

Many ref: https://en.wikipedia.org/wiki/Journal_of_the_Southwest (wiki)

Journal of the SW Home page (University of AZ) <http://jsw.arizona.edu/>

Par 1 of 3

Two books that may be of interest re: APR issue ...

Land Grants & Lawsuits in Northern New Mexico by Malcolm Ebright, 2008 edition

<http://www.southwestbooks.org/landgrants.htm> (www.southwestbooks.org may have other books of interest)

Land, Water and Culture: New Perspectives on Hispanic Land Grants, by Charles Briggs, 1987

<https://www.amazon.com/gp/search?index=books&linkCode=qs&keywords=9780826309891>

Attach here are several pertinent articles reference in the Ebright work, from the Journal of the Southwest, Autumn, 1990. They go with this excerpt....

Generally, ancient Hispanic practices as to the location and boundaries of land grants, water rights, do not conform and have not conformed to Anglo-American standards for legal descriptions...as a result...

Absolute title with the right to sell water is an Anglo concept imposed on New Mexico water users fairly recently, and like the imposition of a partition suit, it will inevitably lead to the loss of water rights, just as the partition suit resulted in the loss of common lands. Communal control of irrigation water by acequia associations has helped the communities that use those resources to survive, but with privatization both water rights and the communities themselves are in jeopardy...." - Frances Levine in "Dividing the Water,"

Attached are the full text of articles from the Autumn issue of Journal of the Southwest that may be of use giving some legal and common law background behind some of these water fights....

Dividing the water.pdf

Dancing for Water.pdf

Acequia Rights Law and Tradition.pdf

(All on www.informedcynic.com)

Part 2 -

The entire Autumn, 1990 issue of Journal of the Southwest was devoted to Water Rights in New Mexico. (Three examples below) Of course, there are many other studies, some more recent, but the back-grounding in the issues were adjudicated in the courts of the last 60-70 years.... (All 3 below are on www.informedcynic.com)

Land, Water, and Pueblo-Hispanic Relations in Northern New Mexico - Autumn 1990 - (Quantana)

Applied Research on Land and Water in New Mexico: A Critique - Autumn 1900 (Rodriguez)

"A Never-ending source of Water: Agriculture, Society, and Aquifer Deletion on the Coast of Hermosillo, Snorora - Winter 2012 (Moreno)

Part 3 -

In researching the subject documents it's important to make a distinction between water law, water rights, surface water and groundwater.

The term aquifer[s] is not useful because most of the hydrological studies that refer to aquifers do so in terms of groundwater vs. surface water. There is an additional problem because while everyone knows that surface waters are related to rivers and groundwater basins, the knowledge of groundwater.

Sources are often highly technical in its exact relationship. Claims about recharging groundwater resources periodically, or about depleting such resources ... torture the definitions of water rights on the surface and their relationship to groundwater basins and the connection of those groundwater resources to flowing rivers. The geologic fact of the course of the Rio Grande through New Mexico has also made arguments about urban growth and water resource management highly political....and stretched the concepts around common lands and resources....

2 articles below are representative about the issues and case law

Of course the APR issue is "privatization" of something underground that can be attached or sold off like a separate mineral resource and detached from or attached to the concept of private property. That may mean that they can put the resource into a deed of conveyance, but the issue of adjudicating the true ownership of the same resource in a court of law is often technical and highly flawed when it comes to politicians, judges, and state agencies such as the New Mexico State Engineer....having been captured by corporate interests....

The issues about whether the community, smaller or larger, has rights to manage the use of groundwater resources have not recently been accorded priority when stood up against private property concepts.

From the Chicago-Kent College of Law Scholarly Commons @ IIT Chicago-Kent College of Law ...
Water Supply and Urban Growth in NM - Same of same old - March 1, 2003

Transboundary Aquifers: Conceptual Models for Development of International Law - Ground Water 43 No.5 – Eckstein

Both articles are on www.informedcynic.com