



Sangre de Cristo Acequia Association

El Parciante

PO Box 721 San Luis,
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El Parciante



Governing the Acequia

This article focuses on two important aspects of acequia governance. First, it explains what bylaws are and why it is important for acequias to have bylaws. Second, the various organizational structures that acequias can use, and the implications and consequences of each type of structure. Acequias may want to review all the options described, so that the members can decide what type of organizational structure they want for their acequia, rather than having the law decide those questions by default.

Bylaws: Bylaws are the rules for governing and operating an organization. Bylaws do not have to change the way the acequia is governed; rather they can provide certainty and clarity when disagreements arise regarding how the acequia should be run. For example, bylaws can prevent conflict by specifying the procedures for ditch cleaning and rights of access along the ditch for cleaning and repair. This clarity may be increasingly helpful as new parciantes join the acequia who may not be familiar with the acequia's traditions and customary rules.

Importantly, bylaws can also be used to protect the water rights in the acequia against transfers out of the acequia. The two main ways

to use bylaws to protect the water in the acequia are the Catlin provision and a right of first refusal.

Types of organizations: In Colorado, irrigation ditch organization; including acequias, are legally classified as non-profit mutual ditch associations unless they actively choose another type of entity. That means if you have not done anything to make your acequia organization formal, the law will consider your organization a non-profit mutual ditch Association. While there are a number of organizational forms you can adopt for your acequia.

Generally irrigation ditches including Acequias, can choose to either be incorporated or non-incorporated. In addition, acequias can choose to take advantage of the 2009 and 2013 statutes that grant certain powers to acequias that choose to adopt them. As a result the main options for acequia organization are; 1) mutual ditch association, 2) mutual ditch corporation, 3) acequia association, 4) acequia corporation.

Reasons not to incorporate: If an acequia has done nothing, it is considered a nonincorporated non-profit mutual ditch association. The advantage of remaining unincorporated

is that it is informal and you do not have to file any papers with the state.

Reason to Incorporate: Many of the traditional of incorporating, such as shielding members from the acequia's liabilities and making the acequia a legal entity, have been extended to unincorporated acequias. However, these changes are relatively new, so there is still greater certainty about those benefits when the acequia is incorporated. Acequias interested in contracting with outside businesses or seeking grant funding may wish to consider incorporating. Since many of these entities prefer to do business with a formal entity.

If you would like to understand more about the bylaws process contact Eugene Jacquez at 719-580-6850.

For more information on Colorado Acequia Handbook go to; www.coloradoacequias.org.

Sangre De Cristo Acequia Association Mission Statement

**To Preserve Acequias,
Their Traditional
Governance
And Water Rights**

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Sangre de Cristo Acequia Association & Colorado Open Lands Receive Award

On Wednesday October 3, 2018, the Sangre de Cristo Acequia Association and Colorado Open Lands were awarded 'the Innovative in Conservation Award' at the 9th Annual Southern Colorado Conservation Awards hosted by Palmer Land Trust in Colorado Springs. The award was given for recognition of innovative programs and partnership. One aspect of the award is water is the lifeblood of communities in the San Luis Valley – culturally, economically, and ecologically. With water rights in the Culebra watershed of extreme risk of transfer off properties, the Sangre de Cristo Acequia Association and Colorado Open Lands, partnered



Delmer Vialpando, President and Sarah Parmar COL accepting the Award

to facilitate programs that support water holders. The work also provides resources so communities can be empowered to make deci-

sions about their water future. This innovative and community-oriented approach to conservation had made it possible for farmers in the Culebra Watershed to navigate the challenging water future they face. The award was one of four awards that were presented for environmental stewardship and conservation.

On September 22, 2018, during the Hispano Hero's event in Alamosa, the Sangre de Cristo National Heritage Area awarded the SdCAA the "Grant of the Year" award. Making the Congreso a signature project for the SdCNHA

Sarah Krakoff Receives 2018 Hazel Barnes Prize

The Sangre de Cristo Acequia Association is pleased to announce University of Colorado Law School Professor Sarah Krakoff has been named the 2018 recipient of the Hazel Barnes Prize, the most distinguished award a faculty member can receive from the university.

Since 1992, the Hazel Barnes Prize has been awarded each year to a CU Boulder faculty member who best exemplifies the enriching interrelationship between teaching and research and whose work has had a significant impact on students, faculty, colleagues and the university. Krakoff is the Raphael J. Moses Professor of Law at Colorado Law. Her areas of expertise

include American Indian law and natural resources and public land law, as well as environmental justice. Assisting indigenous communities remains central to her work and scholarship. She leads Colorado Law's Acequia Assistance Project, which offers free legal services for farmers in the Rio Culebra watershed area around San Luis, Colorado.

The project assists historically underserved acequia irrigators in southern Colorado's, Costilla and Conejos counties. There are significant challenges faced by the acequia communities that threaten the Hispano land ownership and stewardship of the acequias within the Rio Culebra watershed where

86% of its members share demographic, geographic, or economic characteristics which impede or prevent their access to services. This historically underserved farming community still irrigates based on oral traditions handed down from the original parciantes who settled the area and claimed it as part of the original Sangre de Cristo Land Grant.

The project assists irrigators who have been told by the state that they cannot irrigate because there is no record of their water right, are unsure whether they have a decreed water right, or wish to adjudicate an undecreed water right. This legal/technical assistance program pairs a par-

Calendar

- Rio Grande Basin Roundtable Meeting — November 13, 2018 at 2:00 pm SLVWCD Office in Alamosa.
- SdCAA Monthly Meeting— November 13, 2018 at 6:00pm at the CCEDC Conference room.
- 2018 New Mexico Congreso de las Acequia—Saturday November 17, 2018, Albuquerque, NM
- 2019 Congreso de Acequias— Saturday January 26, 2019 at 8:30 am
- LRC Vega Community Meeting, Nov. 17 at 10 am, Water Conservancy Office.

Have a an event you want readers to know about? Please send the information to Mathew Valdez at mathewvaldez.sdcaa.ed@gmail.com.

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Sangre de Cristo Acequia Association

Winter Weather Forecast & Predictions: At A Glance

Winter is nearing, and the Old Farmers Almanacs' (not to be confused with the Farmer's Almanac) has just released their long-range winter weather forecast for the 2018-19 season. Similarly to the recent NOAA forecast, the Old Farmer Almanac calls for an El Niño season to bring warmer temperatures across most of the country this winter.

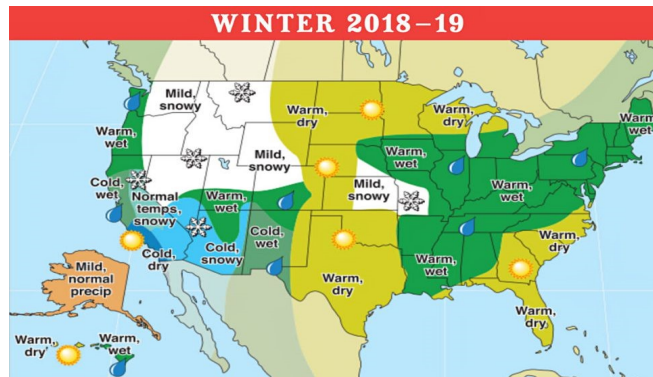
At a glance, the map looks very disheartening for all of us hoping for a cold and bountiful winter. However, it is important not to stake too much in the forecast, even if it boasts an "80% success rate since 1792."

Why not? With winter just around the corner, there is no telling how storm systems will form. Furthermore, on-hill conditions have long been dependent on individual storms specific to mountain conditions rather than, not 6-month out predictions based on "animal signals, cloud types, and pig spleens."

El Niño or La Niña?

El Niño and La Niña are opposite phases of the El Niño-Southern Oscillation (ENSO) cycle. In layman's terms, the ENSO cycle is a scientific study of fluctuations between atmospheric and ocean temperatures in the Central Pacific. Of these two phases, La Niña is considered to be the cold phase of the cycle, and El Niño is considered to be the warmer phase. While both phases occur seasonally, historically El Niño is more likely.

When it comes to the winter weather forecast for the 2018-



2019 season, both the NOAA and the Old Farmers Almanac report a 70% chance that we will have an El Niño winter season, with a warmer than average winter across the United States.

What does this mean for early winter?

Based on the early prediction for El Niño winter, the NOAA expects that the Pacific Northwest and the Northern Rockies will all see below average to equal chances of precipitation from October through December. However, Colorado, parts of Utah, and the Southern Rockies are all expected to see above average precipitation for the start of the season. While precipitation is expected to fluctuate across the country, the El Niño prediction calls for warmer than average temperatures across the entire country from October through December.

What does this mean for mid-to-late winter?

As winter progresses into January through March, most resorts across the entire country are forecasted to see continued equal to low precipitation averages. However, parts of Alaska

and Southern Rockies are expected to see higher than average precipitation in the second half of the winter. When it comes to the temperature, the entire country is expected to see warmer than average temperatures continuing throughout the second half of the season.

Can we trust this early forecast?

While predictions for low precipitation averages and warmer temperatures are undoubtedly startling for all the powder chasers among us, it's important to remember that this early forecast is just that, an early forecast. When it comes to on-hill conditions, individual storm cycles and short-term predictions are more likely to forecast conditions accurately than anything six months out. Looking at last year's predictions, we can see that warmer temperatures were predicted across the entire country and for the most part held true. The pattern is reflective of the warmer temperatures we have been seeing year-around, although it is not to say that colder temperatures will occur. Those in the mid-west can attest to last season's cold weather.

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Last season's precipitation forecast, on the other hand, called for mostly average precipitation across the country, with higher than average precipitation in Colorado and the San Luis Valley including much of the Rockies. This turned out to be incorrect, as Colorado and the SLV suffered from one of the driest winters in 60 years, while Utah and much of the Pacific Northwest saw average to higher than average precipitation totals. Long story short? It's far too early to make any definitive call, and while the early six-month predictions don't look great, there is no telling what the season will bring.

This article Courtesy of:

www.snowboarding.transworld.net

SdCAA Meeting Dates

SdCAA Meetings are held the 2nd Tuesday of the Month in the Economic Development Conference Room.

SdCAA Memorial Scholarship Applications Set To Open September 30, 2018

Following the sudden deaths in 2016 of two valued board members, the SdCAA established a scholarship fund in their honor. Felix Lopez and Joe Gallegos were devoted to acequia traditions and lifeways; they also recognized the importance of both academic and practical education in sustaining the acequia way of life under changing conditions. To continue their work, the scholarship fund will help defray the expenses of college courses for area students, as well as internships and practical training for acequia parciantes. The Acequia Association will offer a single \$500 scholarship for students and two

\$150 practical education grants each year as we are growing the grant fund.

The **College Scholarship Fund** will offer high school seniors in Costilla, Conejos, Huerfano and Las Animas counties an opportunity to receive a \$500-dollar scholarship to the College of their choice. Applicants must be accepted to a college or have applications in the review process. Scholarship applications will open September 30, 2018. If Interested please talk to your High School Counselor or come by the SdCAA office and pick one up! The application deadline will be December 31, 2018.

Scholarships will be awarded at our annual Congreso on January 26, 2019.

PRACTICAL EDUCATION

GRANTS: This grant provides up to \$150 of reimbursement for parciantes to attend workshops and trainings to both deepen and broaden their agricultural skill sets. To obtain reimbursement interested parties will need to provide a brief overview of their workshop and expense receipts to the SdCAA board at their regular monthly meeting (the second Tuesday of each month). For more information about these learning opportunities

please contact Mathew Valdez at 719-672-0810. |

Interested in donating?

Contact the SdCAA office at 719-672-0180. Contributions can be addressed to the SdCAA Memorial Scholarship Fund, and mailed to PO Box 721, San Luis, CO 81152. We are a 501 c (3) non-profit organization so your donation is tax deductible. The Acequia Association will send you a return receipt acknowledging your donation.



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determine their ownership of decreed or undecreed water rights and, if necessary, assist with clarification of decreed water rights with the Division of Water Resources, they also help with drafting, filing and pursuing an application for a new or change of water right in water court. Further, Dr Krakoff's student teams help formalize the oral traditions of each acequia by developing by-laws and

articles of incorporation. Professor Krakoff harnesses legal talent and resources in a way that promotes cultural preservation and makes a real-life impact on farmers in the Rio Culebra. The project has provided thousands of hours of pro-bono work towards establishing and protecting agricultural water rights for 31 acequias, representing hundreds of irrigators.

Krakoff has published multiple works about the areas of interest near to her heart, including *American Indian Law: Cases and Commentary*, co-authored with Bob Anderson and Bethany Berger; *Tribes, Land and Environment*, co-edited with Ezra Rosser; and articles in the *Stanford Law Review*, and *California Law Review*, as well as other law

journals. She also regularly authors or co-authors amicus briefs in American Indian law and public lands cases in federal courts throughout the country and serves on the board of trustees of the Grand Canyon Trust. Before joining the Colorado Law tenure-track faculty in 1999, Krakoff directed the American Indian Law Clinic and secured permanent university funding to ensure the clinic's future.

The SdCAA congratulates Dr. Krakoff on this prestigious award and thank her for helping to preserve our Acequia heritage.



Water Use

Water in any stream, or river in Colorado is an adjudicated right . Therefore, it belongs to the water right holder, Acequia water is no different. The water that flows through the Culebra Watershed Acequias belongs to the parciantes (landowners) on the acequia, who use the water to irrigate their land. Using the water without this right is stealing and is in direct violation of Colorado Water Law.