquias already have the ability to approve or disapprove transfers and asked if the board would affect this ability. The board is not seen as a mechanism to supplant acéquia responsibilities, but as another review mechanism. Some participants noted concern about another level of bureaucracy.

Public Welfare Committee members asked the participants to review the public welfare statement and conservation plan and to contact the following committee members regarding any issues or concerns.

Butchie Denver: butchie@kitcarson.net or 586-0298

Simeon Herskovits: herskovits@westernlaw.org or 751-0351

**Next Steps:** Participants were reminded that the sign-in sheet would be used as a means of letting people know when the plan would be available and where it would be placed. The plan will also be on the DBS&A web site, and CDs containing electronic files of the plan will be sent upon request.

### ***Town of Taos, October 24, 2006***

**Watershed Management:** It was suggested that there is a need for a description of the proper watershed function and the importance of riparian areas as buffers.

Another participant suggested that “thinning/restoration” should be changed to vegetation structure and composition. In addition there should be protection for habitat, including wildlife corridors.

One participant noted that the Forest E.R.A. program will have a report on addressing watershed health that could be useful to the water planning effort.

It was also noted that watershed management is a major component of what the forest service does.

**General Comments:** Many participants were new to the process and asked questions to clarify why it was important to do regional water planning and what the implications of the plan were for Taos County. One individual asked if there were reviews/audits conducted that would ensure that water use numbers are correct. Another suggested that perhaps an independent entity such as New Mexico Tech work with the County and Taos SWCD to review the plan.

One participant asked if the Regional Water Plan would protect agricultural areas from annexation. It was noted that annexation does not change the *use* of water. A change could occur if land use changes, but not necessarily from annexation.

One participant asked who was on the steering committee, what their qualifications and expertise were, and if he could get a copy of the list. Joanne offered to provide a list of steering committee members and their affiliations. The steering committee was named jointly by the City and

County with broad representation from the five subwatershed areas in Taos County and many stakeholder groups including acéquias, local government, federal agencies, mutual domestics, environmental groups, and others. The planning region also includes a small portion of Rio Arriba County that was not included in previous plans but is part of the Embudo watershed.

Another participant suggested that the steering committee had worked hard and should be part of the implementation after the plan was accepted. This could be either a standing committee or other structure. Members could be brought into the committee either through voting or at large.

One participant asked if water transfers were allowed throughout the region and if the OSE notified people of transfers. A Steering Committee member responded that transfer applicants are required to publish a legal notice of the pending transfer, but the public at large does not generally read legal ads and is therefore often unaware of transfers. Also, new policies for expedited transfers may not give communities enough time to review and respond to the proposed transfers. The Public Welfare Statement is another layer that would ensure further review and notification, which is especially important for the various subregions in the planning area that could be affected by transfers. It was suggested that the Regional Water Plan should include as part of the legal overview how the expedited transfer process will affect communities.

Participants noted that water conservation needs to be one of the strategies. There are opportunities for grant funds to help with conservation. It was suggested that municipal conservation could be addressed in the Growth Management strategy and that agricultural conservation could be addressed within the Protect Agriculture strategy.

One participant felt that the strategies should also be reviewed for social, economic, and cultural impacts, and the public welfare statement should include a statement about access to water as a “human right.” Additionally, strategies should not unduly affect poor people.

The question was raised as to whether there were contingencies on surface water due to impacts from drought. A participant responded that the state is looking at cloud seeding as a method for alleviating drought conditions, and it was noted that the Jemez y Sangre Regional Water Plan included cloud seeding as one of their alternatives. A suggestion was made that the Taos Regional Water Plan should include enough data on addressing drought conditions.

One participant pointed out that water planning is complicated and there seems to be quite a bit of information available. She suggested that a “one stop shopping” place for keeping all of the information would be ideal for community members wanting to know more about water and planning. Public education is an important strategy and there should be an active committee willing to take this on.

Another participant suggested that the plan should include a working glossary and perhaps hand this out at future meetings so that people newer to water planning will have some idea about terms that are being used. She further asked if the plan would be available on-line. Joanne noted that the draft plan will be on the DBS&A web site, and hard copies will be placed in various convenient locations throughout the planning region. In addition, CDs containing electronic files of the plan will be available upon request. A participant suggested that it would be helpful if there was a way to make comments on-line.

One participant suggested that water budgets should also include population density requirements for both the City and County.

One participant noted that sustainability and conservation are important issues to consider in the plan.

It was suggested that the plan should include information about historical water uses. The participant further suggested that past uses may not have been economical and current uses should be balanced with economic growth and activity. However, it is important to consider non-economic benefits, such as subsistence agriculture that may create a sustainable food supply for the region.

One participant noted that septic tanks do create problems with water quality, but often people do not have the wherewithal to address the problem. If ordinances are adopted that will require updating septic tanks, there will need to be affiliated funding to help people.

**Public Welfare Statement Discussion:** One participant suggested that the public welfare statement should define the limits of growth and water needs. Another participant asked if the proposed board would be able to deny water transfers. A Steering Committee member responded that the purpose of the board is to act as another set of eyes looking at transfers and making recommendations. The OSE makes the final decision on transfers, but the board could play a useful role in making sure all issues concerning the proposed transfer are brought to the attention of decision makers.

Another participant asked if aquifer depletion should be a strategy to consider.

One participant noted that UNM-Taos would be an ideal repository for information. In addition, the Amigos Bravos library is available to the public. One member of the Steering Committee also noted that the OSE Water Rights Division has a tremendous amount of information that can be accessed.

**Next Steps:** Joanne reported that there was one more public meeting in Peñasco to hear from the public on the strategies and public welfare statement. It is expected that the draft plan will be completed by the end of the year, and notices will be sent out to participants on where the plan can be found.

### ***Peñasco, October 25, 2006***

Only a small number of community members were present due to other meetings also held on the same night. However, the meeting was lively and informative and generated a great deal of discussion about the public welfare statement.

**Watershed Management:** It was suggested that watershed management should follow an integrated approach coordinated with the U.S. Forest Service or other federal agencies. The participant further noted that it was critical that the Forest Service be involved and that their management plans link with the Regional Water Plan.

It was reported that there have been several Watershed Restoration Action Strategies (WRASs) completed for the northern Rio Grande area, and another watershed group is addressing issues in the Peñasco/Embudo area (that group has started to meet and notification will be sent to community members about these meetings). The WRASs address water quality issues and are referenced in the Regional Water Plan. A participant noted that the La Jicarita group is starting to look at watershed issues in the upper watershed.

**General Discussion:** Participants asked what the impetus was for regional water planning. Joanne reported that water planning started in 1987 due to a lawsuit instigated by Texas to use water from New Mexico. As a result of the lawsuit, New Mexico determined that it could protect its resources from export outside of the state if it had completed a planning process and was able to show that the water would be needed within the State. A template was developed for developing plans, and Taos is the last one to finish its regional water plan.

Another participant asked if implementation of the plan included development of ordinances. Joanne reported that the water plan is not a legally binding document, but serves to guide municipalities or counties, who have the ability to enact ordinances to implement the strategies.

One participant asked how water rights were owned. A Steering Committee member noted that water rights are managed by the State but held by the individual. Adjudications are a means of clarifying or affirming the water right. He encouraged those present to contact the OSE to encourage them to start the adjudication process as soon as possible. This process would help clarify the water rights in the southern part of the planning region.

**Public Welfare Discussion:** A member of the Public Welfare Committee noted that in lieu of adjudication, the Public Welfare Statement would protect water rights because of the additional scrutiny required for proposed transfers.

Another Public Welfare Committee member noted that the Las Sierras case was the only one in which the OSE considered public welfare in making a decision regarding transfers. Although a public welfare statement did not exist at that time, the OSE disallowed the transfer because it was not in the interest of the public welfare. The case was not pursued and therefore did not create case law that could be used as a basis for determining public welfare. Water transfers are allowed in unadjudicated areas, so the statement becomes even more important for areas such as Peñasco and Embudo.

It was suggested that comments on the Public Welfare Statement should be sent to either Simeon Herskovits at the Western Environmental Law Center (751-0351 or [herskovits@westernlaw.org](mailto:herskovits@westernlaw.org)) or to Joanne Hilton at [jhilton@dbstephens.com](mailto:jhilton@dbstephens.com) and she will forward the comments to the committee.

**Next Steps:** Joanne reported that the draft plan is expected to be completed by the end of the year, and notices will be sent to participants on where the plan can be found. In addition, the plan will be on the DBS&A web site and available on CD.



# **Taos Regional Water Plan**

**Taos, NM**

## **Summary of Meeting**

**December 5, 2006**

**Facilitated by:** Rosemary Romero

**Consultants Present:** Joanne Hilton

**Welcome and Introductions:** Rosemary Romero, facilitator of the Taos regional water planning effort, welcomed the steering committee to the regional water plan (RWP) meeting, held at the Taos Convention Center. Angela Schackel Bordegaray introduced herself as the new ISC planner, replacing Mary Helen Follingstad. Following introductions, the group reviewed the agenda. It was noted that several new people were in attendance from Taos County areas that had previously been under-represented.

**Schedule for review and finalizing the plan:** Joanne Hilton reported that the plan would be out for public review in mid- January and that the comment period would last 30 days from the point of dissemination. It is expected that the deadline for finalizing the plan will be March 31. It is also expected that the Public Welfare and Conservation statements will be included in the draft plan, providing opportunity for additional review of these statements during the comment period.

Support for the plan will be through resolutions from municipal and county governments, including the Town of Taos, Taos Ski Valley, Village of Questa, Town of Red River, and Taos County. The group pointed out that other entities such as the Taos Soil & Water Conservation District (SWCD), acéquia associations, and mutual domestic associations could also ask their boards to pass resolutions in support of the plan. Joanne gave participants a draft resolution as an example of what steering committee members could use with their respective organizations; the sample resolution can be amended as appropriate for each organization.

Tony Benson noted that the Taos SWCD would be doing a public presentation on maps and data included in the plan. This would be an opportunity to talk more about the future direction and implementation of the plan.

**Implementation of the Plan:** It was noted that when the steering committee was originally organized, it was composed of decision-makers and representatives from significant organizations or regions. However, as the planning process progressed, interest has been expressed by various individuals who regularly participated, and the steering committee has remained open to participation by people who had interest in and energy to devote to developing the plan. Therefore, the committee felt that, while the steering committee should consist primarily of decision-makers in order to effectively implement the plan, a concerted effort should be made to reach out to other stakeholders

who could also help to support implementation of the plan. Stakeholders who should be contacted include:

- Land grants
  - Sangre de Cristo
  - Taos
  - Questa (Esther Garcia and Aron Rael)
  - Cerro (Medardo Vigil and Ben Vigil)
- Pueblos
  - Picuris
  - Taos
- Western Rim Mutual Domestic Water Association
- Watershed Groups
  - Upper Rio Grande Watershed
  - Red River (Ron Gardiner)
  - Rio Pueblo (Rachel Conn)
  - Rio Costilla (Craig Conley from Quivira Coalition)
- Rio Colorado Reclamation Committee (Roberto Vigil)
- Acéquia associations (Paula Garcia, Miguel Santistevan)
- Neighborhood associations
  - Amalia Costilla
  - El Rito Ventero
  - Others
- UNM Taos

**Strategy implementation/strategy leaders:** The group brainstormed committee members and others who would be able to champion specific strategies as follows:

- ***Watershed Management:*** Ron Gardiner, Brian Shields, Greg Gustina (BLM), Greg Miller (USFS), Paul Martinez, watershed groups, Peter Vigil, Haydee Hampton (ERI)
- ***Water Quality Protection:*** Brian Shields, Simeon Herskovits, Paul Martinez, Ron Gervason, Yesca Sullivan, Scott Draney (NMDG&F), Delbert Trujillo (NMED), municipalities (Taos Ski Valley, Questa), Patrick Vigil (Town of Taos Public Works Department), Dan Rael (USFS), Sam DesGeorges (BLM), Ken McCallum
- ***Public Education:*** Butchie Denver, Trudy Healy, Steve Harris, Rudy Pacheco, Tony Benson, Albino Martinez, Sylvia Rains Dennis (UNM)
- ***Protection of Traditional Agriculture:*** Palemon Martinez, Tony Benson, Kay Matthews, Miguel Santistevan, Rudy Pacheco, Butchie Denver, Ernie Atencio, Peter Vigil, Paul Martinez, Medardo Vigil, Estevan Arellano

- ***Infrastructure Improvements:*** Mayors from the various municipalities, county commissioners, land grants, mutual domestics, Ted Martinez, Wilbert Archuleta, Peter Vigil, John Painter, neighborhood associations, unincorporated communities
- ***Keep Water Rights in the Region:*** Butchie Denver, Rudy Pacheco, John Painter, Simeon Herskovits, Kay Matthews, Medardo Vigil, Ben Vigil, Steve Harris, Mark Scheuller, Paul Martinez, Palemon Martinez.
- ***Growth Management:*** Ted Terry, Albino Martinez, Charlie Deans, Allen Vigil, Matt Foster, Nathan Sanchez, Butchie Denver, Western Environmental Law Center, Tomas Trujillo
- ***Measuring and Monitoring (new strategy):*** Tony Benson, Greg Miller, Greg Gustina, Paul Bauer (New Mexico Tech), Charlie Deans, possibly someone from USGS as a resource

Steering Committee members agreed that implementation will be critical and that Taos County should be the lead entity for all efforts including funding. The steering committee could also play a role in lobbying for implementation funding, especially from the legislature.

**Public Welfare Statement:** Simeon Herskovits reviewed with the group the most recent version of the Public Welfare Statement. He noted that it was not a “red-lined” version, pointing out that it would be difficult to read the document with all the changes, given that there were about 20 previous versions. Committee members had followed up with several of the Abeyta parties and generally felt there was agreement on the statement. Both the public welfare and conservation statements will be included in the draft regional water plan to be released in January.

**Next Meeting:** Another steering committee meeting will be scheduled after the plan is released (during the comment period).

**Taos Regional Water Plan  
Steering Committee Meeting  
Town of Taos Civic Center - Alcalde Room**

**June 14, 2007  
11 a.m. – 2 p.m.**

**Summary of Meeting**

**Welcome and Introductions:** Rosemary Romero, facilitator for the Taos Regional Water Plan (TRWP), welcomed committee members and asked everyone to introduce themselves.

**Background:** Allen Vigil, former planner for the Town of Taos and Taos County reminded the group that the Taos Regional Water Planning process started in 1993 with a preliminary public meeting at Taos County. Although the process did not lead to a regional plan it was the beginning of a process that laid the foundation for the current RWP. In 2003 the process was reintroduced with the Louis Berger Group. Daniel B. Stephens & Associates, Inc. (DBS&A) took over the planning effort in 2005. This final meeting with DBS&A will set the stage for how to move forward and work toward consensus among key stakeholders on the Regional Water Plan and the Public Welfare Statement.

**Summary of Comments on the Draft Taos Regional Water Plan:** Joanne Hilton, Senior Hydrologist and project director for the TRWP, gave an overview of the comments received through the comment period extended until the end of April and how the comments were incorporated into the water plan (the handout summarizing the comments that was provided at the meeting is attached). She noted that specific comments on the Public Welfare Statement (PWS) would be discussed in detail later in this meeting. She asked steering committee members to check with her after the meeting if they were interested in the detailed response to specific comments.

**Steering Committee Comments:** A question was raised regarding the change to water use projections in the Central subregion as suggested by the ISC. Joanne clarified that the draft plan showed projected increased agricultural uses in accordance with the Abeyta settlement as new uses; the ISC suggested that some of the water rights identified in the Abeyta settlement would be transferred from within the subregion and therefore the projected new uses would be less.

The Town of Taos questions if preserving water for agriculture makes sense from an economic development point of view. These concerns for economics can be noted, but the decision to include protection of traditional agriculture as a key plan strategy was made with Steering Committee consensus and public input, so the strategy will remain in the plan.

One participant noted that there is a misunderstanding about local agricultural water use and that much of the agriculture in the region is supplemental, which is a historical trend for northern New Mexico and different from the southern part of the state. Comments from the Town about water for agriculture need to be reconsidered, as it is not the same kind of agricultural use. Another participant asked about transferring water rights for the 'best use,' and how that is economically measured. Joanne noted that protection of water rights is one of the strategies in the plan and the Public Welfare Statement is focused on that issue as well as on protecting water for Taos County. Another participant noted that discussing the allocation of water based on best uses is not going to change the water plan currently as this is an issue that would need to be handled at the state level.

It was reported that the Interim Committee on Water and Natural Resources will be in Taos on August 28-29, 2007. This may be a time to start to work on an agenda for the next legislative session.

**Implementation Committee Members (handout attached):** At the previous steering committee meeting held in January, the committee developed a list of proposed committees and individuals to take the lead on implementation. Rosemary asked the committee to review the list and to sign up for one of the committees. Allen Vigil offered to take the lead to help organize the implementation committee and subcommittees. His number is 758-2667. Joanne noted that once the plan is completed it is up to the region to take it forward; these committees will 'drive the ship' for the region. Primarily the plan and projects are managed by Taos County, and with active commissioners such as Charlie Gonzales, there will be support for implementation.

Allen Vigil will lead the organization process and bring the sub-chairs together and push the process with support from Butchie Denver. Other important stakeholders include the Forest Service, BLM, and Game and Fish, and these agencies will be contacted for their involvement.

**Implementation Sub-Committees Chairs:**

- Watershed Management: Brian Shields
- Water Quality Protection: Ron Gervason, Taos Soil and Water Conservation District.
- Public Education: Sylvia Rains Dennis and Tony Benson
- Protection of Traditional Agriculture: Palemon Martinez
- Infrastructure Improvements: Wilbert Archuleta
- Keep Water Rights in the Region: Rudy Pacheco
- Growth Management: Ted Terry and Nathan Sanchez, Taos County
- Measuring and Monitoring: Tony Benson
- Administration: Butchie Denver

The Chairs of all sub-committees will keep the implementation of the plan progressing; the formal steering committee (need to touch base with Taos Mayor Bobby Duran and Taos County Commissioner Nick Jaramillo to see if they are still interested in being on this committee) and the informal sub-committees for implementation will work together at three different levels. Stakeholders who were not present at the meeting can contact one of the committee chairs if they are interested in participating in the implementation process.

**Public Welfare Statement (PWS) Overview (handout):** Simeon Herskovits from the PWS subcommittee gave an overview of the status of the Public Welfare Statement and ideas for moving forward. The following notes are from his discussion.

He noted that the Public Welfare Statement is a focus because it has generated concern from some key stakeholders. Simeon worked on the PWS with stakeholders throughout the region. The memo on the comments received on the PWS outlines the hostility about the PWS and Conservation Statement (CS). The PWS steering committee has gone through the comments submitted and is still working on revising the PWS and CS. This hasn't been completed yet because most of the comments contain criticism and complaints that reject the core substance of the PWS. The committee looked at these comments; some were repeat comments and others were legal critiques. The comments fall into two basic categories:

- PWS wasn't public and open or didn't include participation from stakeholders.
- PWS is in conflict with state law and the permitting process for water rights.

Most of the comments had marginal legal support and were based on a basic misunderstanding of the law and the PWS (what it does and how it works). Those comments can't be easily incorporated. The PWS committee drafted the PWS based on a public process/meeting and public input at public meetings. The draft was then circulated for at least 10 months and thus generated a great deal of public participation and input. Committee members folded all this input together in addition to reviewing PWSs from other regions. In addition, commentary on what a functional and meaningful PWS contained was also incorporated. There was nothing secretive or non-inclusive about the process; it was very transparent with repeated draft iterations of the PWS circulated and multiple comments incorporated. The resulting statement represents public opinion and broad stakeholder views for the regional water plan, though it was noted that several parties remain in strong opposition to the statement. In addition, the public welfare subcommittee does not feel that there is merit to the supposed legal defect of the PWS that was claimed by certain stakeholders.

The values that the public wanted protected through the PWS were stated and those criteria are listed; there is a process for addressing those criteria. The entire analysis of the process should be done in an informed manner going forward. There is some self-interest in promoting water transfers. Streamlined water transfers are not representative of how the public opinion/view wants to conduct water transfers. The majority would like more accountability than an inside simple decision. The comments should be supported by more legal documentation.

**Committee comments on PWS:** It is important to respect those that opposed the PWS and the dissented comments. We need to be careful about how we package the final plan for the ISC. The opposition should be packaged with the plan and the dissent documented. Water, water rights and water use is always controversial. It's good to document these controversies, because all this information will be built upon. State laws and policies will change due to this information. All arguments are valid from different perspectives.

Tanya Trujillo, ISC General Counsel, indicated that ISC has specific criteria for the acceptance process for all regional water plans. For Taos it is important to figure out how to complete this process and submit a Regional Water Plan that can be accepted. Legally there are differing opinions from varying representation. The problem here is to meet the ISC criteria, which includes having local governments accept and endorse the plan. This group needs to get the local governments (Town of Taos and Questa, Pueblo, TVAA) to accept and endorse. Questa has a problem with accepting the plan due to something heard from the Town of Taos.

A participant asked why the group wasn't provided with a list of those stakeholders who accept the plan and those who do not. The stakeholders would like a 'report card' showing who endorses and who denies in order to understand who supports the plan.

Tanya Trujillo, ISC General Counsel, noted that regional water plans do not remove any statutory authority from the State Engineer to approve or disapprove water transfers. There is no jurisdiction for the public to endorse a transfer or approve drilling wells and that won't change. The public welfare statement sets up a process for the region to provide local input on public welfare issues to the State Engineer; but the State Engineer will retain decision authority.

The steering committee confirmed that they used the guidelines provided by the ISC and have documented their public process for this regional water plan. However, one participant noted that they were not aware of the acceptance criteria check list. A participant added that the parties who don't endorse the plan are those involved in the Abeyta settlement and MolyCorps. Another participant asked if including a 'scorecard' and a summary of the entities would help with getting consensus and acceptance from ISC. The response to the scorecard of stakeholders' positions was that it might not be valuable because it draws a line in the community.

ISC State and Regional Water Planner, Angela Bordegaray, noted that the Taos Regional Water Plan is the 16th of 16 regional plans in the state to be completed and accepted by the State Engineer. The comment and review period had been extended to April 2007 in order to accommodate further participation and comments and get closer to finalizing this process. Certain things are necessary for this plan to go forward to ISC for approval by August, and ISC staff can help meet this goal. The intention of this meeting was to have the committee and stakeholders reconvene to address some of the stakeholder concerns.

Allen Vigil's participation in this process has been very helpful, and his participation forms a valuable thread to the community process and linking governments.

A member stated that this Regional Water Plan is very close to being finished; the documentation and public input are ready. Our challenge is trying to reach consensus. Is it possible to package and send the plan, with the disagreements documented, with the understanding that the region will continue to work on the committees to resolve the disagreements?

The ISC criteria for acceptance of a Regional Water Plan require that local governments endorse the plan. Next steps for this plan are to present to the ISC that there is regional endorsement of this plan. The disagreements can be included or noted in the plan submittal and the frame of the plan can include those dissents, but local governments need to endorse the plan.

A participant pointed out that there may never be consensus. The comments (targeted at PWS) from the Town of Taos were offensive and unjust. This committee has bent over backwards to address those objections. The plan has been changed where possible, and the steering committee has worked hard to address these concerns.

Another participant felt there was consensus on the plan, but not on the issues or how they are dealt with. Perhaps it will work to simply show consensus on the planning process and determine solutions to the issues and problems through the committees.

A comment from one of the parties from the Abeyta settlement noted that the steering committee should know that the Abeyta parties have moved towards writing legislation to the Federal government to bring money into the area. One of the real questions, from a legal perspective is whether the ISC would have trouble with the PWS. One side says it is contrary to law and one says it is not. The group was curious if they could solicit an opinion from an attorney general to avoid a lawsuit. Whether or not the recommendations in the plan conform to state law, alternative positions to the plan may not resolve the disputes.

The parties in the Abeyta settlement are not outsiders, they are major stakeholders and they represent those in the central part of the region.

In reference to the ISC's criteria for acceptance, a participant asked for a definition of local government. The response was that there is no formal definition but generally it is an organized group.

One participant asked about the level of importance that this regional water plan holds for the State Engineer and the rest of the state. The response was that regional water planning is a useful and meaningful exercise for the state, aiding the process of updating the state water plan. And it is problematic not to have a regional plan from each region.



Simeon Herskovits continued by reminding the group that the PWS committee is proposing an advisory review board that would simply serve as an advisor to the ISC regarding proposed water transfers. This board would not have any legal standing; it would simply serve as the constituent's representative voice for the state engineer making a recommendation on each proposal that would be submitted to the state engineer along with each application for a water rights transfer. The committee researched whether having a review board was within the parameters of the RWP framework and feels they have completed the process correctly and addressed the regulations.

One participant clarified that the Taos RWP is Taos County's plan and that the vast majority of the community is for this plan and the vast majority of community would object to the Abeyta settlement. Though there is opposition to this RWP that will fight against it, we have drafted a water plan. There is concern about the lack of consensus; however, trying to achieve consensus gives those in opposition veto power; the Town and Pueblo have the ability to wear down the plan so that they no longer have constraints of public opinion of transfer decisions.

One participant said that it is clear that one or two local governments are holding the planning process hostage, which diminishes the whole process. The PWS committee discovered that other communities are not satisfied with their PWS, and therefore it doesn't serve its intended purpose. Perhaps by including all the comments with the plan, those opposing will feel heard. The RWP process has involved many people, many meetings, and reached a collective of what people value in Taos County. The implementation of the plan includes that local government create an advisory role in the form of a committee that is not binding by law and doesn't control, overrule or undermine the state engineer's decisions on transfers; it simply provides a public opinion about proposed transfers and water use in the region. It informs the decision with locally grounded input that is required by state law on these decisions. It is important to determine exactly what the opposing entities are so against and resolve or clarify, but not to abandon the PWS.

One participant, who stated her position as a member of the Water Trust Board, brought up the important issue of getting funding for water projects. She stated that to qualify for those funds the RWP needs to be completed and submitted to the ISC. The Water Trust Board does not fund projects that are not in a regional water plan. Further, she stated: "Though the Town of Taos has previously received roughly 10 million dollars from the Water Trust Board, that funding won't continue without a RWP." In addition, the communities of New Mexico are looking to Taos as a leader for regional water planning, because its watershed feeds many of the other watersheds statewide. This lack of consensus will hurt the whole State Water Plan. The Water Trust Board is very influential, and without a regional water plan, there will be no money.

Another participant recalled that Taos received 29,000 acre-feet of San Juan-Chama water, but due to some misinformation, politics and jealousies, that water was lost. In addition, it seems that everybody wants our water. If the free marketplace controlled water, they would sell off our water at our expense. We need our water, and if we let

what we have go, where will we get more? We need to continue to educate and inform people, and continue this RWP process forward.

It is important to identify exactly who at the Town of Taos does not want this plan. Then we should formalize and package a presentation to the Town to continue to be transparent and inclusive. This process needs to continue in an effort to communicate with the Town, the Pueblo, El Prado, and TVAA. There are substantive issues with the plan and the Abeyta players, but there is a process in place to take care of some of the problems that will arise and be addressed in the future. This is process driven and it is not up to ISC to solve our problems on water transfers; we need to keep working on getting local government endorsement.

In reference to the objections from the Town of Taos to the RWP, the steering committee clarified that they had a representative from the Town at every planning meeting. In addition the committee delivered a letter on May 13, 2007 to the Town addressing their comments; 45 days later the Town responded with comments. The PWS committee is requesting a meeting with the Town of Taos to address their comments and concerns about the Plan and the PWS. They suggested that Allen Vigil chair the committee and help communicate with the Town, and Allen agreed that such a meeting is necessary to move this forward.

Another participant commented that meetings with the El Prado Water Sanitation District Board of Directors, the Realtors Association, Questa and MolyCorps are also necessary to clarify misunderstandings and move this process forward. It is important that the committee present the plan and the PWS in such a way that shows they are seeking consensus on the process to resolve the issues and that this process will facilitate continued dialogue.

It was noted that there are still some changes to the PWS that need to be completed and once that is done we can schedule those meetings. In addition, further effort needs to be made to reach the Town of Taos and the other parties of the Abeyta settlement. ISC staff committed to staying involved in the remaining efforts to reach consensus and submit this RWP.

Other participants voiced the need to put a time frame on this process so it won't linger. There was strong support of having Allen Vigil lead the process to bring in new blood in addition to having ISC staff more closely involved to help the two sides approach the subject differently. The idea of having a workshop with Town Council was suggested to create a forum for further dialogue.

Joanne Hilton pointed out that it is best not to go to ISC with people lobbying for and against this plan. Rather, it is important to send a solid RWP that holds regional resolution. It is best to wait until the PWS is revised and submitted with the whole plan.

All participants agreed that it is necessary to have meetings with the Realtors, Acequias, Town, Molycorps, Pueblo, and Questa, and to invite those parties with a formal letter

requesting a meeting to present the changes. Some participants offered to submit letters of support from their organizations or boards to demonstrate the broad level of support for the plan in the community. A representative from Taos County offered to help be a liaison with the Town to help clarify the conflicts with the Plan and PWS and work on resolving them. There is a joint Town and County meeting once a month where this issue could be on the agenda. One participant expressed the need to do more public outreach because there are still many people who don't know about the RWP or the PWS.

A comment from another participant emphasized that all parties involved take their positions very seriously. Everyone is taking time to get this done and every avenue should be explored to complete the process correctly. All parties owe it to their constituents to reach out to each other to finalize this plan. The planning process is a small obstacle; the real challenge will come in implementation of this plan and making sure it works.

Another participant involved in the Abeyta case pointed out that it took a lot of work to reach consensus on that settlement, but they finally reached an agreement. Further, it is important to put that work in now and submit a good RWP than to spend the next 20 years in litigation. We have to present something that will work for everyone, with compromise in play. There is more opposition to this RWP and the PWS than is currently known; additionally everyone on the Abeyta case supports protecting Taos County's water. The main contingency is with the PWS. In addition, he noted that a presentation of the RWP and the revised PWS to the Water Board is welcomed.

It was suggested to call these meetings with the intention of presenting the changes to the PWS and to use a one-page bulleted summary of the most important issues that all parties can work from.

Meeting announcement: June 18, 2007, 6:30 p.m., Council Chambers Public forums with Rudy Perea (planner) and Bobby Duran (Mayor of Taos).

## **Summary of Comments on the *Draft Taos Regional Water Plan***

The following summary briefly describes comments received on the *Draft Taos Regional Water Plan* and how they were addressed. This summary does not include a discussion of or response to comments received on the public welfare portion of the draft plan. Comments regarding the public welfare statement were received from Amigos Bravos, Cerro San Cristobol Ranch, El Prado Water and Sanitation District, Molycorp, the Taos County Association of Realtors, Taos Pueblo, the Taos Valley Acéquia Association, and the Town of Taos.

### *Allen Vigil*

- Editorial comments on executive summary, bibliography, and maps.

*Response:* Comments addressed.

### *Amigos Bravos*

- Support formation of a water quality steering committee to monitor water quality impacts.
- Editorial comments regarding water quality standards.
- Discuss point source pollution.
- Mention potential environmental impacts of infrastructure projects.
- In watershed management alternative, mention negative impacts of off-road vehicle use.

*Response:* Comments addressed.

### *Bureau of Land Management*

- Note that fishing and other instream flow uses are traditional uses in the region.
- Add discussion of Wild and Scenic Rivers Act to the legal section.
- Include instream flow uses in water demand and water budget sections.
- Note that using San Juan-Chama water to offset Taos depletions leaves the potential for lower flows in the Taos region.
- Suggested additions to watershed management discussion.
- Minor editorial comments.
- Long-term climate trends appear to be unfavorable to regional water budgets.

*Response:*

- Will add a general discussion of instream flow in the region, but quantitative estimates of instream flow needs were outside the scope of work.
- Future studies to evaluate instream flow needs will be added to recommendations table (Table 8-7).
- Added a description of the Wild and Scenic Rivers Act.
- Suggestions regarding watershed management and minor editorial comments addressed.
- Regional water budgets left intact, but uncertainty due to potential climate change noted in the text.

### *Interstate Stream Commission*

- Clarification comments on legal section.
- Suggestions for reorganization.
- Minor technical, editorial and clarification comments in legal section, in legal overview appendix, on geologic cross sections, in groundwater section, and in water demand section.
- Reduce projected irrigation demands in the Central subregion.

*Response:* Comments addressed except for reorganization comments (organization had been discussed earlier with subcommittees).

### *Molycorp*

- Recommendation for water quality steering committee is outside the scope of the water plan.
- Concerned that portions of the Water Rights Protection strategy would affect ability to transfer water.
- Editorial comments and clarification regarding storage capacity of Molycorp tailings dams and other information regarding Molycorp.

*Response:*

- Steering committee is just a possibility; whether it moves forward and in what capacity will be addressed in the implementation phase.
- Added a stronger statement regarding opposition to water rights protections in the political feasibility section.
- Editorial and clarification comments regarding Molycorp addressed.

### *New Mexico Department of Game and Fish*

- Concerned about population growth causing fragmentation of habitat; recommend that planners consult the Comprehensive Wildlife Conservation Strategy prepared by the Department of Game and Fish.

*Response:* Discussion of the Comprehensive Wildlife Conservation Strategy added to the Growth Management strategy.

### *Taos Pueblo*

- Vision “to protect Taos regional water for Taos citizens” implies that Taos Pueblo rights can be controlled by others.
- Plan fails to take into account Draft Settlement Agreement.
- Taos Pueblo boundaries are incorrect.
- In general have serious concerns about the plan.

*Response*

- Additional statement clarifying respect for sovereignty of Taos Pueblo added.
- Settlement agreement was discussed in the draft plan and was used as the basis for water demand projections in the Central subregion.
- Taos Pueblo boundaries on figures were based on available BLM coverage. Will correct them if better information is provided.

*Taos Soil and Water Conservation District*

- Editorial comments on the executive summary and portions of the text.
- Technical comments (clarifications and additional detail on hydrogeology).
- Recommendations for additional data needs.
- Recommended edits to watershed management strategy.

*Response:* Comments addressed.

*Town of Taos*

- Need to discuss deep well drilling.
- Corrections to Town of Taos production data.
- Projections for future irrigated water use are not realistic.
- Clarifications/revised discussion regarding financial feasibility of agriculture.
- Town is listed as potential partner in recommendations table (Table 8-7), but didn't participate in strategy development.

*Response*

- Have requested deep well data; will include if made available.
- Will add deep well project to the recommendations table (Table 8-7).
- Will correct production data based on better information, if available.
- Water use projections were developed to reflect a range of possibilities and include assumptions and uncertainties that were reviewed with the technical subcommittee.
- Will address clarifications/revised discussion regarding financial feasibility of agriculture.
- Will clarify that Town may not want to participate in strategy implementation.

*Village of Questa*

- Highlight concerns regarding infrastructure and water quality impacts from septic and mining.
- Note that Questa is already reviewing water quality issues, so a water quality review committee in that area may not be needed.
- Note that costs and difficulties with funding make implementation of infrastructure, improved wastewater collection, and other issues difficult.

*Response:* Comments addressed.

## **Taos Regional Water Plan**

### **Draft List of Implementation Committee Members**

A preliminary list of implementation committee members developed at the December steering committee meeting follows.

***Watershed Management:*** Ron Gardiner, Brian Shields, Greg Gustina (BLM), Greg Miller (USFS), Paul Martinez, watershed groups, Peter Vigil, Haydee Hampton (ERI)

***Water Quality Protection:*** Brian Shields, Simeon Herskovits, Paul Martinez, Ron Gervason, Yesca Sullivan, Scott Draney (NMDG&F), Delbert Trujillo (NMED), municipalities (Taos Ski Valley, Questa), Patrick Vigil (Town of Taos Public Works Department), Dan Rael (USFS), Sam DesGeorges (BLM), Ken McCallum

***Public Education:*** Butchie Denver, Trudy Healy, Steve Harris, Rudy Pacheco, Tony Benson, Albino Martinez, Sylvia Rains Dennis (UNM)

***Protection of Traditional Agriculture:*** Palemon Martinez, Tony Benson, Kay Matthews, Miguel Santistevan, Rudy Pacheco, Butchie Denver, Ernie Atencio, Peter Vigil, Paul Martinez, Medardo Vigil, Estevan Arellano

***Infrastructure Improvements:*** Mayors from the various municipalities, county commissioners, land grants, mutual domestics, Ted Martinez, Wilbert Archuleta, Peter Vigil, John Painter, neighborhood associations, unincorporated communities

***Keep Water Rights in the Region:*** Butchie Denver, Rudy Pacheco, John Painter, Simeon Herskovits, Kay Matthews, Medardo Vigil, Ben Vigil, Steve Harris, Mark Scheuller, Paul Martinez, Palemon Martinez.

***Growth Management:*** Ted Terry, Albino Martinez, Charlie Deans, Allen Vigil, Matt Foster, Nathan Sanchez, Butchie Denver, Western Environmental Law Center, Tomas Trujillo

***Measuring and Monitoring (new strategy):*** Tony Benson, Greg Miller, Greg Gustina, Paul Bauer (New Mexico Tech), Charlie Deans, possibly someone from USGS as a resource [Ron Gardiner subsequently added to the committee]

***Administration:*** Butchie Denver

Stakeholders not identified above are also welcome to participate in one or more of the committees by contacting one of the committee participants listed above.

***Note:*** Italicized/underlined names indicate chairpersons identified at the June 14 meeting.

**Public Welfare Statement  
Mediation Group Notes**



**Taos Regional Water Plan  
Detailed Notes: Public Welfare/Conservation Statement Discussion**

January 17, 2008

**Attendees (others came in after the meeting started):**

Philip Crump – Mediator/Facilitator	Sammy -TC- Attorney
Rosemary Romero – “; TRWP facilitator last 3 yrs.	Paul Wells OSE
John Painter – Board El Prado	Greg Ridgely - OSE
Jim Brockman	Chris Shaw
Steve Harris – RG Restoration	Greg Ridgely
Allen Vigil	Jay Lazarus
Darren Cordova	Tanya Trujillo
Fred Waltz	DL Sanders
Palemon Martinez	Mayor M. Rael
Fabi Romero	Marcus Rael
Simeon Herskovitz	Thomas Benavidez
Neal Thielke	Brian F. Egolf
Brian Shields	Comm. Jaramillo
Charlie Gonzales – TCC	Comm. Dan Barrone

GF and Angela B – Thanks to attendants

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RR: We are here today to resolve the issues with the TRWP. Presentations to ground us in the discussions necessary to resolve the issues with the PWS. Representation, decision making process, issue resolution, utilize resource people, keep public informed.

Charlie – Need to look at PWS to find the things people don’t like about it so we can get those resolved and tackle the core issues.

Paul Wells: OSE Water Rights – Transfer Process – change and point of diversion, and point use. As resources become tight, transferring is one way to accommodate supply issues. Transfer application is submitted and reviewed. Acequia transfers must first be approved from the acequia assoc.

Legal notice must publish the application once a week for 3 wks.

Language for how to abrev or challenge the application, they can file if they think they will be impaired or feel the transfer is against PW of the region or state. Deadline for procuring process and hearing process.

OSE will review to see if transfer would be detrimental to existing water rights, or public welfare of the state.

Statutue provides that the issues are looked at from a state wide perspective.

Steve: are their guidelines for presenting issues with a transfer,

Paul: its looked at from a state wide perspective – thus far transfers within the state have not

Permits can be issued for partial approval of the request.

Only solution to posting the applications is to put on the website and in the legal notices, by statute needs to be in the legal notice.

PWS can designate additional communication of the application for a transfer.

Cordova – ultimate goal is to have that mechanism to be sure the public has notice, need an additional place so there is more communication about what is happening.

Allen: Would OSE object to increasing the public notice, go beyond the legal notice, by advertising in paper, or other types of notice. Is that legal?

Paul: some application have been discussed beforehand,

Greg: OSE need to comply with state law. Challenge is if local group wants to do something more, then it's a question of local vs. state authority, a local body can not require additional processes. A local group based on local authorities cannot impose additional requirements for the process.

Palemon: Good step is that the local Acequia commission approves, is a step in the right direction.

Simeon: Look at whether the state law trumps local authority or laws.  
Distinction between more stringent requirements, but that may not be the same as just increasing the communication of the application.

Cordova: intent is to inform the public of water transfers, intent is to advise the public and then they have the right to file an appeal.

Fabby: how do we inform the public without it creating another mechanism in the application process. How do we achieve that without creating another layer of beurocracy.

Charlie: its an edu committee that informs the constituents in the communities.

Jay: water quality control commission – advertisement that is not in the legals, that helps get the notice out to the public.

RR: ISC requirements vs. other examples of how to inform the community. We are just trying to get grounded in the parameters of the OSE requirements.  
All this discussion is outside the RWP process.

DL Sanders:  
OSE asked DL to help resolve the problems. I see some problems with the plan. Not a RWP if you have too many people that don't hold water rights involved. Public Welfare is not regional from out perspective, it is a state issue. How the regions fit into that weighs into how the state engineer looks at an application.  
With respect to the acceptance criteria, he didn't see local government endorsement of the Public Welfare Statement or otherwise, so you need plan must have local government endorsement. You have Taos County, but the other local government entities don't agree.....and you need to resolve the interregional conflicts.  
Why would the ISC accept a plan when these two criteria are not met? You need to present a list of the interregional issues.....and attach that to the plan. Proper process is not to create separate entities.....looking at the guide book, each region defines their PW as a unified notion. You need to object an application to OSE based on certain criteria as a protestant, not as a government agency.

Allen: Are there elements of the plan that would be considered by the St.Eng.....  
There are criteria that are set by OSE and there are criteria that are set locally, in terms of PW.

RR: Public Welfare statement is part of the plan – which is what folks really didn't agree with.....people felt the technical portions of the plan are solid.

DL: Water Rights, evaluates what is efficient and beneficial use of water.....and public welfare. Need to get objections

DL: NM adopted prior appropriation doctrine.....to facilitate econ development in the west, the purpose is to allow water to be developed for econ development.....many competing interest. Facilitate the use of water from one location to another.  
Lack of econ development and lack of jobs, if you are not going to allow water for econ development.  
If you don't want water to move for econ development.....however \$\$ comes from the econ development, to help with .....

Simeon: Nothing in the RWP has power or process to govern the transfer process, it is only a mechanism for the residents to voice their opinion about the impacts of the application. It is clear that the regions would offer what their set of criteria are for PW to the State.  
Its fine for individuals to protest a application.

A protestant can argue what the PW considerations are to an application, but a County cannot protest to the PW considerations.

DL: If the county wants to protest as a protestant its fine, but to require a new step.  
PW changes for each entity because the responsibilities of other stakeholders are different. You have to bring the governments in to see.....

Cordova: PWS issue of concern to DL or OSE, that the committee would give a recommendation that they would want to protest the application.....it should be in the form of a protest. The current PWS is making a recommendation about a transfer, they should simply file a protest after discussion with the transferring party.

Simeon: PWS is designed to bring the local governments on board on this process. Problems you have are addressed, they you wouldn't reject the plan.

DL: I want to understand what you are proposing to better understand what and how you want this process to do or work; if you have local government endorsement.

Tanya: ISC is looking for a consensus from the region.

Simeon: if only one or two government entities not on board, is that defeat the plan.

Tanya: No hard and fast rule, but there needs to be a sufficient majority.....

DL: the guidelines say that all regional issues should be resolved at the time of presenting the plan to ISC.

RR: You all need to define what consensus really looks like. Draft a report that states the status of the issues, and the points of consensus.

Steve: the guidelines say 'interregional' conflicts, meaning neighboring regions.

Allen: difficult to involve the pueblo

Tanya: we don't find fault when the pueblos are not involved, when you have made an effort to include the tribes. At the ISC meeting Blain asked about the participation of the Taos Pueblo.

RR: in J&S, the pueblos observed and were kept informed of the process, but as a sovereign tribes (not nation).

Neal: Problem with the concepts of consensus, is that if there are hidden agendas, then they have veto power, and therefore certain elements will get scuttled.

RR: We are going to strive for consensus, because this is your plan.

Palemon: Tribes are tuff, but we finally have an agreement. Sometimes you need to flinch the consensus when its too contentious. Stakeholder involvement is the most important part.

Cordova: we need to strive, and if we continue to work we will get there, this is our plan, and we are passionate about that.. we are close, need to massage the language and define the criteria for PW.

RR: On decision making process, we need to create solutions, not just say you don't agree with something.

Charlie: Are we in agreement that we all agree on the actual plan, but the disagreement lays with the PWS.

DL: Need to modify the PWS so that it supports the plan.

As far as water rights owners, do you have those owners in support of this plan.

Simeon: all kinds of water rights owners have been included and endorsed the plan.

RR: there have been 2 engineering firms and the steering committee was a representative group, and went beyond the water rights holders to the constituencies of the region. Decision makers were not just water rights holders, it included a diverse group of individuals, that could implement the plan. Including BLM, FS, G&F, peeling the onion of representation was broad. 3 year process, it grew beyond the water rights holders.

DL: I understand it was outside of water rights holders, are those entities involved, there is a difference between local government.

Fabi: Everyone who lives in the region is a stakeholder, we have a community of active acequia associations, water boards, etc. many people (ordinary) were not aware of the process. When it came time to set up this board they didn't know about the committee or what the purpose of the committee would be.....there were notices in the paper. But that is not how you involve people. Instead an ad that states this is how you may or maynot get to use your water.

DL: hard to get everyone involve and create a perception that everyone was included, it is always challenging to get them to the table. Whether by design or not it was not the intention to leave anyone out, once you figure out who hasn't been at the table, you have to get them there now.

RR: We need get back to now, to resolve the issues.

Allen: Decision makers, my understanding is that Taos County the only decision maker, based on the jurisdiction. Who are the decision makers?

RR: Representation is key, people who are resource people, who are the stakeholders and utilizing resource people to add information to make the best decision.

Allen: at the end of the day, who is the responsible agency.

Neal: it wasn't in the parameters of the contractor for full page ads.....people don't get special invitations to this process.

RR: but we need to make sure that those people that don't feel included, become included.

Fred: this water plan involves the domestic wells, and I don't think that those people understand that.....dom. Well owners have a stake.

Angela: The ISC sent the plan back b/c its not complete. I invite you to raise the issue of what you do and don't have with the plan. We also need to know that it is only PWS.

Taos County is the fiscal agent, the responsible party is all of you, not one agency or ISC.

J&S has been implemented by all the stakeholders involved.

This is your process today, you are responsible as the informant of the process at this point.

Simeon: Of the people that have responded to participation, and at the June meeting we have started a plan for implementation. Ground work was layed for the implementation of the plan.

-BREAK-

Phillip: We won't resolve all the issues today, but let's work on some of that today.

RR: We have the plan and the public welfare statement. Are we clear about what we are here to resolve. Are there aspects of the technical plan that need to be resolved? Or are the issues only with the PWS.

Jay: Is there specific language in the plan that addresses how much water is there for future use, both ground and surface.

Palemon: There are over 30 reports and studies about the water in Taos County, we need to recompile those and have a library of that information, we need a place to reference maps and reports.

RR: need a one stop shop for all the water info in Taos County, where it is kept is another issue.

Palemon: Surface and ground water model for Taos County are there, and perhaps they need to be available.

Jay: I want to make sure there is a number in the report about the amount of future water resources available to Taos Region.

Fabi: Does the report state where the water is being used and how much.

RR: Yes, the information is there, the region needs to decide how to use the water that is there.

Steve: I am uncomfortable of the low degree of planning stuff, what each large stakeholders need and use what. Is ISC satisfied with the technical information about water use that the plan conveys? – AB – Yes.

Moving on, let's talk about the Mediation Process:

Representation: Who are the representatives on the team? We need to define stakeholders, because we are not reaching out to the whole community for the negotiation, we need representatives of all the constituents.

Fabby: An officer from every acequia assoc and domestic water assoc.

Fred: People who took time to write objections to the ISC, and those that have objections and feel left out.

Simeon: Obvious starting point, is everyone who has stated any objection, need to be included, they are the ones that generated this process. This is clear. If Fabi is talking about getting every single acequia office and dom. water assoc will make the process too big. However there are some reps of acequias and domestic Water that object to the PWS, should be included.

Phillip: we are talking about representation and total participation. In order to bring the interests of the groups to the table.

Fred: TVAA represents 55 acequias, and they are represented. But there are other acequias that may need to be included, but they haven't opposed the plan.

RR: Implementers – role to take the plan into implementation- we need to talk about

Cordova; Each entity should have a representative and an alternate so that we can keep the process manageable.

John P: we need continuity, so need to get commitment from representatives to always make the meetings.

Fabi: what about a representative from each precinct?

RR: we need to keep this manageable, and we need to keep the group functional

We need a representative from each municipality involved.

We are looking for broad criteria about who will be included in the negotiating process.

Phillip: to make sure that all the issues from each group are represented at the table. But it is not about who specifically are at the table, as long as everyone interests are represented at the table.

RR: There is facilitation of a large public process, we are not there! We are negotiating the smaller piece. In the mediation, who is empowered to make the decisions. Get the decision makers to the table.

Charlie: Next meeting should be in Taos County, time frame needs to be established. Acequias that are not involved, need to be contacted, but we need to focus on the stage of mediation we are in currently. Need to move on.

Simeon: likes idea of notifying the groups or municipalities and getting right representations.

Fred: Taos County could take on the voice for the domestic well owners, to be represented.

Sam: Talking about revising the PWS and disseminate to all the entities to work from, we need a uniform document.

Simeon: that revision was emailed to committee members yesterday, the draft attempts to address some of the concerns that have been raised repeatedly. Then it should be emailed to all other parties for approval.

Allen: let's make a list, and then we will have an idea of who is on the list and if they meet the criteria. This may give an idea for timeframe, as well.

Phillip: nothing precludes other meetings with communities with the representative, to make sure their voices are represented. Or we can conduct meetings in a fish bowl type meeting with an orderly conduct of gaining a voice.

**The List of Representation:**

El Prado – Jim Brockmann and John Painter, Telesfor

River Restoration: Steve Harris

Taos County – Steering Committee - Allen Vigil – history

Town of Taos – Elected official, Jay Lazarus, Thomas, Cncl Struck

TVA – Fred Waltz and Palemon Martinez

Taos Valley Mutual Domestics - Marry Humphrey, Pam Brown, Denny Mondragon

Taos County: Sammy, Com. Jaramillo, Romero, Duran, Barrone, Gonzales

Village of Questa: Mayor Rael, and attny Rael,

Acequias Questa: Ester Garcia

Village of Taos Ski Valley: Bruce Kelly, Barbara Wiard

Red River: Mayor Calhoun, Russell Church

El Valle de los Ranchos Water and Sanitation District: Sarah Bachas, Gabrielle Romero

Chevron Oil: Anne Wagner

Taos Pueblo: Nelson Cordova, Gil, New Governor

Picuris Pueblo: Craig Quinchello

Taos Soil and Water Conservation District: Tony Benson, Steve Trujillo, Peter Vigil

Penasco Valley: Neal Thielke and Kay Mathews

Simeon Herskovits

Brian Shields

Rudy Pacheco

**Resource People:**

Joanne Hilton

Rod Gardiner

Jim Brockman: We need to look at the issues that need to be resolved before we look at the PWS document, so that we can more effectively revised the document.

RR: You will submit your issues to Rosemary and Phillip to work with.....Phillip offers to send a template for how to list your issues. Then they will compile those to group the similar concerns and we can then address those concerns at the meeting. Then the decision group will make the decisions about those issues. Based on the representation of the decision group.

Phillip: we do still need to define consensus, it may be that it means that your peace is heard and I can live this decision.

The starting point is murky, is the latest version of the document the right place to start?

The issue is that in the past we have to respond to a document when there are bigger issues to resolve before looking at the statement, broader than line by line issues.

Simeon: The big issues have been put on the table, and this document is only in response to those concerns. Some of sticking point have been attempted to be resolved.

RR: Committees put together did there work and the PWS committee did derive a document from that, but at this point the decision group need to use the PWS document as a starting point to work out the big issues at this point.

Phillip: We are to make sure that the big issues are on the table.

Commissioner Jaramillo: we need some variation to the group decision process, so that people do have some time to respond, so a timeframe is important. Ask community to respond in a timely matter.

John Painter: OK, let's work with the new PWS and work from there.

RR: We need to work on a time frame, so people will respond when there is a deadline. When there is interest you will show up.

Jay: Let's look at the most recent draft to work from, for first meeting let's talk about what the issues are, but more on the big picture, encourage everybody to be open to new thoughts and ideas and new formats to how to approach.

RR: End date is March 30 to submit to ISC in April.

NO Dates:

Jan. 29-30, 28-30, 22-23

Feb. 3-4, 8, 18-19, 1-15, 20-22

Mar. 21-26, 3-4

4 hour blocks of time.

Jay: suggests that as the meetings get longer as we close in on finalizing.

Phillip Crump:

[phcrump@newmexico.com](mailto:phcrump@newmexico.com)

989-8558

## Taos Regional Water Plan

Public Welfare/Conservation Statements Resolution Meeting  
Chart Notes: Thursday 17 January 2008

**THE LIST** (people and constituent groups to be represented at the resolution meetings; see below for criteria and process of resolution):

EL PRADO	Jim Brockman alternate—Telesfor Gonzales	John Painter
RIVER RESTORATION	Steve Harris	
TAOS COUNTY	Allen Vigil (Steering Committee Representative) Public Welfare Subcommittee members	
TOWN OF TAOS	Darren Cordova Meliton Struck	Tomás Benavidez Jay Lazarus
TAOS COUNTY	Comm. Gonzales Comm. Jaramillo Sammy Pacheco, Attorney	Comm. Romero Comm. Dan Barrone
TAOS VALLEY ACEQIA ASSOCIATION	Palemón Martinez Fred Waltz	
TAOS VALLEY MDWCA +12 systems	Mary Humphrey alternate—Benny Mondragon	Ham Brown
VILLAGE OF QUESTA	Mayor Malaquias Rael Commissioners	Marcos Rael
QUESTA ACEQUIAS	Ester Garcia	
TAOS SKI VALLEY	Bruce Kelly, Attorney	Barbara Wiard
RED RIVER	Mayor Linda Calhoun	Russell Church
EL VALLE DE LOS RANCHOS WATER & SANITATION DISTRICT	Sara Bachas	Gabe Romero
CHEVRON MINING	Ann Wagner	
TAOS PUEBLO	Nelson Cordova	Gil Suazo
PICURIS PUEBLO	Craig Quinchello	
PEÑASCO VALLEY	Neil Thielke	Kay Matthews
TRWP PUBLIC WELFARE SUBCOMMITTEE CONSERVATION ORG'S	Simeon Herskovits Rudy ("Manuel") Pacheco	Brian Shields



## **RESOURCE PEOPLE**

Joanne Hilton, DBS&A    Ron Gardiner

Facilitation Team keeps central information:

Rosemary Romero [romero.rosemary@gmail.com](mailto:romero.rosemary@gmail.com) 505-982-9805

Philip Crump [phcrump@newmexico.com](mailto:phcrump@newmexico.com) 505-989-8558

## **MEETING DISCUSSION (\*\* comment or suggestion):**

Meeting participants are asked to focus on the Mediation process, with grounding discussions; the goal is to move toward final decisions that are acceptable for all stakeholders.

### 1. Background presentations

Applications for Water Transfers require (in simple form)

Approval from the affected Acequia Association(s)

Legal notice

Application filed

Any protests filed within 10 days; Hearing follows

Hearing examiners consider the most effective use of the water

The application/approval system is to allow development with movement of water from one use to another

Public Welfare is a State issue, not just regional

Acceptance criteria for a plan must be met:

Local government endorsement

Resolution of previously unresolved regional conflicts

We are setting local criteria

There are currently no guidelines for conservation review; Public Welfare issues have not come up at the State level

Partial approval is possible

Protestants (not a governmental entity, except as protestant) can argue with regard to Public Welfare criteria

Public notice is only through the website, with Legal notice in the paper

The goal is notice on behalf of the constituents

\*\* This is something that could be addressed more effectively

Q: Will OSE take exception to additional notification by local parties? Is there a conflict of law?

A: OSE must comply with State law regarding notification; a local body cannot mandate or require additional notification. Distinguish: more stringent requirements vs. more notification. The intent is to advise and inform constituents, with local criteria for notice.

An application is provided to local agencies for informational purposes only. It is part of an educational process.

\*\*The Water Quality Control Commission will support additional notice.

A goal is to be clear within the communication network

ISC is looking for consensus in the Plan and Statements

Q: “Unresolved conflicts” refer to regional conflicts, not local?

Consensus only works when solution is the common goal;

What are the issues? What are the potential solutions? (This is our only planet...)

Q: How are Native entities treated—sovereign? equal? observer? [At some meetings, they preferred to be informed observers]

Stakeholder involvement is the most important part of the process

The Steering Committee went beyond Water Rights holders to involve a larger constituency and implementation group

Every person in the region is a “stakeholder”

Many people were unaware of the Plan process and therefore there was outcry when the Plan was presented

It is a constant challenge to be inclusive; What is the process for inclusion?

Taos County is the Fiscal Agent only and the only contracted decision-maker

The County can let people know this Plan affects Domestic Wells

Q: Is there any technical objection to the Plan—any issues regarding the technical elements of the Plan?

I am dissatisfied with the lack of specific detail in parts of the Plan

\*\*Taos County is not responsible for implementing the Plan

\*\*Ultimately, each person is responsible for self-informing

Q: Is there enough water for future uses?

\*\*Recompile the library of all water reports and water information in Taos County and the region, in an accessible location (there is/should be a set of binders with the Town of Taos)

Representation at the PWS resolution meetings:

Representatives from Acequia Associations and Domestic Water Associations

Those who wrote objections or felt left out

Those responsible for implementation

Other interested parties—Post public notices in the area

Who has not been contacted?

Keep it manageable—representatives and alternates of the stakeholder entities

Caution—keep continuity through alternates

Be able to address issues

Participants should be empowered to make decisions on behalf of their constituents;

Can the County speak for Domestic Well owners?

Q: Utilize a revised PWS that incorporates and addresses previous issues and concerns?

\*\* It was decided to use a revised Statement as the basis for discussion]

Work on one version that everyone has read prior to the meeting

Bring issues to the first meeting—no wordsmithing

Create a format for bringing (Big Picture) issues forward for consideration [Resolution Team]

The process calls for a timeline--and commitment from everyone

Q: Schedule—Complete by the end of March [Resolution Team will circulate potential dates for meetings

Meeting format includes:

Representative participants who are making decisions, with a time limit

There may be subgroups working on specific or special issues

May use “fishbowl” format, with observers arrayed around the decision-makers

Public observers, who are informed through public notices and neighborhood meetings (these are the responsibility of the local interested groups)

# TAOS REGIONAL WATER PLAN PUBLIC WELFARE STATEMENT

## Vision and Values

*Agua es Vida – Water is Life*

***Siete Partidas, Leys 3: “Las cosas que son de todas – son l’agre, sol, uvia, agua y el mar.”***

"The things which belong in common to all the living creatures of the world are the air, sun, rain, water, the sea, and its shores; for every living creature may use them according to his wants."

### **I. INTRODUCTION:**

Water is one of the most fundamental natural resources sustaining the communities and environment of the Taos Region.

The Taos Region is an area of unparalleled natural beauty and cultural wealth. The integrity of our surface water and groundwater resources is inextricably interwoven with the continued health of our natural environment and the viability of our traditional communities.

The traditional cultures of the Taos Region have revered water as the lifeblood of their communities. The Taos Region’s traditional communities established effective systems of community governance and management of water. These systems evolved to protect the long-term sustainability of local water resources, and they reflect the centrality of those water resources in maintaining the social fabric of local communities. Water was, and to some extent continues to be, viewed as a community resource, belonging to the community, for the people, for the land, for the animals. From our earliest communities subsequent inhabitants of the Taos Region have inherited this ethic of respecting our local natural resource base and of cultivating truly sustainable communities by living within the limits of our natural water supply.

Thus, the Taos Region has a long history of managing water as a shared community resource and living within the means of the local naturally occurring water supply, while providing good quality water for domestic, agricultural, municipal, and industrial uses and preserving healthy watershed conditions and wildlife habitat to a high degree. This tradition of managing water in a manner that is harmonious with nature and designed to sustain the long-term viability of local communities represents a central element of the Taos Region’s heritage. This tradition stands alongside the more recent legal practice of treating the right to use water beneficially as a private property right that came into play following the United States’ conquest of New Mexico in the mid-nineteenth century.

Today this backdrop of traditional wisdom offers valuable guidance for the governance of water resources in the Region and the State.

Notwithstanding the wisdom of historical water management in the Taos Region, the Region’s residents are concerned that growth pressures from outside and within the Taos Region could create problems in terms of diminished surface water flows, lowered water tables, and/or degraded water quality.

To the extent that it is consistent with their authority, all local governmental entities and political subdivisions in the Taos Region should seek to maximize the Public Welfare in water by adopting and enforcing land use, zoning, and other local measures that tend to

prevent the creation of additional problems with surface and ground water resources in the Region.

This Public Welfare Statement is intended to be a living document that reflects the wishes of the public in the Taos Region. Further, it is intended to be reviewed and revised as changing circumstances warrant.

## **II. DEFINITION OF THE PUBLIC WELFARE:**

### **A. Scope:**

The following criteria, which define the Public Welfare within the Taos Region, should be considered by the State Engineer in assessing whether granting an application is detrimental to the Public Welfare of the state, or is contrary to conservation of water within the state.

### **B. Individual Criteria of the Public Welfare:**

#### **1. Cultural Protection:**

The residents of the Taos Region's multicultural communities have always had a deep cultural and spiritual connection with the local waters around which their communities were first organized and in relation to which these communities have developed their distinctive social and cultural fabric.

Our cultural heritage is one of the Taos Region's and the State's greatest assets. The diversity and mutual enrichment of the Region's Native American, Hispanic, and other cultures have been nurtured over centuries and millennia by the Region's scarce water resources.

The Taos Region's cultural wealth and diversity, especially its acequia-based communities, have made it a magnet for people from around the United States and the world. As such, they are an essential component of the Region's and State's economic and social vitality. Thus, the Region's communities recognize the importance of protecting their water resources.

In order to sustain and enhance this cultural wealth, local water resources must be maintained in terms of local water quality and available water supply sufficient to support the local communities and enable them to grow over the long term.

#### **2. Agrarian Character:**

The traditional agrarian character of the Region's land and communities continues to be a vital part of the Taos Region's social and cultural fabric. Traditional land based communities keep water connected to the land and within the local watershed. Subsistence and pastoral agriculture have provided local sustainability for many years. Small scale farming and ranching continue to be a vital part of the local culture and economy, providing income and sustenance for many residents of the Region. Local agriculture provides food security for some of the most impoverished communities in the region.

In order to maintain this local agrarian character, residents of the Region have a strong policy preference for maintaining the connection between land and water for agricultural uses. Acequias have existed in the Taos Region for hundreds of years; they are part of the historical environment, and contribute to its local sustainability.

### **3. Ecological Health: Vitality of Watersheds and Ecosystems:**

The natural environment of the Taos Region, particularly the health of the Region's watersheds, is central to the physical, cultural, and spiritual health of local residents.

The watersheds of the Sangre de Cristo Mountains are the primary source of water for the Taos Water Planning Region. As such, they are the underpinning of the diversity of living things and the quality of the environment in the Taos Region and neighboring regions. The residents of the Taos Region have repeatedly affirmed that protecting and enhancing the long-term health and sustainability of these watersheds and the ecosystems they support is essential to the Public Welfare of the region.

In addition, the health of the Region's watersheds and aquifers allows them to perform vital ecological services that sustain the human communities as well as the flora and fauna of the Region. Vital ecological services provided by our healthy watersheds include: a clean and sustainable water supply; flood, drought and fire mitigation; ecosystem maintenance; and the provision of wildlife and fish habitat. Acequias also are a vital part of the Taos Region's landscape and watersheds that contribute to the Region's ecological health.

### **4. Long-Term Community and Economic Development Potential:**

The Taos Region has grown rapidly over the past few decades and clearly is on a path towards continued growth, in terms of both residential and commercial development. The protection and development of sustainable local water supplies through comprehensive water resource planning to support the Region's likely long-term growth and economic development, including increased residential, commercial, municipal, and industrial use, is essential to the Region's continued vitality.

### **5. Recreational Tourism:**

The stunning beauty of the Taos Region has long played a major role in the physical, cultural, and spiritual life of people residing in the Region's communities, and in making the Taos Region a destination for tourists. Recreational tourism that depends on adequate quantities and quality of water is a major, growing component of the Region's economy. Visitors from around the United States and the world flock to the Taos Region for such outdoor pursuits as skiing, snowshoeing, whitewater rafting, kayaking, fishing, birding, hiking, and hunting.

The Region's continued ability to attract and support these activities is vital to ensuring that the Region has an economically and socially healthy future. These recreational opportunities are directly dependent on the protection of our local waters, both in terms of quality and quantity.

### **6. Public Information and Educational Outreach:**

The water resources of the Taos Region bind the individual communities within the Region together and sustain them all. The viability of all communities in the Region depends on our limited, interconnected local waters.

The ability of local communities within the Taos Region to gather, share, and analyze geologic, hydrologic and water rights information on which they depend is critical to our communities' ability to use and protect those waters effectively. Thus, the gathering and dissemination of high quality information about the capacity and condition of local water resources within the Region would significantly enhance the Public Welfare of the Region.

To achieve that goal, local and state entities are encouraged to work together to obtain, share and disseminate comprehensive reproducible data concerning all water resources in the Taos Region.

## **7. Conservation:**

The Taos Region recognizes that water is a precious and limited resource. The Taos Region realizes that in a fully appropriated system that water conservation and reuse may be one of the few alternative sources of supply.

It is imperative that we conserve the resource by implementing Best Management Practices (BMPs), to reduce water waste. Furthermore, the Taos Region acknowledges the importance of conservation when managing and administering water supplies.

## **8. Water Supply Management:**

The Taos Region acknowledges that water supply management depends on conservation while maintaining a sustainable balance between recharge to aquifers, available supplies and groundwater withdrawals.

The Taos Region recognizes the importance of sustainable surface water supply management. Maintaining streams and watercourses is important to the region, as well as downstream users. Likewise, maintaining and restoring watersheds is important to sustaining community water supplies.

Because of the interconnection between streams and their underlying aquifers, the Taos Region supports comprehensive monitoring and managing of both surface and ground water to maintain the balance of uses from both sources (conjunctive management).

To enhance its water supply management, the Taos Region continues to support hydrologic studies, aquifer mapping, and a comprehensive system of monitoring and measurement.

## **9. Minimizing Water Contamination:**

The contamination of surface water and groundwater resources has been documented and is a matter of considerable concern in the Taos Region.

Higher water quality in the Region promotes health, safety and the public welfare. Improvements to water quality in the Region will promote the Public Welfare.

**Taos Regional Water Plan**  
**Town of Taos**  
**Alcalde Room – Convention Center**  
**Friday, March 7, 2008**

**Summary of Session**

**Facilitated by:** Rosemary Romero and Philip Crump

Background and Issue

January 15, 2008 – Meeting held in Santa Fe to decide how to move forward to resolve issues specific to the Public Welfare/Conservation statements in order to submit the Taos Regional Water Plan for acceptance with the New Mexico Interstate Stream Commission (ISC) in early 2008. The group agreed to complete the mediated sessions by the end of March 2008 in order to be prepared for the 2009 state legislative session.

The group decided to use a “fishbowl” format with representatives from each of the designated decision-making bodies including:

- Taos County
- Town of Taos
- Town of Red River
- Village of Taos Ski Valley
- Village of Questa
- Taos Valley Acequia Association
- El Valle Mutual Domestic
- El Prado Mutual Domestic Water & Sanitation
- Taos Soil and Water Conservation District

Observers were welcome to attend.

February 6, 2008 – Letter and invitation to participants further outlining the process

February 15, 2008

Phase I – meeting with decision-makers (noted above) to clarify the process and reach agreement on the Public Welfare/Conservation Statements.

March 7, 2008

Phase II – meeting with decision-makers to discuss implementation of the Public Welfare/Conservation statements discussed and agreed upon at the February 15 meeting;



Discussions about next steps including resolutions in support of the entire plan in preparation for the April ISC meeting.

(To Be Determined by the region) Phase III – This phase will include a larger number of stakeholders that will lead to an implementation strategy for the entire plan.

**Implementation Resolution timeline:**

Decision-makers offered the following schedule for their councils, commission or boards to pass resolutions in support of the Public Welfare/Conservation Statements and support for the Regional Water Plan.

Taos County – March 25

Town of Taos – completed [insert date(s) and descriptions of what was passed]

Village of Questa – March 25

Village of Taos Ski Valley – March 11

Town of Red River – completed [insert date (s) and descriptions of what was passed]

Taos Valley Acequia Association– March 12

Taos Soil and Water Conservation District – March 25

El Prado – completed [insert date (s) and descriptions of what was passed]

El Valle – completed [insert date (s) and descriptions of what was passed]

The group agreed to submit the plan for approval to ISC for the April meeting. Resolutions passed will be added to the packet. All materials will need to be finalized by March and in the ISC packets by April 15. Joanne Hilton from Daniel B. Stephens & Associates, Inc., consultant hydrologist for the Taos plan, will send the section that discusses the public welfare and conservation statement (i.e., Section 2) to decision-makers in “track changes” mode for review.

The group agreed to develop a complete plan for implementation that includes a funding proposal for the NM legislature by July of 2008.

**The following was reached by consensus on March 7, 2008**

**Public Welfare & Conservation Statement Implementation outline**

**Local Civic Participation** - In the regional water planning process many residents of the Taos region emphasized the strong value of ensuring that the criteria contained in the public welfare statement are applied at a local and regional level.

The region’s public welfare will be best safeguarded by encouraging local awareness and civic participation in decisions affecting the region’s waters.

To satisfy this widely held value, local governmental entities and political subdivisions in the region will implement processes for informing themselves and the public about water resources and transfers in the Region.

**Provide full information and education to local Public** - Each local governmental entity and political subdivision will obtain its own expertise on matters related to water issues. Each local governmental entity and political subdivision may have its own strategies of implementing water planning and public welfare. Each entity can take its own approach to meeting its own needs; “we would like to see collaboration among them in harmony with the region’s goals.”

**Educational/informational repository** - Specific makeup of Repository and funding to be discussed at first Annual Meeting; collect all available relevant technical information, planning documents and reports. Taos Soil and Water Conservation District will consider becoming the repository for information. (To be further discussed).

**Provide/publish website links to New Mexico Office of State Engineer (OSE), New Mexico Environment Department (NMED), etc. on local websites**

**Annual water users/stakeholders meeting, in July\*\***—all water users and stakeholders, including all local governmental entities and political subdivisions (goals and objectives for following year; accomplishments in previous year, etc.)

The first meeting will be held prior to the next Legislative session (July 2008). The group agreed to support a request for funds to develop a Repository and provide direction and input to Legislative delegation.

### **100- year planning horizon.**

PWCS is a living document. Furthermore, the Region recognizes that growth and changing water needs may call for revised Public Welfare, Conservation and Implementation strategies; such changes must be based upon opportunities for public participation and input and a consideration of all values regarding water uses. This is not a formal ISC process; it is up to the localities to develop ordinances and regulations for implementation.

## **LEGISLATIVE OVERVIEW**

Ron Gardiner, liaison to state legislative representatives gave an overview of types of funding that the legislature considered for 2008. He noted that the majority of funding requests were specific to water projects and were not prioritized. He further reported that each year there are more requests for funding with less money available. He asked the group to think carefully about both strategic requests and reaching consensus on priorities to be submitted to the legislature.

An Implementation plan will allow for clearer requests and the collective requests for support will position Taos County for appropriations by giving the delegation clearer direction. It was acknowledged that each entity must decide on its own funding

strategy/sources thus creating local competition, but as a group requesting dollars for water plan implementation will be further ahead than many regions.

### **Overview of Agreements Reached on March 7, 2008**

- PWCS approved as developed on February 15, 2008.
- Additional language will be added at a later date.
- A proposed agenda for first Annual Meeting is noted below.
- Resolutions for governing bodies, based on documented final version of Plan with PWCS as agreed upon as of March 7, 2008. Joanne Hilton will send a sample resolution.
- The group is moving forward to meet the ISC deadline on April 25, with packet completed by April 15.
- Regional Water Plan implementation strategies have been previously included in the Plan.
- Town of Taos offered to organize and host the first meeting with other Decision makers.

## **\*\*PROPOSED ANNUAL PUBLIC MEETING TEMPLATE**

(One-day meeting publicized well in advance)

1 hr—Develop structure of meetings

2 hrs—Introductions, review goals & achievements, Legislative requests;  
[attendees include all water users/owners and stakeholders, including all local  
governmental entities and political subdivisions]  
Presentations and decisions by Principals

2 hrs—Round table discussions on water issues:

Legislative funding

Conservation measures

Watershed presentations and issues

Water Quality presentations and issues

Additional topics from attendees

### **LUNCH AND OPEN DISCUSSION**

1 hr—List of transfers in previous year (approved and pending)

2 hrs—Regional Water Plan update/revisions—process for changes