

**Appendix H**  
**Supporting Information for**  
**Strategies Analyses**

**Appendix H1**  
**Acéquia Bylaws**  
**Template**

**ACEQUIA DE LA COMUNIDAD  
BYLAWS**

**Preamble:** Water is the lifeblood of our communities. The parciantes of Acequia de la Comunidad believe that water should be protected as a community resource so that future generations can grow food and can have a healthy and secure source of water for needs within the community. We seek to promote agriculture by preventing the severance of water rights from irrigated land. If changes in historic uses of water become necessary, those decisions should be made through a cultural and spiritual connection to our community and through our own process of self-governance so that those decisions can be made for the common good. We honor the ancient customs and traditions embodied in our acequia and seek to govern our acequia to continue the connection between our land, water and culture in perpetuity.

**Article 1. Purpose and Membership**

\*Section 1: Purpose Statement

The purpose of Acequia de la Comunidad is to 1) promote the agricultural uses of water on the lands served by the acequia, 2) promote the efficient and beneficial use of water, 3) sustain customs and traditions of providing water to parciantes in a manner that is fair and equitable, 4) protect and defend the rights and interests of the Acequia and the parciantes, and 5) maintain the infrastructure and easements of the acequia.

\*Section 2: Compliance with New Mexico Law

The management and operation of Acequia de la Comunidad, a political subdivision of the State of New Mexico, shall be in compliance with the laws of the State of New Mexico and the customs of the Acequia.

Section 3: Description

*Option 1.* [If your Acequia is in an adjudicated stream basin, use the description from those files.]

*Option 2.* [If no legal description is available, then give a general description that includes your point of diversion (where you divert from the river).]

\*Section 4: Membership – Parciantes

The members or parciantes of Acequia de la Comunidad are those persons who own irrigated farmland with water rights from the acequia.

**Article 2. Officers**

\*Section 1: Types of Officers

The officers of Acequia de la Comunidad shall consist of three Commissioners and one Mayordomo, each of whom shall be a member of the Acequia, as defined in Article 1. The Commissioners shall consist of a Chairman, Secretary, and a Treasurer.

\*Section 2: Duties of Officers *(These may vary by acequia.)*

- a. Chairman: Responsibilities of the Chairman will be to direct the activities of the Acequia jointly with the other commissioners and call and preside at all Acequia meetings. In the event the

*It is generally a good idea to list many purposes rather than just one.*

*Acequias are local governmental entities, or "political subdivisions," under New Mexico law. (Section 73-2-28)*

*This description need not be highly detailed. The county, stream and approximate point of diversion should be enough. Avoid using information like names of property owners, which will change. The priority date and number of acres is unnecessary, especially if not adjudicated.*

*State statutes do not define "member" or "parciante" but this language is consistent with state law (Sections 73-2-14 and 73-3-3) which provides that only those who own water rights and are not delinquent in payments are eligible to vote.*

*The officer titles appear in Sections 73-2-12 and 73-3-1. Even for acequias with few members, it is recommended that each position be filled by a different individual, if possible.*

*See Sections 73-2-31 and 73-3-4 for duties of*

Chairman is unable to preside at a meeting, he will appoint one of the other Commissioners to preside over the meeting.

- b. Secretary: The Secretary is responsible for keeping complete and accurate records, minutes of meetings, reading the minutes of the previous meeting and assisting the other Commissioners in running the business affairs of the Acequia.
- c. Treasurer: The Treasurer shall be responsible for management of the finances of the Acequia including the following:
  - 1. Send notices to parciantes for billing of and collection of assessments and fines.
  - 2. Maintain accurate records for each parciante including assessments due, hours worked and fines due in coordination with the Mayordomo.
  - 3. Make payments for labor and materials as necessary.
  - 4. In coordination with the Mayordomo, prepare an annual financial report to be presented to the membership.
- d. Mayordomo: The Mayordomo shall work under the direct supervision of the Commissioners. His or her responsibilities shall be as follows:
  - 1. Coordinate and supervise all work on the Acequia including the annual Spring cleaning, day-to-day maintenance, and emergency repairs.
  - 2. Distribute water to parciantes in a manner that is equitable and is consistent with the customs of the Acequia.
  - 3. Collect delinquencies from parciantes as reported to him by the Treasurer.
  - 4. Supervise the Acequia to ensure that delinquent parciantes do not take water illegally. The Mayordomo has full authority to shut the individual headgate along the banks of the Acequia of those parciantes who are delinquent and to secure the headgates by any available means.

*officers under state law.*

\*Section 3: Vacancy of Mayordomo

In the event of a vacancy in the office of Mayordomo, the Commissioners shall appoint a Mayordomo to hold office for the remainder of the term or until his successor is elected at a meeting of the membership.

\*Section 4: Vacancy of Commissioners

In the event of a vacancy in the office of Commissioner, the remaining Commissioners shall appoint a Commissioner to hold office for the remainder of the term or until his successor is elected at a meeting of the membership. If there are two vacancies for Commissioner, the remaining Commissioner shall convene a special meeting of the membership to fill the vacancies for the remainder of the term of office.

\*Section 5: Meetings of Commissioners

Special meetings of the Commission may be called by the Chairman. Two Commissioners shall constitute a quorum for such meetings. Notice shall be posted in a public place three (3) days prior to a meeting.

*For most acequias, which don't have regular Commissioner meetings, the purpose of a Commissioner meeting might be to approve a contract or to respond to a disaster. Because of the need to respond quickly to these types of situations, and because Commissioners acting alone have less power than the membership (for example, they can't amend bylaws), the notice requirements for Commissioner meetings are less strict than those for membership meetings. See attached "Open Meetings Act Resolution" for more on meeting notice requirements.*

\*Section 6: Compensation of Officers

Compensation of the Mayordomo shall be determined by a majority of the membership.

**Article 3. Meetings of Membership**

\*Section 1: Annual Membership Meeting

The Annual Membership Meeting shall be held at least every odd numbered year on

*Option 1:* the first Monday of December or as soon as practicable thereafter. (where 73-2-12 applies, a.k.a. "Article 2 Acequias").

*Option 2:* the first Monday of October or as soon as practicable thereafter. (where 73-3-1 applies, a.k.a. "Article 3 Acequias").

\*Section 2: Notice of Annual Membership Meetings

Notice shall be provided to each parciante by mail to the addresses as recorded in the records of the Acequia and posted in a public place ten days in advance of the meeting. Notice of the meeting shall include the agenda or information about where to obtain a copy of the agenda.

\*Section 3: Purpose of Annual Membership Meetings

At each Annual Meeting, the Secretary shall present the minutes from the previous Annual Meeting. The Mayordomo shall report on the management and operations of the acequia and the Treasurer shall provide a financial report.

Section 4: Location of Annual Membership Meeting

The annual meeting shall be held at a public place in the county in which the Acequia is located.

\*Section 5: Quorum of Membership

A quorum for conducting any business shall be [insert percentage] of [the membership/total number of water rights] except as otherwise provided in this section. A quorum, once established for that particular meeting, shall remain in effect to transact all business set on the agenda even though members shall voluntarily leave the meeting.

*Optional:* In the event that a quorum is not established at a meeting duly called, those assembled shall recess for a period of not more than [insert number of days] days wherein the meeting shall resume at the time and place specified at the call of the recess and all business listed on the agenda shall be transacted whether or not the prescribed number of members are present.

\*Section 6: Special Membership Meetings

Special meetings of the Acequia may be called by the Commissioners or upon written petition to the Commission Chairman signed by [insert percentage figure] of the members. Notice for special meetings shall be the same as for annual meetings.

**Article 4. Elections and Voting**

\*Section 1: Election of Officers

The Commissioners and Mayordomo shall be elected at the Annual Meeting on odd numbered years by a vote of membership. The elections shall be conducted

*Section 73-2-18 and 73-3-2 provide that compensation is determined by a majority of the membership.*

*State law provides for the date of electing officers. (Sections 73-2-12, 73-2-15, and 73-3-1.) The statute provides that these meetings take place on odd numbered years but many acequias meet annually.*

*In addition to the notice provision in the acequia's bylaws, the Open Meetings Act requires an acequia to determine annually what constitutes "reasonable notice" for its meetings. (Section 10-15-1.) See attached "Open Meetings Act Resolution" for more on meeting notice requirements.*

*The quorum percentage is up to each acequia. It is a good idea to set the percentage based on your experience with meeting attendance. An acequia may want to weigh the benefits of being able to conduct business with a smaller percentage of the membership present, on the one hand, with the cost of making decisions without a larger number of the parciantes present.*

*Sections 73-2-12 and 73-3-1 provide the requirements for elections to be held on odd-numbered years.*

by the outgoing Commissioners.

**\*Section 2: Voting Rights of Parciantes**

Only those members who are not delinquent in the payment of their assessments nor who have defaulted on their work assignments will be in good standing and shall be allowed to vote. Voting may be done by written proxy. *Insert the language that applies to your Acequia:*

- Option 1:* Each member shall have one vote.
- Option 2:* Each water right has one vote.
- Option 3:* A member's vote shall be in proportion to his amount of water rights.
- Option 4:* A member's vote shall be in proportion to his amount of acreage having water rights.

**\*Section 3: Nomination of Officers**

*Option 1:* Nomination of officers may be made by any parciante. The nomination and voting for each office (Mayordomo, Chairman, Secretary, Treasurer) shall be conducted separately. The person receiving the highest number of votes cast for that office shall be declared the officer elected.

*Option 2:* Nomination of officers may be made by any parciante. The three Commissioners shall be elected at-large. At the end of the Annual Meeting in which the election is taking place, the three commissioners shall elect, from among themselves, a Chairman, Secretary, and Treasurer with each commissioner holding one position.

**\*Section 4: Terms of Office**

The elected officers shall assume their office not later than the first Monday following the month they are elected. The term of office for the Mayordomo and Commissioners is two years.

**Article 5. Management and Operations**

**Section 1: Allocation Between Neighboring Acequias**

As practiced traditionally, during times of emergency and/or drought, the Commission will represent the Acequia for the purpose of cooperating with the other acequias in the \_\_\_\_\_ (*name your valley or community*) which draw water from the \_\_\_\_\_ (*stream system*) in order to determine the most effective and equitable manner of allocating water in all of the acequias.

**Section 2: Spring Acequia Cleaning**

A community ditch cleaning involving all parciantes will take place during the Spring before the irrigation season on a date determined by the Mayordomo and Commissioners.

**Section 3: Allocation of Water Between Parciantes**

*Option 1:* The available water in the acequia shall be distributed as nearly as practicable in proportion to the lands with water rights owned by each member of the acequia. The Mayordomo shall be in charge of the distribution of the water to the members based on the general schedule established by the commissioners. The schedule may be adjusted depending on the availability of water by the mayordomo in consultation with the Commissioners.

*Sections 73-2-14 and 73-3-3 allow votes to be cast by written proxy, although voting in acequia elections is often done by the members present.*

*In 1998, the N.M. Supreme Court held in Wilson v. Denver that the various methods of acequia voting, such as those described here in Options 1-4, are all equally valid. You should choose the option that best describes your customary method of voting.*

*Some acequias elect commissioners for three-year staggered terms rather than one-year or two-year terms.*

*Such customary practice by acequias is also recognized in state law. (See Sections 73-2-47 and 72-9-2.)*

*Penalties for failing to contribute peones for the annual cleaning are discussed below.*

*Approaches to water distribution vary greatly by acequia. Some acequias give different priority to different types of uses, such as prioritizing vegetable gardens over pasture in times of drought. It is a good idea to describe practices such as these in your bylaws or document them in minutes of the acequia's meetings.*

*Option 2:* The available water in the acequia shall be distributed according to the [peon/derecho] system. The water allotment of one [peon/derecho] is determined by the size of irrigated land so that one allotment is based on [number of acres] per peon/derecho. *Example: One acequia may have one day of irrigation for every ten acres and that acequia may require one peon for every ten acres.*

**\*Section 4: Parciante Assessments**

*Option 1:* An annual assessment of [\$dollar amount] per acre will be assessed against all parciantes to help defray the cost of operating the Acequia.

*Option 2:* The Commissioners, immediately upon assuming office or as soon as practicable thereafter, shall determine the amount of money necessary for the ensuing year for the operation, maintenance, repair and improvement of the Acequia and for payment of the expenses of the acequia, including compensation of the officers, if any. The Commissioners shall then assess each member, in proportion to their acreage, the amount of labor and dues needed.

*Option 3:* The amount to be assessed per acre shall be determined by a vote of the membership after being presented the recommendation of the Commissioners and that amount will remain as the annual assessment until changed by a vote of the membership.

**Article 6. Rights and Obligations of Parciantes**

**Section 1: Maintenance of Headgates**

All members shall maintain their individual headgates in good condition and keep their ditch sections free of trash and other obstructions. Repairs and construction of headgates and other works should be completed before the start of the irrigation season.

**Section 2: Assessments**

All members shall pay assessments as required by the Commission. All monies assessed by the Acequia de la Comunidad are due upon receipt of the Treasurer's statement. These assessments become delinquent thirty (30) days following the date of receipt of the billing.

**Section 3: Participation in Acequia Cleaning**

All memberships shall contribute peones for the annual Spring cleaning or for emergency repairs as required by the Mayordomo.

**Section 4: Compliance with Bylaws**

All members shall abide by Acequia Bylaws, Rules and Regulations and shall comply with decisions adopted by the Commission for the common good.

**\*Section 5: Public Inspection of Acequia Records**

All records of proceedings by Commissioners and financial records of the Acequia shall always remain public property and shall be subject to inspection by any concerned person.

**Section 6: Copy of Bylaws**

Each parciante shall be provided with a copy of the current by-laws of the Acequia and amendments thereafter adopted. *Optional:* New members will be

*The definition of water rights in terms of length of time for irrigation varies greatly by acequia. Many acequias have different terms and different meanings for words like peon, tiempo, or derecho. Contact NMAA for sample bylaws for more example language.*

*In Option 1, the dollar amount of the assessment is adopted into the bylaws and remains the same until the bylaws are amended.*

*With Options 2 and 3, the dollar amount of the assessment is not specified in the bylaws and can be changed by either the Commission (Option 2) or the membership (Option 3) without having to amend the acequia's bylaws.*

*Section 73-2-26 gives the Mayordomo authority to file a court action to collect delinquent assessments.*

*If a parciante fails to provide labor or workers as required by the mayordomo, the mayordomo, after notifying the parciante, can collect a civil penalty in magistrate court. (Sections 73-2-25, 73-2-31, 73-3-5.)*

*State law defines commission records as open to public inspection. (See Sections 73-2-21 and 73-3-4.)*

briefed on the operation of the Acequia by one of the Commissioners or the Mayordomo.

Section 7: Name and Address in Acequia Records

Each parciante shall keep current on the records of the Commission of the Acequia the name(s) of the owner(s) of the property, the owner’s mailing address and the telephone number, and the exact amount of irrigated acreage or water rights claimed by the parciante.

**Article 7. Easements**

\*Section 1: Definition of Easement

Each parciante recognizes that the Acequia possesses a historical permanent easement for purposes of maintenance, operations, and improvements. No parciante may build within the easement or otherwise obstruct or limit access to this easement. The easement is described as follows:

*Option 1:* From the inner edge of each bank, a distance of [number] feet to each side of the acequia.

*Option 2:* The easement is as wide is as necessary for maintenance, use and improvements.

Section 2: Use of Easement

Each parciante agrees that it must be possible to walk the full length of the ditch along its banks. Therefore, if a fence or other obstruction crosses the ditch, there must be a gate or crossover.

Section 3: Access to Easement

Acequia de la Comunidad has the right to use the historic and customary points of access to the ditch across members’ property and other such points of access as may be necessary to afford convenient access to the ditch for maintenance, operations and improvements.

Section 4: Changes to Acequia

Any material changes to the Acequia, including any crossings, shall be approved in advance by the Commission.

**Article 8. Enforcement**

\*Section 1: Delinquencies

The Mayordomo has the authority to suspend the right to use the acequia and the water therein of a parciante who is delinquent in the payment of his or her assessment or fails to perform required work. This shall remain in effect until the assessments and fines are paid. The Mayordomo has the authority to collect delinquent assessments through appropriate legal action. Officers of the Acequia may file a civil action for the collection of any assessment, fine or penalty, which, after due notice to the member, the member has failed to pay.

\*Section 2: Illegal Use of Water or Acequia Interference

Any person who interferes with the acequia in any manner, takes water without permission of the Mayordomo or Commission shall be guilty of a misdemeanor and may be prosecuted in accordance with the laws of New Mexico.

\*Section 3: Violation of Easement Rights

Any person who interferes with the acequia easement or access to the easement

*Acequia easements are described in 73-2-5. State law does not define a set number of feet but states that the easement is as wide as necessary for maintenance, use and improvements.*

*Easement rights and right of access to the easement are at Sections 72-8-3 and 73-2-5.*

*An acequia may deny water to a delinquent parciante, (Sections 73-2-25 and 73-3-6) In addition, the Mayordomo has authority under state law to bring a civil action in district or magistrate court to collect delinquent assessments. (Section 73-2-26.) If the acequia prevails in court, the offending party must pay the acequia’s attorney fees. Anyone who continues to take water without paying assessments and attorney fees is required to pay a civil penalty of up to \$200.*

*Acequias have several remedies for these infractions, including criminal misdemeanor prosecution, obtaining an injunction, and a civil penalty of up to \$5000. (Section 73-2-64). The district attorney may assist the acequia.*

*The penalties for violation of easement rights are the same as those described in the previous paragraph. (Section 73-2-5)*



shall be guilty of a misdemeanor and may be prosecuted in accordance with the laws of New Mexico.

**Article 9. Water Transfers**

See Appendix A: Water Transfers

**Article 10. Water Banking**

See Appendix B: Water Banking

**Article 11. Amendments to Bylaws**

\*Section 1: Amendments to Bylaws

These bylaws may be enacted, amended, or modified by a [simple majority or 3/4 majority or specify percentage] vote of the [total membership or members present and voting] at any duly called meeting.

\*Section 2: Applicability of State Law

Where not otherwise covered by these bylaws, the requirements of state law shall be applicable. These bylaws are supplemental to any applicable provisions of state law.

\*Section 3: Severability Clause

If any part or application of these bylaws is held invalid, the remainder or its application to other situations or persons shall not be affected.

THE FORGOING BYLAWS WERE ADOPTED BY THE PARCIANTES OF THE ACEQUIA DE LA COMUNIDAD AT A MEETING DULY CALLED AND HELD ON (date).

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Treasurer

*See attached commentary on water transfers.*

*See attached commentary on water banking.*

*The appropriate number or percentage for modifying bylaws is up to each acequia, Some factors might be (1) its own experience with attendance, (2) what level of participation it feels there should be to amend the bylaws, and (3) how easy or difficult it feels it should be to change the bylaws.*

## **APPENDIX A: WATER TRANSFERS**

This Appendix contains three items:

1. Outline of Water Transfer Application Process
2. Water Transfer Bylaw
3. Water Transfer Application Form

### **Water Transfer Application Process**

Processing an application for a water right transfer should take place as follows:

1. Applicant submits a Water Right Transfer Application to each of the Commissioners of the Acequia by certified mail. See attached application form.
2. The Commission calls a special meeting within 90 days of receiving the application and provides notice in accordance with Article 9 (Water Transfers).
3. The agenda of the meeting should include the following items:
  - Call to Order
  - Presentation of Arguments in Favor of the Transfer
  - Presentation of Arguments Opposed to the Transfer
  - Vote by the Commission to Approve or Deny the Transfer (Note that this should be on the agenda even if the Commission intends to recess the meeting and vote on the transfer at the reconvened meeting.)
4. Before taking a vote on the Water Transfer Application, the Commissioners will recess for a period of no more than 30 days. At the reconvened meeting, the Commissioners will vote on the proposed water transfer and render a decision in writing explaining their decision. The written decision must be rendered within 120 days of the date of the submission of the Water Right Transfer Application by the applicant to the Commission.
5. The Commissioners of the Acequia will deliver their written decision to the applicant and to the State Engineer.

## Article 9. Water Transfers

### General

1. The members of Acequia de la Comunidad declare that a transfer of a water right served by the Acequia, or a transfer of a water right into the area served by the Acequia, may be detrimental to both the Acequia and its members. Therefore, any such proposed transfer by any person or entity must be formally approved by the Commissioners, using the procedure in this Article, prior to application for the transfer to the Office of the State Engineer. As used in this Article, “transfer” means a change in point of diversion, and/or place of use and/or purpose of use of a water right, including temporary transfers and water use leases.
2. Without formal consent of the Commissioners to such a transfer, any attempt to obtain approval of the transfer from the State Engineer, or any other effort to implement the transfer, is unlawful and void.
3. This Article is adopted under  
*Option 1: Section 73-2-21(E) NMSA 1978. (for Article 2 Acequias)*  
*Option 2: Section 73-3-4.1 NMSA 1978. (for Article 3 Acequias)*

### Approval Procedure

1. A request for approval of a transfer of a water right served by the Acequia or a transfer of a water right into the area served by the Acequia must be made by the owner of the water right in writing, delivered by certified mail to each Commissioner. It must be on a written form prepared by the Commissioners requiring any information about the proposed transfer.
2. Within 90 days of receipt of the written request, the Commissioners will hold a public meeting to allow members who support and oppose the request to be heard or submit additional information.

Notice of the meeting will be given in the same manner required for the Acequia’s annual meeting. In addition, notice will be given 1) by mail to the applicant at the address on the request form, and 2) by posting a notice of the request and meeting date, at least 10 days before the meeting, at a prominent public place near the site of the proposed change.

The conduct of the meeting, such as its location, length, and other matters will be decided by the Commissioners. The Commissioners will accept and consider any documents, written or oral statements, or arguments offered by the applicant or any Acequia member, as well as any information from individuals who may be presented by the applicant or any Acequia member. The applicant or any Acequia member may have an attorney or other representative present his or her information to the Commission in his or her place. The applicant or any Acequia member, or their representative, may respond to evidence or arguments offered at

*N.M. law allows acequias to safeguard against harm that may result from a proposed water transfer. An acequia **must adopt a rule or bylaw** such as this one in order to have this power.*

*“Transfer” is defined here in accordance with state law. A simple change in ownership of a water right is not a “transfer” and does not require approval.*

*Once an acequia adopts a bylaw, the State Engineer is prohibited from considering a transfer into or out of the acequia unless the transfer has first been approved by the acequia. (Section 72-5-24.1)*

*An application form is included in these materials or is available from NMAA.*

*The statute requires a written decision within 120 days of the written request. (Section 72-5-24.1(D)) The membership meeting must take place with enough time left to write a decision, so it is suggested that the meeting take place within 90 days of the request.*

*The Open Meetings Act requires “reasonable notice” in advance of the meeting.*

*Many of the requirements of this paragraph are to ensure that the applicant and the other parcientes are afforded constitutional “due process” before a decision is made affecting their interests.*

the meeting, directing such response to the Commission. The rules of civil procedure and the rules of evidence shall not apply to the meeting.

The Commissioners may ask any questions they believe may help in their decision. The Commission is not required, prior to recessing the meeting, to make any decisions or answer any questions on issues raised, before the final decision is announced publicly. The Commission may be represented by an attorney or other representative, and may be assisted in the conduct of the meeting by other such persons as it may designate. Except as provided in this section, only the applicant, other Acequia members and the Commissioners may speak at the meeting.

3. The request may be denied, in whole or in part, if the Commissioners find it would be detrimental to the Acequia or its members. The burden is on the applicant to prove that the proposed transfer will not have a detrimental impact. The Commission will base its decision on the presentations, documents and arguments made at the meeting; provided that the Commission may take notice of facts and circumstances generally known with respect to the Acequia and its operation. Approval requires a [unanimous/majority] vote of the Commissioners.
4. Following the presentation of the evidence or arguments at the meeting, the Commissioners will recess for a period of no longer than 30 days. Within 30 days of the recessed meeting, the Commissioners will reconvene at the date, time, and location announced prior to recessing. At the reconvened meeting, the Commissioners will approve or deny the request, in whole or in part, and render their decision in writing explaining the reasons for their decision. This will constitute a decision of the Acequia in compliance with the 120-day deadline set forth in Section 72-5-24.1 (D) NMSA 1978.

#### Appeal to Court

If the applicant or a member of the Acequia is aggrieved by the Commission's decision, he or she may appeal to the District Court under the provisions of

*Option 1:* Section 73-2-21(E) NMSA 1978. (for Article 2 Acequias)

*Option 2:* Section 73-3-4.1 NMSA 1978. (for Article 3 Acequias)

The appeal must be filed within 30 days of the Commissioners' written decision.

#### Arbitration (Optional)

1. Instead of an appeal to court, the applicant or a member of the Acequia aggrieved by the Commission's decision may submit the Commission's decision to binding arbitration. The request must be in writing, sent to each Commissioner by certified mail within 30 days of the Commission's decision on reconsideration. The Commission must agree to the request for the arbitration to proceed. The Commission must notify the person requesting arbitration whether it agrees to the request within 20 days of receipt of the request.

*The meeting can be run by the Commission in the same manner as a regular meeting of the acequia. It is not intended to be a trial-type proceeding.*

*Although the meeting is open to the public, the Commission has the right to limit who may present information and who may participate in discussion.*

*If the proposed transfer is denied, the written decision should clearly indicate how the transfer would be detrimental to the acequia and/or its parciantes. (Sections 72-2-21(E) and 73-3-4.1)*

*In order for there to be time to draft and present a decision, without having to go through the notice procedure for a second meeting, the Open Meetings Act allows a public body to "recess" a meeting and then "reconvene" the meeting at a later date to present its decision. The date, time and location for reconvening **must** be set and announced publicly prior to recessing the meeting.*

*The law provides for a limited right to appeal. An appeal does not involve a new hearing on the proposed transfer, but only whether the commissioners in making their decision acted "fraudulently, arbitrarily or capriciously, or...not in accordance with law."*

*Arbitration is an informal trial-type proceeding in which the correctness of the commission's decision is judged by an individual chosen by both sides. Arbitration can be less expensive for both the acequia and the dissatisfied party than an appeal to court. However, the acequia is not required to agree to arbitration in every case, nor is it required to accept the person suggested by the dissatisfied party as the arbitrator. Only*

2. The arbitrator must be a person experienced in acequia organization, governance and procedure and must be mutually agreed upon by the Commission and the aggrieved party. If agreement cannot be reached, the arbitration will not proceed.
3. The issue presented to the arbitrator will be solely whether the Commissioners' decision was fraudulent, arbitrary, capricious, or otherwise not in accordance with law. The arbitration will be conducted in a manner directed by the arbitrator, and must include a) the right of any party to be represented by an attorney, b) the right to present testimony or other evidence, c) the right to cross-examine witnesses and d) the opportunity to present written briefs or summaries at the end of the hearing. No formal record need be made and the formal rules of civil procedure and evidence will not apply. Fees will be paid equally by the Commission and the person or persons requesting arbitration. The arbitrator must provide a written explanation of the reasons for the decision. The result of the arbitration shall be final and binding.

*if agreement is reached on these matters does the arbitration go forward.*

*Just as with an appeal to court, the commission's decision can only be overturned in arbitration if it was "fraudulent, arbitrary or capricious, or not in accordance with law."*

**WATER RIGHT TRANSFER APPLICATION FORM**

*A copy of this form should be delivered by certified mail to each of the three commissioners of the acequia.*

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone No.: \_\_\_\_\_

Current point of diversion of water right: \_\_\_\_\_

Current place of use of water right: (If a Hydrographic Survey is available, provide map name, map number, and tract number. Otherwise, provide a legal description of the tract of land. Attach map.)

\_\_\_\_\_  
\_\_\_\_\_

Number of acres: \_\_\_\_\_

Number of acre-feet per year: \_\_\_\_\_

Current purpose of use of water right: \_\_\_\_\_

Proposed new point of diversion of water right: \_\_\_\_\_

Proposed new place of use of water right: \_\_\_\_\_

Proposed new purpose of use of water right: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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**FOR ACEQUIA USE ONLY**

Received by \_\_\_\_\_

Date \_\_\_\_\_

## APPENDIX B: WATER BANKING

This Appendix contains the Water Banking Bylaw and the Water Banking Deposit Form. An acequia can approve an Acequia Water Bank as a regulation of the Commissioners or as a bylaw amendment by a vote of the membership.

### Article 10. Water Banking

Acequia de la Comunidad hereby forms a Water Bank under its powers as a political subdivision of the State of New Mexico, and under Section 73-2-55.1 NMSA 1978 (2003).

Nothing in the formation of the Water Bank or its operation will affect the traditional and recognized lawful authority of the Acequia's Commissioners and Mayordomos. Issues of daily water use, periodic allocation, water issues between parciantes, and all other matters normally managed by the Acequia's officers will continue without change. Use of the Water Bank will not affect existing vested water rights, priority dates or any existing lawful use of water by parciantes. No action of the Water Bank will be considered an adjudication of any person's water rights.

#### Section 1: Purpose

The purpose of the Water Bank is to promote conservation and beneficial use of Acequia water through a locally managed system of temporarily reallocating water for beneficial use within the area served by the Acequia. The Water Bank will also allow water right owners who are temporarily not using some or all of their water rights to benefit by protecting those rights from loss for non-use.

#### Section 2: Protection from Loss for Non-Use

As provided in Section 73-2-55.1 NMSA (2003), water rights deposited in the Water Bank are not subject to loss for non-use during the time they are placed in the bank.

#### Section 3: Water Bank Procedures

##### a) Water Bank Record Keeping

The Commissioners may delegate to the Mayordomo or any officer of the Acequia the responsibility to maintain records on all Water Bank deposits, contact logs, and other information required to achieve the purposes of the Water Bank. These records shall be maintained permanently in the records of the Acequia.

##### b) Depositing Water Rights

Any person or entity owning a water right on the Acequia may submit a water right deposit to the Water Bank. A deposit is made by completing a deposit form prepared by the Acequia, and giving the form to the Water Bank's designated record keeper. The record keeper may require proof of ownership and extent of the water right being deposited. The record keeper will use the Map and Tract Number of the most recent Hydrographic Survey or, in the absence of that, the Acequia's traditional identification system to correctly identify the right being deposited. The

*In 2003, the N.M. Legislature passed a law allowing acequias to do a very limited and very specific type of water banking.*

*Under this new law, an acequia water bank is a tool for holding water rights that are owned by parciantes of the acequia and are temporarily not in use. Placing water rights in the water bank does not affect the legal status of the water right in terms of its ownership, etc.*

*Protection against loss of water rights for non-use is the key benefit of the water bank. If an adjudication (or a re-adjudication) occurs many years from now, the State may claim that a particular water right was lost because it was not in use for a period of time in the past. However, if the acequia can show the water right was in the bank during that period of time, the State's claim would fail and the water right would remain valid. This is why it is essential that all water bank records be kept permanently in the records of the acequia.*

deposit shall become effective upon signing of the deposit form by a Commissioner or by the Mayordomo.

A deposit will be for one year, renewable annually. At the end of the deposit period, the Acequia shall notify each depositor by written notice or otherwise that the depositor must contact the Acequia if the depositor desires to withdraw his or her water right from the Water Bank, and that if the depositor does not contact the Acequia to withdraw the water right from the Water Bank, the deposit will be deemed to be renewed for another year. Non-response by the depositor to the notice will be deemed to be consent to renewal of the deposit for another year, if the depositor does not otherwise communicate his or her intentions to the Acequia.

c) Water Right Reallocation

Temporary reallocation of water rights from the bank shall be done by the Mayordomo, provided that the Mayordomo will apply traditional, accepted methods of managing the reallocation and provided further that the reallocation must be done without change of purpose of use or point of diversion of the water rights, to augment shortfalls of available water for the existing places of use served by the Acequia. Such reallocations do not require Commission approval.

The water rights may also be reallocated in any other lawful manner which, in the judgment of the Commissioners, will benefit the Acequia, subject to all applicable procedures, rules and laws.

Reallocation of water rights on deposit in any particular year must occur in that year and may not accumulate or carry over to be reallocated in future years.

Section 4: Ditch Dues and Fees

Ditch dues or fees owed the Acequia by a water right owner who has deposited water rights in the Water Bank will continue to be paid by the water right owner.

*The parciante can “withdraw” the water right back to his or her own exclusive use any year by simply indicating so to the Commission.*

*In order to keep a complete paper trail, it is critical that the acequia maintain a log of all contact with the depositor of the water right and keep this information on file permanently in the acequia’s records.*

*This provision allows water rights in the water bank to simply be absorbed into the acequia’s regular rotation, as is the traditional method for reallocating water rights temporarily not in use. This is the most simple and recommended way to manage banked water rights.*

*If the Commission wishes to allow the banked water right to benefit a water user not on the acequia, it would be necessary to withdraw the water right from the water bank and apply for a water transfer.*

*Just as a parciante remains liable for acequia dues even if he or she does not irrigate for a year, a parciante with banked water rights is ordinarily responsible for acequia dues as the owner of the water right and a continuing member of the acequia. This is not legally required, however, so an acequia may choose to waive such fees or omit this section from its bylaws.*



**WATER BANK DEPOSIT FORM**

Water Right Owner: \_\_\_\_\_

Contact Person (If Different): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Acreage of water hereby deposited:  
\_\_\_\_\_

If a hydrographic survey is available, provide the map name, map number, and tract number:  
\_\_\_\_\_

Otherwise, please provide a description of the tract of land and a map if available:  
\_\_\_\_\_

Deposited for the year: \_\_\_\_\_

\_\_\_\_\_  
Signature of Depositor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Commissioner or Mayordomo

\_\_\_\_\_  
Date

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**FOR ACEQUIA USE ONLY  
CONTACT LOG**

For the Year \_\_\_\_\_

Contacted by: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_ Letter \_\_\_ Phone

Renewed \_\_\_\_\_ Not Renewed \_\_\_\_\_

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**WATER BANKING CONTACT LOG CONTINUED...**

Page \_\_\_\_\_

For the Year \_\_\_\_\_

Contacted by: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_ Letter \_\_\_ Phone

Renewed \_\_\_\_\_ Not Renewed \_\_\_\_\_

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For the Year \_\_\_\_\_

Contacted by: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_ Letter \_\_\_ Phone

Renewed \_\_\_\_\_ Not Renewed \_\_\_\_\_

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For the Year \_\_\_\_\_

Contacted by: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_ Letter \_\_\_ Phone

Renewed \_\_\_\_\_ Not Renewed \_\_\_\_\_

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For the Year \_\_\_\_\_

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Renewed \_\_\_\_\_ Not Renewed \_\_\_\_\_

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For the Year \_\_\_\_\_

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Renewed \_\_\_\_\_ Not Renewed \_\_\_\_\_

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Renewed \_\_\_\_\_ Not Renewed \_\_\_\_\_

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For the Year \_\_\_\_\_

Contacted by: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_ Letter \_\_\_ Phone

Renewed \_\_\_\_\_ Not Renewed \_\_\_\_\_

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## **Appendix H2**

### **Potential Watershed Restoration Projects**



Potential Projects Identified by Area WRAS Documents  
Page 1 of 20

Location	Water Quality Issues and Potential Impairments	Potential Restoration Needs and Projects	Key Stakeholders and Potential Partners
<i>Rio Don Fernando de Taos: Watershed-Wide Issue</i>			
Whole watershed	Increased solar insolation of the water surface and shallow channel reaches.	Cottonwood tree planting/stream restoration	USFS, NMED, State Forestry, Rio Don Fernando Watershed Group, Taos SWCD, Taos County, Quivira Coalition, other nonprofit organizations, private property owners.
	Increased erosion and sediment load due to recreation activities, ATV use on fire roads and trails.	Designate recreation areas and apply enforcement, re-route where there are erosion issues, stabilize eroded areas.	
	Highway maintenance and runoff. Steep slope, private driveway development.	Work with Taos County on moderation of salt us on roads in the winter. Channel project to feed runoff from roads away from the stream, into a leech filed or wetland. Use willow buffers on private property and between highway and river.	USFS, NMED, NM DOT, Taos County, neighborhood association, private property owners.
	Reduced base and peak stream discharge caused by drought conditions and overstocked forested areas, limiting the environmental potential of the aquatic and fishery habitat.	Wetland and meadow restoration to increase alluvial charge and ground water resources.	USFS, NMED, State Forestry, Rio Don Fernando Watershed group, Taos SWCD, Taos County, Quivira Coalition, other non profit organizations, private property owners.

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 CFRP = Collaborative Forest Restoration Program  
 COE = College of Engineering  
 EPA = Environmental Protection Agency  
 MMD = Mining & Minerals Division  
 MDGF= New Mexico Department of Game & Fish

NMED = New Mexico Environment Department  
 NOGs = Non-government organizations  
 NRCS = Natural Resources Conservation Service  
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 RMYC = Rocky Mountain Youth Corps  
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Potential Projects Identified by Area WRAS Documents  
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Location	Water Quality Issues and Potential Impairments	Potential Restoration Needs and Projects	Key Stakeholders and Potential Partners
<i>Upper Rio Don Fernando Watershed</i>			
Upper watershed above Valle Escondido	Grazing: There are 6 grazing allotments in the Taos Canyon Watershed (the Capulin, Flechado, Black Lakes, East Fernandez, Fernandez and Tienditas allotments), where grazing occurs between June 1 and September 30. There are several private landowners who also run cattle and horses on private land causing extreme impact on riparian zone resulting in sediment loading and unnecessary destruction of meadows and wetlands.	Enforcement of rest rotation or deferred rotation grazing management system.	USFS, NMED, State Forestry, Rio Don Fernando Watershed Group, Taos SWCD, Taos County, Quivira Coalition, other non profit organizations, private property owners.
Upper watershed	Fire threat: dense forest conditions and fuel loading causing high fire threat.	Forest thinning in WUI areas and high threat areas.	
	Dense forest conditions and limited management.	Continue thinning projects. Three large thinning projects in the watershed, South Shady Brook (85% complete), North Shady Brook (yet to begin), and La Jara (30 to 40% complete).	USFS, NMED, State Forestry, Rio Don Fernando Watershed Group, Taos SWCD, Taos County, Quivira Coalition, other nonprofit organizations, private property owners.

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Potential Projects Identified by Area WRAS Documents  
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Location	Water Quality Issues and Potential Impairments	Potential Restoration Needs and Projects	Key Stakeholders and Potential Partners
Upper watershed (cont.)	Septic tank pollution: Some systems are in violation of regulations. Regulations include 100 feet of distance between discharge point and the river, 1-foot minimum trench with 4 feet of topsoil from point of discharge to the high water line and a minimum of 6 feet distance to the water table.	More community education on how to properly care for a septic waste system. Propose and promote “living systems” solutions to sewage waste that are environmentally friendly.	NMED, EPE, Rio Don Fernando Watershed Group, other non profit organizations, private property owners.
	Habitat modification (other than hydro-modification).	Restore meadows and wetlands where severely impacted	USFS, NMED, State Forestry, Rio Don Fernando Watershed Group, Taos SWCD, Taos County, Quivira Coalition, other nonprofit organizations, private property owners.
	Illegal water impoundments: Some private landowners are impounding water for recreational or aesthetic uses.	Educate the public about what is legal use of surface water on their property or on public lands.	
Some upper and some lower watershed	Land development/construction: Increased development of private lands that is poorly regulated.	Work with county on private land sales and recommendations for planning and zoning to mitigate impact of new development.	NMED, Rio Don Fernando Watershed Group, Taos SWCD, Taos County, private property owners.

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Potential Projects Identified by Area WRAS Documents  
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Location	Water Quality Issues and Potential Impairments	Potential Restoration Needs and Projects	Key Stakeholders and Potential Partners
<i>Lower Rio Don Fernando Watershed</i>			
Lower watershed	Wildland-Urban Interface: erosion and non point source pollution issues.	An updated delineation of the floodplain of the Rio Fernando in the WUI from Ranchos Canyon to the confluence with the Rio Pueblo. Monitoring stormwater runoff and acequia "return-flows" to prevent water quality impacts to the riparian ecosystem and the quality of the ground water it recharges	USFS, NMED, State Forestry, Rio Don Fernando Watershed Group, Taos SWCD, Taos County, Quivira Coalition, other non profit organizations, Acequia Associations, private property owners
	Stream-band or shoreline modification/destabilization	A characterization of the riparian corridor including the hydrologic and biologic factors to help prioritize areas that require reclamation, treatment and preservation. Bank stabilization project with willows and cottonwoods. Regulate recreation and grazing to minimize impact on streambanks.	USFS, NMED, Rio Don Fernando Watershed Group, Taos SWCD, Taos County, Quivira Coalition, other non profit organizations, Acequia Associations, private property owners
	Water tank at the mouth of the canyon is on a mutual-domestic well which pumps from the Rio Fernando water table. The quality of that water is assumed to be poor due to point source and non-point source pollutions throughout the watershed.	Surface and ground water quality monitoring projects to determine level of water quality.	NMED, EPA, Local MDWAs, Rio Don Fernando Watershed Group

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Potential Projects Identified by Area WRAS Documents  
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Location	Water Quality Issues and Potential Impairments	Potential Restoration Needs and Projects	Key Stakeholders and Potential Partners
Lower watershed (cont.)	Extreme channelization and welding of stream bottom of waterway near the Don Fernando bridge in Town of Taos, is destroying the habitat and fish ecology of river.	Restoration projects to re-establish the riparian habitat in the lower watershed to improve water quality for acequia use and recreate a living stream.	USFS, NMED, Rio Don Fernando Watershed Group, Taos SWCD, Taos County, Town of Taos, other non profit organizations, Acequia Associations, private property owners.
	Improper use of acequia system: gray water lines pumping into acequia.	Monitor for nutrient loading to determine levels of septic waste contribution and gray water contribution degrading the surface water quality and the ground water quality. Education of water quality issues due to pollution in "public" water ways. Downstream user issues.	NMED, EPA, Rio Don Fernando Watershed Group, Taos County, Acequia Associations, private property owners.
<i>Rio Hondo – Upper Watershed</i>			
Wilderness and WSA access trails	Steep trails near streams contributing sediment during runoff and thunderstorm events.	Redesign trails and water bars to minimize sediment and ensure proper drainage; regular maintenance.	USFS, NMED, RMYC, conservation NGOs
Taos Ski Valley	Upper watershed TMDL listed for nutrients; rapid dense residential and resort development.	Education and strict enforcement of septic system regulations; TSV planning and ordinances to limit or guide development; voluntary conservation easements to restrict development along sensitive riparian areas; possible public acquisition of private lands for permanent protection.	NMED, TSV, TLT, USFS, USFWS, NRCS, conservation NGOs.

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Potential Projects Identified by Area WRAS Documents  
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Location	Water Quality Issues and Potential Impairments	Potential Restoration Needs and Projects	Key Stakeholders and Potential Partners
Taos Ski Valley and Highway 150	Paved and unpaved roads and parking areas contributing a variety of sediment, salt, and sand from winter maintenance, and other materials.	Develop local stormwater ordinance and mitigate existing runoff with proper drainage and filtration.	TSV, NMED, NMSHTD, RMYC, conservation NGOs.
Riparian corridor and narrow strip of USFS outside of wilderness and WSA	Catastrophic wildfire prevention.	NEPA process underway for forest thinning for forest health and fuels reduction.	USFS, CFRP, RMYC, local community members.
<i>Rio Hondo – Middle Watershed</i>			
Cuchillo del Medio and Lower Hondo USFS campgrounds	Sediment runoff from dirt and gravel driveways and parking areas.	Redesign as necessary and feasible to minimize runoff; barricades to restrict off-road travel; mitigate runoff with gravel and proper drainage.	USFS, NMED, RMYC, NMSHTD, conservation NGOs.
Trailheads and dispersed parking areas	Sediment runoff from dirt parking areas at trailheads and fishing spots.	Redesign as necessary and feasible to minimize runoff; barricades to restrict off-road travel; mitigate runoff with gravel and proper drainage.	
Riparian corridor and narrow strip of USFS outside of wilderness and WSA	Catastrophic wildfire prevention.	NEPA process underway for forest thinning for forest health and fuels reduction.	USFS, CFRP, RMYC, local community members.
Highway 150	Salt and sand runoff from winter maintenance.	Reduce amounts used? Investigate other options for winter maintenance to reduce nutrient loading.	NMSHTD, NMED, conservation NGOs.

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Potential Projects Identified by Area WRAS Documents  
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Location	Water Quality Issues and Potential Impairments	Potential Restoration Needs and Projects	Key Stakeholders and Potential Partners
<i>Rio Hondo – Lower Watershed</i>			
Throughout lower watershed	Streambank instability: general riparian health, including non-native vegetation, streambank erosion, poorly managed livestock grazing.	Watershed restoration and erosion mitigation activities; non-native species removal; cattle guards at strategic locations; voluntary conservation easements to restrict development in sensitive areas.	Local landowners, local acéquias, TVAA, NMED, TSWCD, NRCS, RMYC, TLT, conservation NGOs.
Deer Mesa	Channelized and badly eroding arroyos and poor riparian conditions causing sedimentation.	Watershed restoration and erosion mitigation activities; voluntary conservation easements to restrict development in sensitive areas.	Local landowners, NMED, TSWCD, NRCS, RMYC, TLT, conservation NGOs.
Valdez and Arroyo Hondo	Old, leaky, or defective septic systems in floodplain.	Education and strict enforcement of septic system regulations; removal of archaic systems; “living machine” community wastewater treatment facility.	Local landowners, NMED, conservation NGO’s.
Lower Arroyo Hondo	Channelized and badly eroding arroyos and poor riparian conditions causing sedimentation.	Watershed restoration and erosion mitigation activities; voluntary conservation easements to restrict development in sensitive areas.	Local landowners, NMED, TSWCD, NRCS, RMYC, TLT, conservation NGOs.
<i>Pilar</i>			
Rito Cenequilla	Extreme down-arroyo downcutting, highway storm runoff, petrochemicals, livestock grazing.	Reconnect channel and floodplain, road shoulder berming, runoff diversions, create buffers between pastures and water courses.	BLM, NMED, NM DOT, Taos County, Pilar Watershed Group, citizens, private property owners.
Aqua Caliente	Stream band instability, potential catastrophic failure of storage facility.	Riparian restoration, storage pond restoration.	Pilar Acequia Association, Pilar Watershed Group, NMED.

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Potential Projects Identified by Area WRAS Documents  
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Location	Water Quality Issues and Potential Impairments	Potential Restoration Needs and Projects	Key Stakeholders and Potential Partners
West side of the Rio Grande within the Village of Pilar	Impairment of drinking water well quality, livestock grazing.	Evaluate sources septic vs. background, create buffers between pastures and water courses.	Acéquias, soil and water conservation districts, Larry Samolka, BLM, Taos County, NMED, private property owners.
Orilla Verde BLM Park/Klauer Springs	Impairment of drinking water, spring quality.	Upper watershed protection, grazing exclosures, grazing allotments.	Carson Estates, Village of Pilar.
Orilla Verde	Streambank erosion and instability.	Riparian restoration, cottonwood planting.	BLM, Taos SWCD, Rio Grande Restoration, Amigos Bravos.
Rio Petaca		Tamarisk removal.	BLM, Taos SWCD, Rio Grande Restoration, Amigos Bravos, Carson Estates.
Arroyo Hondo side drainage		Riparian restoration, cottonwood planting.	BLM, Taos SWCD, Rio Grande Restoration, Amigos Bravos.
Center of the Village of Pilar			Pilar Watershed Group, Mark Robertson.
Glenwoody Historic Gold Mine site, along main stem of the Rio Grande downstream of the Village of Pilar	Arsenic, cyanide deposits in old river channels.	Study deposits and water quality in and near the old river channels along the mine site.	NMED, NM Trustee, private property owners, river boaters.
Old dump Rinconada?	Potential PCB contamination.	Soil sampling and possible remediation of potential PCB contamination.	

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Location	Water Quality Issues and Potential Impairments	Potential Restoration Needs and Projects	Key Stakeholders and Potential Partners
Village of Rinconada	Soil slope instability, historically heavily grazed, streambank erosion and instability.	Grazing management, tamarisk removal.	BLM, Taos SWCD, Rio Grande Restoration, Amigos Bravos.
<i>San Cristobal</i>			
Whole watershed	Channelized and badly eroding arroyos and poor riparian conditions causing sedimentation.	Watershed restoration and erosion mitigation activities; voluntary conservation easements to restrict development in sensitive areas.	NMED, USFS, State Forestry, UNM, BLM, local landowners, Taos SWCD, NRCS, RMYC, TLT, Taos County, conservation NGOs.
	Old, leaky, or defective septic systems.	Education and strict enforcement of septic system regulations; removal of archaic systems.	NMED, local landowners, Taos County, Taos SWCD.
<i>Greater World Community</i>			
Zac and Nicole's lot	Rainstorm produced significant erosion damage to the arroyo and is starting to endanger the house.	Arroyo stabilization, irrigation water catchment.	Zac and Nicole stakeholders, GWLUA, TSWCD, BLM partners.
GWLUA "Land Dam" by the well.	Spadefoot toad protection.	Protect the toads at the land dam when it floods.	GWLUA members/stakeholders, NMED potential partner.
<i>Upper Red River Valley - Upper Drainages</i>			
Wilderness area boundary, private and public lands.	Several large mining or prospect sites with exposed waste rock dumps contributing ARD and metals, at least one with suspected releases to surface water.	Remediation/reclamation of mine sites, recommendations, possible including anoxic drains, constructed wetlands, waste rock dump stabilization or removal.	USFS, NMED, EPA, USGS, Taos Pueblo, landowners, conservation NGOs, Amigos Bravos, RRWG.

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Most upper drainages	Unnaturally dense forest conditions and fuel loading; sediment loading; limited management options due to Wilderness Act restrictions.	Forest thinning treatments and erosion mitigation under WUI and CFRP.	USFS, NMED, TSWCD, Town of Red River, Taos County Commission, Taos Pueblo, local residents, RMYC, Rocky Mountain Elk foundation, NM Game Commission and Sykes Act, National Wild Turkey Federation, Amigos Bravos, RRWG.
<i>Upper Red River Valley - Floodplain</i>			
Upper Red River valley floodplain	Dense, poorly regulated home development with holding tanks and septic-related fecal coliform and nutrients.	Community planning, zoning, residents association, incorporation, better enforcement, public nonpoint source education to minimize septic system related contamination.	USFS, NMED, COE, NRCS, Town of Red River, developers, local landowners, conservation NGOs, RRWG, ATV Rental Businesses, Amigos Bravos
Upper Red River valley riparian zone	Draft TMDL listed for chronic aluminum; streambank erosion and sediment loading from streamside development, primitive campsites without toilet facilities.	Stream channel restoration and erosion mitigation; riparian and vegetative restoration; habitat improvement for beaver and trout.	USFS, NMED, NMDGF, COE, USFWS, TSWCD, NRCS, Town of Red River, local residents, fishing retailers and guides, NM Trout, Trout Unlimited, conservation NGOs, Amigos Bravos, RRWG
<i>Town of Red River - Upper Drainages</i>			
Placer Creek	Draft TMDL listed for acute aluminum; 17 various gold and silver mine sites circa 1890-1900, many with exposed waste rock dumps and ARD, seven with suspected releases to surface water.	Remediation/reclamation of mine sites, recommendations, possible including anoxic drains, constructed wetlands, waste rock dump stabilization or removal.	USFS, NMED, EPA, Town of Red River, RMYC, conservation NGOs, Amigos Bravos, RRWG.

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Bitter Creek	Draft TMDL listed for acute aluminum; 17 various gold and silver mine sites circa 1890-1900, many with exposed waste rock dumps and ARD, seven with suspected releases to surface water; lower canyon hydrothermal scan and associated debris apron contributing ARD and sediment.	Remediation/reclamation of mine sites, recommendations, possible including anoxic drains, constructed wetlands, waste rock dump stabilization or removal; major scar and debris apron restoration, including erosion slope stabilization and revegetation treatments.	USFS, NMED, EPA, COE, USGS, TSWCD, Town of Red River, conservation NGOs, Amigos Bravos, RSWG.
Mallette Canyon road and Midnight Meadows recreational system	Extensive ATV use and poorly designed and maintained two-track forest roads causing soil erosion and sediment loading. Destructive use of ATV and fugitive dust.	Recreational travel plan and signage to designate areas of enforcement, including volunteer road closures, reroutes, culvert projects, roadbed and erosion stabilization; continue USFS Trail Canyon Road System Improvement Project	USFS, NMED, Town of Red River, TSWCD, ATV guides and outfitters, conservation NGOs, Amigos Bravos, RSWG
Mallette Creek, Town of Red River	Extensive historical mining, including mine audits and ARD from waste rock dumps.	Continue mine site reclamation (one site already remediated by USFS); public education with interpretive sites describing mine history and impact of ARD	Town of Red River, USFS, NMED, NRCS, Red River Historical Society, conservation NGOs, Amigos Bravos, RSWG.
Pioneer Creek	Draft TMDL listed for turbidity; 24 various gold and silver mine sites circa 1890-1900, many with exposed waste rock dumps and ARD, 18 with suspected releases to surface water.	Remediation/reclamation of mine sites, recommendations, possible including anoxic drains, constructed wetlands, waste rock dump stabilization or removal.	USFS, NMED, EPA, Town of Red River, RMYC, conservation NGOs, Amigos Bravos, RSWG.

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Red River Ski Area	Ski slope erosion and stream sediment loading.	Slope revegetation to reduce slope erosion underway; grass seeding and mountain scrub restoration.	Red River Ski Area, USFS, NMED, NRCS, Town of Red River, TSWCD, conservation NGOs, Amigos Bravos, RRWG.
<i>Town of Red River - Floodplain</i>			
Popular fishing area through Town of Red River	Draft TMDL listed for chronic aluminum; stream channel has been displaced to less than 10% of the floodplain, straightened, denuded of vegetation and natural debris; unstable banks contributing to sediment loading. Stormwater runoff; potential contamination from the waste water treatment facility.	Stream channel restoration and erosion mitigation; riparian and vegetative restoration; habitat improvement for trout fishery. Stormwater planning and mitigation.	Town of Red River, COE, NMED, NMSHTD, NMDGF, USFWS, USFS, TSWCD, NRCS, fishing retailers and guides, NM Trout, Trout Unlimited, Red River Ducks Unlimited, conservation NGOs, Amigos Bravos, RRWG.
<i>Middle Red River Valley - Floodplain</i>			
Fawn Lakes Recreational Area	Off-channel ponds from highway borrow pits with badly eroding banks causing sediment loading.	Beaver reintroduction and beaver pond restoration as sediment retention from upper watershed.	NMSHTD, NMDGF, USFWS, USFS, Town of Red River, fishing retailers and guides, NM Trout, Trout Unlimited, Red River Ducks Unlimited, conservation NGOs, Amigos Bravos, RRWG.

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<p>Many locations with acute erosion and bank instability within this stream reach.</p>	<p>Draft TMDL listed for chronic aluminum; this stretch of river was straightened, channelized, denuded of vegetation and natural channel debris in the highway construction, contributing to sediment and metal loading, benthic macroinvertebrate impairment; runoff from highway potential source of petroleum based water quality problems; lit to no aquatic life.</p>	<p>Stream channel restoration and erosion mitigation; riparian and vegetative restoration; habitat improvement for trout fishery.</p>	<p>NMSHTD, NMDGF, COE, USFWS, USFS, TSWCD, Town of Red River, fishing retailers and guides, NM Trout, Trout Unlimited, conservation NGOs, Amigos Bravos, RRWG.</p>
<p><i>Middle Red River - Upper Drainages</i></p>			
<p>Haut N Taut Creek, Straight Creek, Hansen Creek, Sulphur Gulch, Goathill Gulch, Capulin Canyon hydrothermal scar and associated debris apron.</p>	<p>Metals and sediment contribution and riparian degradation; ARD.</p>	<p>Major restoration, including erosion slope stabilization and revegetation treatments, pH abatement, riparian restoration, large-scale anoxic drains and gavins.</p>	<p>USFS, NMED, EPA, Molycorp, Village of Questa, TSWCD, NMDGF, USFWS, RCRC, Amigos Bravos, conservation NGOs, RRWG</p>

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Molycorp historical large-scale open pit and current underground mining including lower Sulphur Gulch, Goathill Gulch, and Capulin Canyon	Potential, nonpoint source ARD or metals impacts.	Comprehensive mine site reclamation planning already underway; a voluntary water collection system has been constructed to intercept any pollutants that may be traceable to mine operations (3 groundwater withdrawal wells and 2 French drains).	Molycorp, MMD, NMED, EPA, USFS, NMDGF, USFWS, Village of Questa, RCRC, Amigos Bravos, conservation HGOs, RRWG.
Columbine Wilderness Study Area	De facto wilderness management; potential listing of Rio Grande cutthroat trout as threatened or endangered species	Monitor water quality; fish barriers; native cutthroat trout reintroduction; wilderness designation	USF, NMDGF, USFWS, NM Trout, Trout Unlimited, RMYC, conservation NGOs, Amigos Bravos, RRWG
<i>Cabresto Creek - Upper Basin</i>			
Midnight Meadows and Midnight Mine area	Degraded forage base from historical heavy grazing causing moderate sediment load contribution; approximately 10-20 medium-sized gold and silver mine sites circa 1890-1900, most with waste rock dumps and ARD; recreational roads causing soil erosion and sediment loading.	Rest-rotation grazing already implemented; riparian exclosures, reduced stocking, rang riders, continue erosion control and restoration; anoxic drains, wetland restoration, waste rock monitoring, reclamation or removal; recreational travel plan.	USFS, grazing permittees, NMED, TSWCD, Questa Acequia Association, Quivira Coalition, conservation NGOs, Amigos Bravos, RRWG, private landowners.
<i>Cabresto Creek – Valley</i>			
Cabresto Creek Valley	Main stem of the Cabresto draft TMDL for chronic aluminum, likely from upstream abandoned mines; roads, residences, agriculture, irrigation diversions and other development.	Upstream mine reclamation; better enforcement of local and state regulations; public nonpoint source education	USFS, NMED, EPA, Village of Questa, Questa Acequia Association, RMYC, SRFC, conservation NGOs, Amigos Bravos, RRWG.

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Cabresto Creek riparian zone	Moderate sediment contribution from hard-used recreational sites and naturally occurring from scars.	USFS already addressing key erosional areas through protective barriers; additional restrictions for ATV use.	USFS, NMED, TSWCD, NRCS, Village of Questa, Cabresto Acequia Association, Questa Acequia Association, RMYC, SRVC, conservation NGOs, Amigos Bravos, RRWG.
<i>Village of Questa – Upper Drainages</i>			
Hondo Fire, Largo Canyon erosion area	Severe erosion, riparian losses to bed rock, and heavy sediment contribution due to catastrophic 1996 Hondo wildfire.	Slope stabilization, erosion abatement, upslope drainage check dams, tree felling into stream channel, reseeding; USFS continue wildfire rehabilitation and mitigation for unnatural fuel loading.	USFS, Village of Questa, Molycorp, TSWCD, NRCS, Questa Acequia Association, Amigos Bravos, RRWG.
<i>Village of Questa – Valley and Floodplain</i>			
Riparian Corridor	Draft TMDL listed for chronic aluminum; unnaturally channelized and generally unstable bank conditions; sparse riparian vegetation.	Stream channel restoration and erosion mitigation; riparian and vegetative restoration; habitat improvement for trout fishery.	Village of Questa, NMED, COE, EPA, TSWCD, NRCS, Molycorp, NMDGF, USFWS, USFS, RCRC, RMYC, SRFC, Roots and Wings School, fishing retailers and guides, NM Trout, Trout Unlimited, Amigos Bravos.
Eagle Rock Lake	Off-channel NMSHTD borrow pit.	Sediment removal, bank stabilization, restoration of wetlands and native vegetation; strong potential as open space park and environmental education site.	Village of Questa, TSWCD, NMED, USFS, Molycorp, RCRC, RMYC, SRFC, Roots and Wings School, Amigos Bravos, conservation NGOs, RRWG.

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Hunts Pond	Off-channel county road borrow pit lagoon and human made wetlands; popular community gathering site accumulating human waste and trash.	Sediment removal, bank stabilization, restoration of wetlands and native vegetation; fish stocking; strong potential as service-learning and environmental education site and community open space park.	Village of Questa, TSWCD, NMED, USFS, RMYC, SRFC, Roots, and Wings School, conservation NGOs, Amigos Bravos, RRWG.
Village of Questa Wastewater Treatment Lagoons	Increasing community waste treatment needs.	Expanded and improved facilities with "Living Machine" or other environmentally friendly technology; environmental education potential.	Village of Questa, lasis Co., NMED, EPA, NMWTB, conservation NGOs, Amigos Bravos, RRWG.
Questa High School Watershed Watch Program and Village of Questa Youth Center	Citizen and community and water quality lab to monitor river, acéquias, and alluvial domestic wells; domestic wells with have been polluted.	Public education on water quality issues as they relate to traditional water use, domestic wells, recreation, etc.	NMED, EPA, NMDGF, Watershed Watch Program, Questa Independent School District, Village of Questa and Youth Center, Questa Ancianos Program, Questa Acequia Association, SRFC, Roots and Wings School, Amigos Bravos, conservation NGOs, RRWG
<i>Cerro and Guadalupe Mountain Subwatershed</i>			
Molycorp tailings impoundments	600 acres of mine tailings; groundwater quality impacts.	Comprehensive mine site reclamation planning already underway, including long-term water quality abatement; have an approved groundwater discharge permit through NMED; a seepage interception system is already in place and collecting groundwater.	Molycorp, MMD, NMED, EPA, BLM, Village of Questa, NMDGF, USFWS, TSWCD, NRCS, RCRC, Questa residents, Amigos Bravos, conservation NGOs, RRWG.

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BLM Wild Rivers Recreation Area, Wild and Scenic Rio Grande		Long-term water quality monitoring.	BLM, NMED, EPA, NMDGF, USFWS, TSWCD, Village of Questa, local residents, Molycorp, RCRC, Amigos Bravos, conservation NGOs, RRWG.
<b>La Lama Subwatershed</b>			
La Lama Upper Drainage	Severe erosion, riparian losses to bed rock, and heavy sediment contribution due to catastrophic 1996 Hondo wildfire.	Slope stabilization, erosion abatement, upslope drainage check dams, tree felling into stream channel, reseeding, USFS continue wildfire rehabilitation and mitigation for unnatural fuel loading.	USFS, TSWCD, La Lama Community Association, Taos County Commission, RMYC, RRWG, NRCS, Amigos Bravos.
La Lama Community Area	Erosion from unnaturally dense ponderosa and piñon-juniper woodlands where grasses and groundcover are crowded out; excessive fuel loading.	Forest thinning treatments and erosion mitigation under Wildland-Urban Interface and CFRP.	USFS, NMED, TSWCD, NRCS, La Lama Community Association, La Lama Acequia Association, Taos County Commission, Roots, and Wings School, RMYC, Amigos Bravos, RRWG.
<b>Lower Red River Gorge Subwatershed</b>			
NMDGF Red River Fish Hatchery head dam	Low head dam maintains a spawning migration barrier for brown trout and hybrid "cutbows".	Fishery management plan to either utilize barrier dam for native cutthroat trout reintroduction or modify with fish ladder to restore game fish spawning migration.	NMDGF, USFWS, BLM, USFS, NMED, local residents, fishing retailers and guides, NM Trout, Trout Unlimited, conservation NGOs, Amigos Bravos, RRWG.

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NMDGF Red River Fish Hatchery and spring water source	Cumulative water quality impairments.	Abatement of existing water quality impairments; stabilize and monitor spring flow and quality; opportunities for public water quality education with high volume of local and interstate recreational tourism; program to access water quality.	NMDGF, USFWS, BLM, USFS, NMED, local residents, fishing retailers and guides, NM Trout, Trout Unlimited, conservation NGOs, Amigos Bravos, RRWG.
<i>Comanche Creek Watershed</i>			
Riparian and upland habitats		Continue to provide technical support for collection and monitoring of riparian and upland habitats. Provide coordination support to assist in the planning and implementation of BMPs. Provide coordination support to assist in the development and implementation of the Watershed Restoration Action Strategy. Support volunteer days. Provide professional engineering support for the development and implementation of BMPs. Develop education materials.	Public outreach.
Upland, wet meadow, and riparian		Implement upland erosion control, wet meadow and riparian restoration treatments.	

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Upland, wet meadow, and riparian (cont.)		<p>Perform earthwork, including road maintenance or re-contouring, construction of appropriate erosion control structures to stabilize cut and fill slopes where appropriate, and reconstruction, removal or supplementation of culverts where they have failed or are causing additional erosion problems.</p> <p>Construct sedimentation traps and apply slope stabilization methods on cut bands</p> <p>Construct exclosure within Comanche Creek and other grazed areas to improve the vegetation condition in riparian habitats.</p> <p>Work with the Valle Vidal Grazing Association to modify a grazing management plan that minimizes impact to riparian, wetland, and wet meadow vegetation.</p> <p>Design and construct an in-channel fish barrier along Comanche Creek.</p> <p>Construct erosion control structure in cut and fill areas along roadways.</p> <p>Implement additional road closures with water bars, sediment traps and rolling dips.</p>	

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<p>Rio Pueblo de Taos</p>		<p>Collaboration with local watershed education programs in area schools, creation and distribution of newsletters and fliers, field trips, identification of suitable restoration project locations</p>	<p>Area schools . . .</p>
		<p>Implementation of restoration projects, baseline assessments of impaired segments, monitoring of watershed conditions, continued outreach.</p> <p>Remediation project for impaired stretches, and river cleanups.</p>	<p>All stakeholders in the watershed including the Town of Taos, Taos County, watershed residents, acequia associations, Taos Pueblo War Chief Staff and Taos Pueblo Governor's Office in collaboration with the Taos Pueblo Office of the Environmental Protection, other watershed groups in region, public meetings, informational workshops</p>

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