

## **What you should know about the Hallett Decrees**

These are our tentative conclusions, and only recommendations – the ultimate solution is up to the community!

- *What are the Hallett Decrees?*

In the 1889 general adjudication for the Rio Culebra, the ditches got about 1 cfs of water for every 40 acres they irrigated. Under the Hallett Decrees in 1900, the ditches gave half their water rights to Freehold Land and Emigration Company, and kept about 1 cfs per 80 acres.

- *What ditches are affected?*

1. San Luis People's
2. San Pedro
3. Montez
4. Vallejos
5. San Acacio
6. Cerro
7. Francisco Sanchez
8. Mestas
9. San Francisco
10. Little Rock
11. Torcido
12. Abundo Martin
13. Guadalupe Vigil
14. J.M.J. Maez
15. Pando
16. Guadalupe Sanchez

- *What did the Hallett Decrees do?*

The Hallett Decrees legally transferred ownership to Freehold of about half of the water rights the original parciantes got in the 1889 general adjudication. The Hallett Decrees did not give Freehold the right to use the water rights anywhere but on the original ditches.

- *Who owns the Hallett water now?*

After the Hallett Decrees went into effect in 1900, the water rights granted to Freehold changed hands several times. However, neither Freehold nor its successors appear ever to have used them (except some rights on the San Acacio ditch), and the last company that owned them went out of existence more than 50 years ago. Based upon our research, we believe that the Public Trustee for Costilla County now has the power to decide – in fairness - what to do with the Hallett water rights. The Public Trustee's decision would be submitted to the Water Court for confirmation.

- *What did the 1984 Abandonment Proceeding mean?*

The State said the Hallett water rights were abandoned, and the parciantes protested, saying that they had been using the rights. The State and the parciantes tried to sort out the issue, but they couldn't come to an agreement. In the end, the State agreed to remove the Hallett rights from the abandonment list at that time, but reserved the right to list them as abandoned again in the future. The court did not make any decisions about who owns the rights or who can use them.

- *What are the options moving forward?*

- *Do nothing?*

Although there is still some uncertainty based on the Hallett Decrees, the community does not have to take any action at this time.

- *Lawsuits?*

The parciantes can bring adverse possession lawsuits, and claim that they gained ownership of the Hallett rights by using them. This likely would be a long and expensive process for each lawsuit. This probably would be a very contentious process, and might result in junior water rights holders trying to prove that the Hallett rights have been abandoned.

- *Settlement?*

An alternative option is that the community, the Public Trustee, and the Water Engineer could work with a mediator or other referee to reach an equitable (fair) solution for what to do with the Hallett rights. This could result in resolution of a long-standing issue and allow community members to plan for their crops based upon more certainty about what water would be available.

- *If you have more questions or comments, contact us:*

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