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Local Negotiating Parties Release Draft Taos Pueblo Water Rights Settlement Agreement

(SANTA FE, New Mexico) — The New Mexico State Engineer, the Pueblo of Taos, and representatives of the other Taos area negotiating parties today announced the public release of the **Taos Pueblo Water Rights Draft Settlement Agreement**.

The draft settlement agreement (DSA) can be found at www.ose.state.nm.us under "Hot Topics" and at www.taospueblo.com.

The DSA has been developed through multi-party negotiations among the Taos Pueblo, the State of New Mexico, the Taos Valley Acequia Association, the Town of Taos, El Prado Water and Sanitation District, and the 12 Taos-area Mutual Domestic Water Consumer Associations. Collectively the parties to the DSA represent the vast majority of water users in the Taos Valley. In negotiations started in 1989 by an acequia-Pueblo initiative, these local parties have pursued a settlement of Taos Pueblo's water rights claims to the Rio Hondo and Rio Pueblo de Taos. Since August 2003, the parties have worked closely with a mediator to complete a settlement. This process has produced the DSA that is publicly released today.

This joint public release is an important step toward completing a water rights settlement in the Taos Valley. While no local party has yet approved the DSA, the document represents the agreement reached at the table by the local negotiators. Following a public comment period, the six local parties must now review and approve the DSA to complete the initial local phase of settlement negotiations.

The United States has been an important participant in local phase negotiations. The United States is not, however, a party to the local agreement represented by the DSA, and neither the United States nor its representatives in the local phase negotiations have approved the proposed settlement. During the next "federal" phase of negotiations the local parties and the United States will seek to resolve a set of issues related to federal interests, with the ultimate goal of developing appropriate Congressional legislation that approves and funds a final agreement. The DSA includes a disclaimer on the front page that identifies some of the key issues requiring resolution in the "federal" phase.¹ The local parties will pursue similar legislation at the state level.

"This proposed settlement is in the best interest of water right owners in the Taos area and on the Rio Grande throughout New Mexico," said State Engineer John D'Antonio. "It will resolve the water claims of the Taos Pueblo and bring certainty to thousands of water right claimants in the Taos area, while still protecting the main stem of the Rio Grande."

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"This is a good day, and this is a fair settlement," said Taos Pueblo Governor James Lujan, Sr. "When it is completed, it will resolve the Pueblo's water rights claims as well as longstanding disputes between the Pueblo and non-Indian irrigators. It will provide the basic rules for groundwater production in the valley without injuring surface water supplies or overburdening the aquifer."

Taos Pueblo is a sovereign Native American community with governmental authority over its members, its territory, and its natural resources. It has occupied its homeland for hundreds of years, and in 1992, the United Nations recognized the Pueblo's outstanding universal value by designating it a World Heritage Site, an honor shared with such sites as the Pyramids of Egypt, and Machu Picchu in Peru. In 1970, the Pueblo prevailed in a 64-year struggle for the return of its sacred Blue Lake, part of the headwaters of the Rio Pueblo de Taos. "The long and hard work of the Pueblo and its neighbors on this agreement has led a foundation upon which we can all build a relationship for the future," said Nelson Cordova, Taos Pueblo Water Rights Coordinator. "A relationship that is based on mutual trust, respect and cooperation, something that has been missing historically."

The Taos Valley Acequia Association is an organization that is comprised of the leadership of 55 community ditch associations. The association represents, on common issues, over 7,000 Taos Valley irrigators. "The Taos Valley Acequia Association has been involved in the Abeyta water negotiations since their beginning in October, 1989," said Palemon Martinez, President of the association. "We are pleased that a settlement agreement was finally developed which we feel adequately protects the acequia's rights as well as the rights of other parties to the settlement. Long standing customs of surface water sharing will continue into the future."

The historic Town of Taos in northern New Mexico is presently home to roughly 4,500 people who would be affected by this settlement agreement. "The Public Release of the Abeyta Draft Settlement Agreement is a momentous occasion. Marking a new era of cooperation among the parties in the use of one our most precious resources, water," said Taos Mayor Bobby F. Duran. "The Abeyta Draft Settlement Agreement quantifies and protects Taos Pueblo's waters. It further provides for security for waters of the Town of Taos and the other non-Indian water users. Existing individual domestic wells are assured safeguards for their water under this agreement. We look forward to the public meetings to help clarify this agreement for our citizens."

El Prado Water and Sanitation District is a political subdivision of the state that provides services to close to 1200 people in around the community of El Prado, north of the Town of Taos. "The Board of Directors of the El Prado Water and Sanitation District believe that the draft settlement agreement represents an historic milestone for the Taos Valley," said Telesfor Gonzales, El Prado Chairman of the Board. "Decades, and sometimes centuries, of conflict over water should be replaced by a new spirit of cooperation."

The 12 Taos-area Mutual Domestic Water Consumers Associations are community water systems and political subdivisions of the state that provide domestic water to thousands of people in the rural non-Indian communities in the Taos Valley. "The twelve Mutual Domestic Water Associations in the Taos Valley are pleased with the settlement agreement," said Hamilton Brown, spokesperson for the 12 associations. "At long last it resolves our uncertainties over our water rights and provides us with the resources to supply domestic water to over 5,000 residents in our valley."

Public meetings will be held to discuss the DSA on Wednesday, April 12 and Wednesday April 19, 2006. Both meetings will be held from 7:00 – 9:00 p.m. in the Rio Grande Hall, Rooms A and B at the Taos Convention Center.

The State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff.

A media briefing will be held Tuesday, April 4, 2006 at 10 a.m. in the Taoseño Room in the Taos Convention Center at 120 Civic Plaza in Taos. In addition, there will be an opportunity (closed to the public) for the press to take photos and meet the parties in the settlement prior to the April 12 public meeting from 5:30-6 p.m. also in the Taoseño Room.

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¹ *DISCLAIMER, RESERVATION, AND OBJECTION OF THE UNITED STATES – This document is provided for discussion purposes only, during and for compromise negotiations, and, pursuant to Fed. R. Evid. 408, and court order, is not admissible evidence concerning the claims or defenses of any party. Neither the United States nor its representatives in these negotiations have approved the proposed settlement. Among other objections to this agreement, the United States has not agreed to waive its sovereign immunity. Further, the United States has not committed to provide any funding or any specific amount of water for the proposed settlement. The United States opposes any settlement proposal that does not require non-federal parties to pay costs proportionate to the benefits they receive under the settlement. The United States believes that the benefits received by the non-federal parties in this settlement are significantly disproportionate to their costs.*

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