

EL VALLE NEWS

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EL VALLE COMPLETES THREE PROJECTS IN 2008

"Sin agua no hay vida."

*"Without water,
there is no life."**

Happy Thanksgiving & Happy Holidays from the Board of Directors and Staff of El Valle de los Ranchos.



BOARD OF DIRECTORS

- Gabriel Romero, Chairman
- Mario Barela, Vice-Chairman
- F. R. "Bob" Romero, Secretary
- Andrew Chavez, Treasurer
- Meliton Struck, Member at Large
- Alipio Mondragon – Non-voting Member

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Three sewer extension projects were completed over the summer of 2008. Phase 1E, in the Morada Road area of Talpa was completed in the middle of September. This project is expected to allow approximately 40 homes to connect to El Valle's sewer. In addition, the Tom Holder Road project, Phase 2A, was completed in October. This project brings sewer from the Town of Taos trunk line that lies south of State Road 240 south to Tom Holder Road. Approximately 20 residences will be immediately able to connect to this sewer line. More importantly, it begins the extension of Phase 2 which will extend to the Ranchos de Taos area during the next phase of funded construction. In addition, Phase 7A succeeded in connecting the University of New Mexico, Klauer campus, to the sewer. The completion of this sewer extension allowed UNM Taos to begin instruction at the Klauer campus for the Fall 2008 semester.

THE DOCTRINE OF PRIOR APPROPRIATION by F.R. Bob Romero

In order to better understand all aspects of water uses and water rights it is essential to know about the Doctrine of Prior Appropriation. This doctrine is imbedded in the New Mexico Constitution in Section 2 of Article XVI and reads as follows: "The unappropriated waters of every natural stream, perennial or torrential, within the state of New Mexico, is hereby declared to belong to the public, and to be subject to appropriation for beneficial use in accordance with the laws of the state. Priority of appropriation shall give the better right." The Doctrine of Prior Appropriation is common in the Southwest and Rocky Mountain States and seven of surrounding states operate under the doctrine. In contrast, most Eastern states operate under the doctrine of Riparian water rights, which means that if the water source passes through or is on a landowner's land, the water is also owned by the land owner.

So what does the Doctrine of Prior Appropriation mean in theory and in practice in New Mexico? The first principle is that all surface and ground water is subject to appropriation for beneficial use and the State Engineer is appointed by the Governor to administer the state's water. Secondly, whoever can prove priority of

appropriation has the better right. In New Mexico, this means that Indian Pueblos and Acequias are the first in line. Once a priority date is established for an acequia or a water right is recorded in the Office of the State Engineer, the date will be used for the on-going process of adjudication. Adjudication is a legal process to formally and finally establish water rights in a particular area or stream system. Although some rights within the state have been fully adjudicated, a lawsuit that was initiated in the 1960's involving water in the Taos Valley has still not been finally resolved.

In essence, the Doctrine of Prior Appropriation means that "priority" of water use in New Mexico should be paramount. In practice, however, what seems to be followed according to some authorities, including former State Engineer, Steve Reynolds is "hierarchy". What this apparently means is the higher up you are, for example on an acequia or an upper basin state versus a lower basin state, the better your water rights actually are. From a practical standpoint there is some logic to this view, at least until the adjudication of water rights becomes a reality, the Doctrine of Prior Appropriation notwithstanding.

**DON'T FORGET TO VOTE ON ELECTION DAY – TUESDAY NOVEMBER 4TH
POLL'S ARE OPEN 7 a.m. to 7 p.m.**

Additional information can be obtained from the Bureau of Elections at 737-6400.

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STAFF

- **Sarah C. Backus,**
Director
- **Pat Sanchez,** **Office Manager**
- **Melene Montano,**
Administrative Assistant

UP-COMING BOARD MEETINGS

- November 12, 2008
- December 10, 2008
- January 14, 2009

All meetings are held at the District Office located at 209E Camino de la Merced, Taos at 4:00 p.m. The public is encouraged to attend.

The office will be closed:

November 27 and 28, 2008 – Thanksgiving Holiday
December 25 and 26, 2008 - Christmas

January 1, 2009 – New Year's Day.

El Valle's Website
www.elvalledelosranchos.org

DISTRICT SETS PRIORITY FOR NEW SERVICE

The Board of Directors has determined that its first priority for continuation of sewer service is in the Rio Grande del Ranchos Greenbelt area located south of State Road 240. The District wishes to bring service to this area of high ground water and then across State Road 68 to the Ranchos Plaza area. The area located near San Francisco de Asis Church is characterized by high housing density and many small lots. Failing septic systems cannot be replaced on lots smaller than $\frac{3}{4}$ acre that also have a well, according to the New Mexico Environment Department Regulations. Owners with failing septic systems are required to install closed vault systems which require frequent and costly pumping. Many residents of this area have requested that the District provide sewer service. The District hopes to commence construction of this new sewer line during 2009. While this project has already been designed, the District will need an appropriation of almost \$2 million to complete it. El Valle has requested funding from the New Mexico Legislature in past years and has been successful in obtaining funding for the Phases 1E, 1F and 2A. The District's efforts have been supported in the Legislature by Representative Roberto "Bobby" Gonzales and Governor Bill Richardson as well as Senator Carlos Cisneros, Representative Nick Salazar and Senator Phil Griego. The District hopes that its funding requests will be successful in the upcoming Legislative session so that the Rio Grande del Rancho Greenbelt project can be commenced in 2009.

OFFICE BUILDING TO BECOME A REALITY

As previously reported, the District has obtained approval from the United States Department of Agriculture for funding for an office building to be constructed adjacent to the Llano Quemado Community Center. The funding will be part loan, part grant. The District has prepared preliminary designs and hopes to be able to go out to bid for construction during the next six months.

WHAT HAPPENS WHEN BILLS ARE NOT PAID

El Valle is extremely fortunate to have wonderful customers, the majority of whom, pay their monthly bills by the due date each month. There are some customers, however, who are unable or unwilling to pay their bills on time, for a variety of reasons. The District pays the Town of Taos for each customer who is connected to the District's sewer system. Therefore, if a customer fails to pay his or her bill to the District, the District must still make payment for that customer to the Town of Taos. It is the District's policy to send a reminder letter to a customer who is two months behind in his or her payment. For public health reasons, the District cannot disconnect a customer from the sewer, therefore, when a customer is three months behind, the District's policy is to place a lien on the real property to secure payment of the past due fees. Additional fees are incurred by the customer when the District is required to take this drastic step.

These are difficult economic times for many people and the District is committed to working with customers who are having difficulty paying their bills on time. However, this requires communication with the District. While the District cannot reduce the amount a customer is required to pay, it can wait a reasonable amount of time before placing the lien, if it is made aware of a customer's situation.

BOARD ELECTIONS TO BE HELD ON JANUARY 13TH

El Valle de los Ranchos is governed by a five-member Board of Directors. Members are elected bi-annually in staggered terms. On January 13, 2009, as required under New Mexico law, the District will hold an election for two positions on the Board of Directors. Nominations for candidates should be received in the District's office on or before December 16, 2008. Candidates must be registered voters and either reside in or own property within the District boundaries. Interested persons should contact the office at 751-1700.