

**Hearing before the House Committee on Natural Resources  
Subcommittee on Water, Wildlife, and Fisheries**

**H.R. 8685**

**Ohkay Owingeh Rio Chama Water Rights Settlement Act of 2024**

**Statement of Tanya Trujillo,  
New Mexico Deputy State Engineer**

**July 23, 2024**

Mr. Chairman Bentz, Vice Chair Kiggans, and members of the Committee, I am Tanya Trujillo, New Mexico Deputy State Engineer. My agency, the Office of the State Engineer, is responsible for the administration of water rights in New Mexico. The State Engineer has authority over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including all interstate streams and rivers. I appreciate the opportunity to submit this testimony to you today and provide comments on behalf of the State of New Mexico in support of House of Representatives Bill 8685, the *Ohkay Owingeh Rio Chama Water Rights Settlement Act of 2024*.

H.R. 8685 will resolve Ohkay Owingeh's water rights claims in the Rio Chama Stream System by authorizing, ratifying, and confirming a comprehensive agreement among the State, Ohkay Owingeh, the City of Espanola, the Asociación de Acéquias Norteñas de Rio Arriba, the Rio de Chama Acéquias Association, La Asociación de las Acéquias del Rio Vallecitos, Tusas, y Ojo Caliente, El Rito Ditch Association, representing 80 acequias and community ditches. This legislation offers a historic opportunity to authorize funding for Ohkay Owingeh to secure and develop water sufficient to support the Pueblo's needs, while also protecting scarce water supplies, existing water uses, and acequia culture in the heart of northern New Mexico.

For centuries, Ohkay Owingeh irrigated along the banks and fertile lands along the river near the confluence of the Rio Chama and Rio Grande. Over the last century, the construction of large reservoirs, the channelization of the river, increased upstream uses, and climate change have greatly reduced the Rio Chama water supply.

There are more than 80 acéquias in the Rio Chama Stream System. The three oldest acéquias in New Mexico divert from the Rio Chama just outside Ohkay Owingeh's grant boundary, but Ohkay Owingeh has time immemorial water rights, making it the most senior water user in the basin. The Acéquias and the Pueblo are all suffering from diminished surface water supply and Ohkay Owingeh often struggles to receive enough water to farm their land at the bottom of the Stream System.

Litigation over the Rio Chama water rights of Ohkay Owingeh has been ongoing for nearly thirty years. The federal court adjudication was filed in 1969 (*State of New Mexico, ex rel. State Engineer v. Aragon*, 69-cv-07941 (D.N.M.)). Recognizing the need for cooperation among the water users in the Stream System and the limited water resources available, the parties structured this settlement to protect existing uses and scarce resources.

The Pueblo, the State, and the Acequias developed an administrative agreement to share and curtail water in times of shortage in order to increase wet water supply and extend the irrigation season. The Pueblo has agreed to give up its right to make a priority call on junior non-Pueblo water users, providing security to all water rights holders in the region. Additionally, the legislation will provide Ohkay Owingeh with crucial funding for projects that will restore the culturally significant Rio Chama Bosque, which will support the health of the river and the ecosystem as a whole.

As a fund based settlement, Ohkay Owingeh is seeking federal funding in the amount of \$818.3 million for purposes related to restoring and maintaining the Rio Chama and Rio Grande bosques, developing water supply and wastewater infrastructure, acquiring water rights or water supplies, and managing and administering Pueblo Water Rights. Importantly, authorizing this fund-based settlement provides the Pueblo flexibility to determine the scope and design of future projects and infrastructure.

The State of New Mexico has committed to seek State funding in the amount of \$98.5 million to the Acéquiás for projects and infrastructure needs, and \$32 million to the City of Española for the development of safe drinking water production wells.

Mr. Chairman Bentz, Vice Chair Kiggans, and members of the Committee, the State of New Mexico asks you to support H.R. 8685. If approved, this legislation will create a mechanism for cooperation and coordination among Ohkay Owingeh and the State regarding water rights administration, thereby avoiding jurisdictional conflicts and allowing for comprehensive administration across the stream system. The funding authorized by the Settlement Act will contribute to Ohkay Owingeh's water security and provide significant economic benefits and employment opportunities to the Pueblo and surrounding communities. There will also be broader statewide economic benefits because the scope of these projects will create demand for additional labor, construction, and technical expertise from New Mexico contractors. The State of New Mexico enthusiastically supports this legislation and believes H.R. 8685 is a key tool in addressing critical water needs of Ohkay Owingeh and protecting the way of life in northern Mexico for generations to come.

I thank you for your consideration of this issue and stand ready to provide any support necessary to encourage the passage of this critical legislation.