ABSTRACT

TITLE:	Acequia and Pueblo Water Rights Adjudications in Northern New Mexico: Legal Inadequacies and the Benefits of Negotiation
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ABSTRACT: The State of New Mexico established a water law system based on Prior Appropriation in 1848 through the signing of the Treaty of Guadalupe Hidalgo. This allocation system conflicted with the then current system of Equitable Apportionment. In 1907, the Acequia Act, which created unique bylaws for the Spanish acequia communities, helped to reduce the conflict. Acequias are gravity fed irrigation ditches used primarily by the Spanish population of Northern New Mexico. Further complicating the water adjudication process in New Mexico are the rights of Pueblo Native Americans who possess water rights established in 1693, prior to the Doctrine of Prior Appropriation, the Winter's Doctrine, and the Acequia Act. As water has become more scarce in the region and the development of major water projects, such as the San Juan-Chama Diversion Project, have begun moving water across basins, the need to account for all water rights became a necessary evil for the New Mexico State Office of the Engineer. This report assesses two legal case studies, known as the Aamodt case and the Abeyta case to argue for fundamental changes in the process of water rights adjudications involving Pueblo and acequia communities. Currently, adjudications are settled through litigation. This report argues that water rights adjudications involving Pueblos and acequia communities should be resolved through negotiation, therefore alleviating legal inadequacies, decreasing financial and time costs, protecting the cultural heritage, and playing to such cultural strengths of conflict and resolution.