

Abstract

A Tribal Perspective about the Settlement of Taos Pueblo's Water Rights.

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In December 2010 Taos Pueblo achieved enactment of the Taos Pueblo Water Settlement 41 years after the Abeyta adjudication was filed and 21 years after negotiations began with non-Indian water users and the State of New Mexico that also involved the U.S. Government. The presentation will describe the personal and tribal experience to reach this milestone.

The effort to achieve a settlement took a tremendous amount of time, energy, cost, commitment, patience, fortitude and prayer. As in the effort for the return of Blue Lake the Pueblo had to re-prove its aboriginal presence and use of water resources in the Taos Valley and re-assert and document its rights and claims.

The Pueblo, in the early years of the adjudication, coordinated all the water rights work in the Governor's Office and Tribal Council. Because of the amount of work and time involved the Council appointed a "Water Rights Task Force" with two co-spokesmen, Nelson Cordova and Gilbert Suazo Sr., and group of 10 elders and Councilmen. Early on the Pueblo took a "hands-on" approach in coordinating and directing the work to protect its water rights. This has proven to be of great importance.

In 1989 Taos Pueblo entered into negotiations to avoid protracted litigation with an uncertain outcome. In 2003 "Settlement Principles" were signed among the local parties. In 2006 a "Draft Settlement Agreement" was signed among the local parties and the State of New Mexico. The U.S. did not sign yet to that agreement. In 2007 the negotiations moved to the Washington DC phase. This time the Taos settlement parties were united as one, and negotiations were with Congress and the Administration.

Legislation was introduced in Congress in 2008 and hearings held in the Senate Indian Affairs Committee and in the House Subcommittee on Water and Power. Time ran out in that session of Congress and legislation was introduced again in the next session. Testimony in the Senate Indian Affairs Committee was not repeated but had to be given again in the House subcommittee. In the fall of 2010 fear was looming that again time would run out in that session of Congress. Fortunately the leadership of our Congressional delegation proved invaluable in gaining Senate and House passage and including our settlement legislation along with other Indian water settlement legislation in the Claims Settlement Act of 2010.

On December 8, 2010 the Taos Pueblo Water Settlement became law. In 2011 the implementation phase began and is now on-going. In 2017 the Adjudication court is scheduled to issue a Partial Final Decree that will make the settlement enforceable and final.

The Pueblo as the party with the largest water rights claim in the Taos Valley, and with a senior aboriginal priority, had the most at stake. The work involved complex legalities and technical complexities that had to be translated into the Tiwa language for the Tribal Council and its people; therefore the hands-on approach was necessary. In the implementation phase the same complex legalities and technical complexities are involved and it appears, again, time, energy, commitment, patience, fortitude and prayer will be needed.