



Sangre de Cristo Acequia Association

El Parciante

PO Box 721 San Luis,
CO 81152

Congreso de Acequias! "Preserving Acequia Traditions"

The Sangre de Cristo Acequia Association (SdCAA) will be hosting their annual Congreso de Acequias on Saturday January 26, 2019. Congreso de Acequias is a dynamic and vibrant gathering that celebrates the acequias as part of our way of life and our livelihood. We celebrate the people who keep our acequias flowing and the deep connection to land, family, and community. Our theme this year is "Preserving Acequia Traditions." The event will host a variety of topics and speakers that are pertinent to acequia irrigators. Our keynote speaker will be Arnold Valdez who will present on the Culebra Watershed ecosystem and its importance to the acequias. There will be breakout sessions which will include "Understanding Aquifer Withdrawal and the effects on Acequia Water" and a concurrent session will focus on "Watershed Health issues." The afternoon will wrap up with Craig Cotton, Division 3 Engineer, James Heath, Assistant Engineer, Tom Steward, Water Commissioner and Water Attorney Peter Nichols will be doing a follow-up session on the Hallett Decrees meeting that was held in September.

Registration begins at 8:00 am



2018 Congreso de Acequias

and the Congreso will commence promptly at 8:30. We will begin the day with the SdCAA annual report and election of new board members. We are asking that all designated acequias delegates be present to vote. If you are unsure if your Acequia has assigned an SdCAA delegate please contact Mathew Valdez, SdCAA Executive Director at 719-672-0810.

The SdCAA will be providing a light breakfast and a full lunch for all participants. There will be the opportunity to win some great door prizes throughout the day. Additionally, there will be chance to purchase tickets for hunting rifle, \$500 ditch cleaning and surprise that will be announced at the Congreso reception. Lunch time will feature the Mariachi San Luis and an opportunity to highlight student work and to announce winner of the student scholarships. Winners for the mini-grants will also be announced.

There will be a variety of vendors to

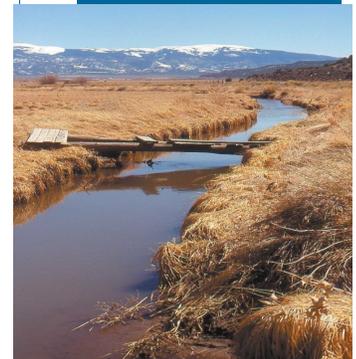
chat with and get the latest information on topics prudent to acequias.

The Acequia Association will be hosting a reception on Friday January 25, 2019 at the Parish Hall beginning at 6:00 pm. This will be an opportunity to connect with other parciantes and for those acequias working on bylaws or research. This is also an opportunity to connect with their legal team and layout plans to get their project completed. Light refreshments will be served and like all acequia events there is no cost. The Acequia Association works to continue building the acequia movement by protecting our land and water resources for future generations of acequia farmers and ranchers.

The event is made possible by these great partners and sponsors: Costilla County Conservancy District, Natural Resources Conservation Service, San Luis Valley Conservation Fund, Sangre de Cristo National Heritage Area and Colorado Open Lands.

For more information contact Mathew Valdez at 719-672-0810 or visit our website at www.coloradoacequias.org.

El Parciante



Sangre De Cristo Acequia Association Mission Statement

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

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Colorado Opens Lands Announces Funding Opportunity

By Judy Lopez

Colorado Open Lands is announcing a funding opportunity through the Colorado Natural Resources Conservation Services (NRCS) and their Regional Conservation Partnership Program (RCPP). This program will utilize conservation practices through the Environmental Quality Incentives Program (EQIP). The program will provide financial assistance to facilitate adoption of conservation practices for Acequia farmers within the Culebra Watershed in Costilla County. For consideration in this early funding opportunity, applications must be submitted by January 18, 2019. EQIP applications are available at your local NRCS Office in San Luis, CO. To be eligible for this unique opportunity you must irrigate from a recognized acequia and meet all EQIP program eligibility requirements.

The EQIP program is a voluntary program that offers financial and technical assistance to eligible agricultural producers to facilitate adoption and improvement of natural resource management to increase private land resources and long-term sustainability. The program offers financial incentives to adopt conservation practices that improve soil, water, plant, animal, and related resources. Projects to be considered for this early funding cycle include:

Irrigation System Improvements: Gated Pipe, Headgates, Land Leveling and Basic Irrigation Water Management implementation.

Grazing System Improvements: Cross Fencing, Solar stock tanks with wells and Prescribed Grazing implementation.

High Tunnel: High Tunnel Systems for

crops to assist producers in extending the growing season for high value crops and increase local food production.

Interested participants must meet the specific funding pool required criteria to be considered for funding in this funding cycle. To be considered in this FY2019 funding cycle, applications must be received in the San Luis NRCS office prior to the cut-off date of January 18, 2019.

Colorado Open Lands will also be offering owner cost share assistance, be sure to sign up early to take part in this special funding option.

To determine if your application is eligible for this select fund pool and for additional information about applications contact Judy Lopez, Colorado Open Lands RCPP Project Manager at 719-580-5300 or NRCS office staff at 719-672-3673.

Acequia Easements

An easement is a property right to cross, use or prohibit the use of someone else's land for a specific purpose. While there are many different types of easements, the one most relevant for acequias is a right-of-way easement. This easement is used to cross another's land to gain access to the acequia, most often to maintain it. It is important to realize that under Colorado Law all acequias and ditches have automatic easements for access along the acequia to maintain and repair. Although there is already a legally enforceable easement that all landowners much respect, it can often be a

good idea to specify in the bylaws what the extent of the easement is, and how it will be used under normal circumstances. That way you can avoid conflicts because everyone is notified, in writing, what the easement is and how it will be used.

Reflecting the importance of irrigation acequias in Colorado and the Culebra River Basin, the right-of-way to maintain them is protected by the Colorado Constitution. Acequia owners are required by law to maintain their acequias. Pursuant to Section 37-84-107, C.R.S. the owners of ditches must prevent waste. They are required to maintain and keep the embank-

ments of their ditches in general good repair to prevent the water from being wasted, whether on their own property or on the property of others. All tail water ditches are to be constructed so, as to return the water in the ditch to the stream from which it was taken with as little waste as possible. Section 37-84-112, C.R.S., provides specifications, maintenance requirements and penalties regarding headgates. The owner is required to construct and maintain at the point of intake, a proper headgate of height and strength, with embankments sufficient to control the water at

all ordinary stages of flow.

Perscriptive easement is another issue for acequia landowners. A prescriptive easement can be acquired when someone openly and obviously

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Calendar

- Rio Grande Basin Roundtable Meeting — January 8, 2019 at 2:00 pm SLVWCD Office in Alamosa.
- SdCAA Monthly Meeting— January 8, 2019 at 6:00pm at the CCEDC Conference room.
- Congreso Reception Friday January 25, 2018 at the Parish Hall beginning at 6:00 pm.
- 2019 Congreso de Acequias— Saturday January 26, 2019 at 8:00 am—5:00 pm

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



Sangre de Cristo Acequia Association

San Luis Vega: A Land in Dispute

By Mathew Valdez

On Friday October 19, 2018, the Land Rights Council held a community meeting on the status of San Luis Vega also called "La Vega." During the meeting, attorney Jerome DeHerrera informed the community what the possibilities are to the San Luis Vega.

The prevailing thought is that La Vega belonged to the people of the Culebra villages. This is not the case. The San Luis Vega is 633 acre parcel of common land located east of the Town of San Luis. It is a relatively small section of the one million acres Sangre de Cristo Land Grant.

The history of the common land, described in the written deed issued by Carlos Beaubien on May 11, 1863, to all the settlers of the Culebra Valley is one of dispute. The 1868 deed specifically designates the villages of San Luis, San Pablo, Los Val-lejo's and other inhabitants of the area.

Carlos Beaubien died in 1864 and that same year members of his estate sold the Sangre de Cristo Land Grant to William Gilpin the first Governor of the Colorado Territory. Governor Gilpin agreed to comply with rights of the settlers. In 1916, a quiet title suit filed by the

Costilla Estates Development Company against the San Luis Vega Improvement Company, became known as the Wiley decision. The Wiley case, heard by Judge J.D. Wiley, determined the Beaubien deed referred only to the La Vega. Secondly, it determined that Costilla Estates Development Company is the sole and legitimate title holder of La Vega and was subject to easement right for the purpose, of common pasturage. The Wiley decision also stated that the people of San Luis and the other villages do not own La Vega. The people only have a right to graze their livestock.

The communal use of La Vega and La Sierra continued uninterrupted for more than one hundred years. Then in 1960, A lumberman from North Carolina by the name of Jack Taylor purchased La Sierra and the communal use came to halt. The local resident's descendants of Colorado's pioneer settlers did not, however, acknowledge that this outsider should have exclusive ownership of La Sierra. The people fought back!

Notwithstanding the provision in the deed issues to Jack Taylor and despite the Wiley decision which determined that limited public had a legal right to use in

common, the land of another, it was the courts that decided that the Mountain Tract was not communal land. The courts disregarded the Wiley decision and the provisions of people's rights in the 1960 deed, the courts also ignored over one hundred years of communal use of the Mountain Tract. Basically, the courts ignored everything including, the 1863 Beaubien Deed to the settlers and the Treaty of Guadalupe Hidalgo.

In 2002, Colorado Supreme Court granted the descendants of Colorado's pioneer settler's the right to graze livestock, gather wood, and timber. In November 2018, after the owner appealed the case, the Colorado Court of Appeals decided in favor of the people of Culebra Villages.

Now what is at stake for La Vega. Currently, work is being completed for the courts to determine how will La Vega be utilized and who will have title to the property. After the courts have settled on this action, the other issue is the villages of Chama and San Acacio. They were not part of the original deed, so will the landowners of these two villages be allowed to pasture their livestock in La Vega

The Board & Staff

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SdCAA Meeting Dates

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

Interested in serving as a delegate to present your acequia as a voting member of the SdCAA. You may request a Delegate Enrollment Form to sign up, contact Mathew Valdez, Executive Director @ 719-672-0810,

SDCAA Looking Fill Board Members

The Sangre de Cristo Acequia Association (SdCAA) is seeking to fill 6 opening on the SdCAA board. If you are interested in serving on the board, submit a letter of intent and anyone may

serve if you meet the following:

- Be at least 18 years or older.
- Be a parciante to a ditch.

- The ditch needs to be a member of the SdCAA

Deadline to submit your letter of intent has been extended to December 21, 2018, submit it to Sangre de Cristo Acequia Associ-

ation, P.O. Box 721, San Luis, CO 81152. If you have questions, you may contact Mathew Valdez, Executive Director at 719-672-0810 or 719-298-7877.

SdCAA Memorial Scholarship Application Date Extended to January 15

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 January 15, 2019.

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.



Acequia Easements

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uses your property for a period of eighteen years in a way that interferes with your exclusive use of your property right. If a person used your land for eighteen years without you stopping them, the court will say that the person has acquired a "prescriptive easement," or right to continue making use of your land in that way. So, for

example, if your neighbor walks or drives across your property as a shortcut to his property for eighteen years, he might gain a legal right to continue using your property even if you later try to make him stop.

Colorado inherently gives the right of the mayordomo or ditch rider to walk along the ditch to perform his duties. That allows

assurances that everyone on the ditch can enjoy the mayordomos overseeing the acequia's operations. The Sangre de Cristo Acequia Associations has tours of the acequias. Guided tours along an acequia easement may be a great way to educate people about acequias but those who want to organize such tours

should first seek permission from the landowners along the ditch.

For more information on Acequia Easements-Colorado Acequia Handbook visit our website: www.coloradoacequias.org

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.

