THE INDIAN CAMP DAM CONTROVERSY: THE REAL BEANFIELD WAR

Marilyn J. Koch[1]

This essay explores the controversial history of Indian Camp Dam, a Bureau of Reclamation project authorized under the Colorado River Storage Project and the San Juan-Chama Diversion Project. The dam was proposed, but never built, for predominantly Hispanic farmers in the Taos valley of northern New Mexico. Using interviews with participants in the controversy as the basis for her study, the author argues for more complete and complex histories of intra- and interethnic cooperation and resistance, histories that embrace "untidy ambiguities."

"When [we] talk about history we don't mean what actually happened, do we? The cosmic chaos of everywhere, all time? We mean the tidying up…into books. History unravels; circumstances, following their natural inclination, prefer to remain raveled."

-Penelope Lively, Moon Tiger

As we gather in 2002 for the centennial of the Bureau of Reclamation, we have set time aside for many events: for the special tour of Hoover Dam; for our host's celebratory events; and to meet with friends and fellow historians. But most importantly, we have *set time aside* in the most literal meaning of that phrase, for we will spend most of our time in the Past, recognizing the history of the past 100 years of the Bureau of Reclamation. As we gather to recognize the Bureau of Reclamation, we should perhaps ponder that verb: *recognize* -- to look over again, literally, "to re-know."

To *set time aside* time and to *recognize* are also most appropriate definitions for what we do as historians. We are also, though, in the broadest sense, storytellers. I do not mean that

historians create fictions nor fantasies, though some do, but that we place very raveled events and circumstances into a narrative framework. We unravel and we tidy up. We have to in order to satisfy the necessity for a coherent work.

My contribution to this Symposium, my 'looking over again' a piece of the history Bureau of Reclamation, explores the controversial history of Indian Camp Dam, a project that Reclamation never built. Because it offers us insight into the oppositional strategies at work against the Bureau of Reclamation, this never-built project provides an additional dimension to our re-knowing, perhaps one that histories of completed projects cannot give. Because historians tend to emphasize what *did* happen, rather than what did not, they risk overlooking or missing opportunities to examine the meanings that an event had as it unfolded; they risk holding the past "hostage to an as yet undefined future."[2]

Indian Camp Dam, a relatively small dam, was to have been built near Taos, New Mexico, in the valley about three miles south of Talpa, New Mexico, as part of the Colorado River Storage Project (CRSP). The Bureau of Reclamation designed Indian Camp Dam to benefit predominantly Hispanic farmers and ranchers who needed an additional and reliable source of water for irrigating their lands, many of which were located on Spanish colonial land grants. Because my essay is not the first to look at the Indian Camp Dam controversy, [3] and because events surrounding the controversy have also been satirized in the popular novel by John Nichols, The Milagro Beanfield War, I am 'looking over again' the story of Indian Camp Dam in a literal, revisionist, sense as well. Beneath any tidied up narrative of the Indian Camp Dam controversy lie layers of complex human interactions that comprise the very raveled and very

untidy historical, political, and cultural past of northern New Mexico. I do not presume that my history will do more than add another dimension, but I hope it adds a more raveled one.

Toward that goal, I have incorporated interviews conducted with principal participants in the controversy, in particular Andres Martinez and Rudy Pacheco, two Hispanic water leaders who ultimately found themselves on opposite sides, and John Nichols and Paul Bloom, two Anglos who also opposed each other. I have also incorporated the contemporary perspective of Eluid Martinez (no relation to Andres Martinez), Commissioner of the Bureau of Reclamation during the Clinton Administration. Eluid Martinez became involved in the Indian Camp Dam controversy in 1971 when he was a young hydrographic engineer working for the Office of the New Mexico State Engineer. As a native of northern New Mexico, an observer of the controversy, and as former Commissioner of Reclamation, Eluid Martinez commands a unique vantage point from which to comment upon the Indian Camp Dam project. I believe the oral histories of these participants reveal that previous versions of the Indian Camp Dam history have omitted facts critical to a complete and fair understanding of the controversy.

This essay also examines the legal framework proposed for the ownership and maintenance of the dam, and how this project was influenced but ultimately hobbled by the tangled institutional structures, cultures, and organizational ideologies of the federal and state agencies involved in the controversy, including the Bureau of Reclamation. Ultimately, this essay questions stereotypical assumptions of how ethnic boundaries were set, maintained, and crossed during the controversy–assumptions that have since been further distorted by the success of The Milagro

Beanfield War. This novel, and to some extent the subsequent movie, have garnered huge popular appeal. To a surprising degree, the novel encompasses the general public's entire awareness of northern New Mexico's environmental politics. The term "beanfield war" has become synonymous with any Anglo/Hispanic environmental dispute in New Mexico. The book continues to be displayed prominently in hotel and airport gift shops, alongside the iconic red chili *ristra* lights and howling coyotes, as if to announce "This is New Mexico." But "to recognize" the history of Indian Camp Dam is to recognize that a stereotypical and romantic description of a cliche struggle–Anglo developers and reclamationists versus earth-loving Hispanic farmers, a struggle that has taken on the power of legend–can be not only deceptive and unfair, but can also have long-lasting effects on how we choose to use and conserve natural resources.

Finally, by examining the history of this controversial and never-built reclamation project using the oral histories of these participants, I hope to show the validity of Donald Pisani's statement in To Reclaim a Divided West, that "The story of the West must begin from the ground up, rather than from the top down. The parts must be understood before sense can be made of the whole."[4] If we are to use this centennial to recognize the Bureau of Reclamation, it seems fitting to 'look over again' one of these parts.

Indian Camp Dam was designed to have been built in the forested canyon of Rio Grande de los Ranchos, a tributary of the Rio Grande, three miles south of Talpa, New Mexico. Talpa is one of over a dozen small settlements within Taos valley lying along eight mountain streams, all making competing demands on the valley's watershed (Map 1). In addition to the competing

demands of these predominantly Hispanic settlements, Taos Pueblo Indians claim Winters rights,[5] prior and paramount rights, to the headwaters of the valley's tributaries at Blue Lake.

[Insert MAP 1 here]

While it is beyond the scope of this essay to detail the complexities of Indian water rights in New Mexico, an awareness of Winters rights is important to a theoretical understanding of the context, and perhaps even more importantly, the subtext, of the Indian Camp Dam controversy. Although Taos Pueblo was not involved in the controversy in an overt or active fashion, because its Winters rights were still not fully appropriated, nor yet fully put to beneficial use, and still theoretically held in trust by the United States, they remained unquantified. In 1970, just as the Indian Camp Dam controversy intensified, Taos Pueblo won its long battle with the U. S. government for return of Blue Lake. Against this backdrop the increasing demands for the water, and at least two years of drought, served to heighten awareness and competition for water throughout the Taos valley. In many important ways these tensions were not new. As John Baxter demonstrates in Dividing New Mexico's Waters, 1700-1912, conflicts over water had tangled the web of human interaction, resistance, and compromise in the Taos valley for the past 300 years.[6]

Indian Camp Dam was originally conceived as one of the hundreds of projects comprising the Colorado River Storage Project, or CRSP. When Congress finally passed and President Eisenhower signed the CRSP into law in 1956, the legislation enabled the Bureau of Reclamation to build the network of dams necessary to divide up and store Colorado River water among the seven western states, including New Mexico, that claim it. The ideological framework for the CRSP grew not only out of the federalism of the Reclamation Era, but also out of New Deal federalism and its social welfare programs. The CRSP was not only a project of environmental engineering, but in social engineering as well.[7] Beneath this framework lay the powerful symbolism of the Jeffersonian agrarian ideal of the yeoman farmer, which infiltrated and

informed everyone's approach to Indian Camp Dam.

As originally conceived, the CRSP was one of this country's largest water reclamation projects. Its scope was astounding.[8] It encompassed scores of small and medium sized reclamation projects–the dams and reservoirs that fill the modern Western landscape. It included large and very controversial projects, such as the infamous and never-built Echo Park Dam, and Glen Canyon Dam, which created Lake Powell and stores the equivalent of two years' flow of the Colorado. The Bureau of Reclamation called Glen Canyon Dam its "cash register." Money that Glen Canyon Dam generated from electrical power subsidized the construction of other CRSP projects. The CRSP was the first reclamation project to link the receipt of power revenues from one location to payment for irrigation projects in others. This enabled politicians and reclamationists to rationalize the construction of irrigation projects in places where, until then, the economics of large scale irrigated farming had been considered impossible or, at best, marginal--places like Taos, New Mexico.

The CRSP called for water to be transported from the San Juan River, New Mexico's only source of Colorado River water, into the Azotea Tunnels underneath the Continental Divide, and finally into the Rio Grande Basin via the Chama River. This transfer, initially a part of the CRSP, is called the San Juan-Chama Diversion Project (SJCDP) (See Map 2). Throughout the 1950s, New Mexico's Senator Clinton B. Anderson, himself a strong advocate of reclamation and New Deal ideologies, fought for New Mexico's share of Colorado River water and for the SJCDP. As head of the powerful Senate Interior and Insular Affairs Committee, he helped direct the course of legislation required to enact the SJCDP pursuant to the terms of the Colorado River Compact.

Anderson and most reclamation advocates believed that in order for

[Insert MAP 2 here]

New Mexico to use Colorado River water most effectively, the water had to end up in the Rio Grande, where it could then reach and serve the most populated and agriculturally productive portions of the state. This transfer subjected the imported waters to further complicated political compromises and to the terms of the Rio Grande Compact.

In 1962, Congress finally approved and President Kennedy signed into law the SJCDP and construction of the tunnels began. Senator Anderson had seen to it that most of the water would go to his constituency in central and south-central New Mexico, primarily for municipal and industrial use by the city of Albuquerque.[9] New Mexico's other U.S. Senator, Democrat and Hispanic Dennis Chavez, supported Anderson's long battle for the CRSP and the SJCDP. In return, Chavez won Anderson's promise that over one-fourth of the water (30,000 acre feet per year) would go to Chavez's constituency, the predominantly Hispanic farmers and ranchers in northern New Mexico.

Taos was too far north and east of the Chama River to receive the imported waters directly. Instead, by constructing dams, Taos and three other northern New Mexico communities were to impound waters from their respective Rio Grande tributaries in the total designated amount. This same amount would then be substituted with San Juan water flowing into the Rio Grande in order to replenish the Rio Grande and meet the downstream requirements called for under the Rio Grande Compact.

Under the terms of the Rio Grande Compact, New Mexico had to meet certain downstream delivery obligations, both intrastate and interstate. The Rio Grande Compact divided the New Mexico portion of the Rio Grande above the Elephant Butte Reservoir and designated the amounts

that had to be delivered into the Reservoir from the upstream section of the river. Similarly, New Mexico also had delivery requirements and obligations to Texas. The most serious opposition to the SJCDP had come from Texas and from the Elephant Butte Irrigation District (EBID) in southern New Mexico. Texas and the EBID jointly questioned how their rights would be protected, especially in times of drought when they feared that the additional upstream projects proposed by SJCDP would consume too much water at the expense of those below Elephant Butte Dam. In return for dropping their opposition to the diversion, EBID and Texas demanded and were guaranteed strict compliance with the Rio Grande Compact.

The state of California, through the Colorado River Board of California, had also mounted vigorous opposition to SJCDP by attacking the feasibility of the New Mexico projects and questioning how they conformed to the Colorado River Compact and the pattern of protecting the Colorado River Basin as a whole. California wanted assurance that none of the Colorado River water would be made available for consumptive use, "whether by exchange or substitution or use of return flow, to any state not a party of the Colorado River Compact,"[10] that is, Texas. Thus, under the Rio Grande Compact New Mexico was left to assume responsibility to the EBID and Texas to limit the use of the water upstream to the amounts imported and simultaneously, under the provisions of the Colorado River Compact, New Mexico was to keep Colorado River water out of Texas by consumptively using the total diverted volume.

It is critical to an understanding of the Indian Camp Dam controversy to appreciate the complexity of the Colorado and Rio Grande Rivers' water regimes and their requirements and demands upon the state and federal regulatory agencies. It is also critical to appreciate the

significance of the Hispanic water users' role in fighting for northern New Mexico's portion of Colorado River water. Of the 30,000 acre feet per year allocated to northern New Mexico, almost half (12,000 acre feet per year) was to benefit a few hundred farmers living on a few thousand acres of marginal lands high in the Sangre de Cristo mountains of Taos. These farmers were not passive or unwilling recipients. Indeed, it is doubtful that this water would have been allocated to Taos, sought as it was by so many competitors both within and outside of New Mexico, without strong and collective support of the Taos farmers. Initially, they played not only an active role in fighting for the water, but in justifying its use as a way of preserving, perpetuating, and enhancing their pastoral lifestyles.[11]

In 1954 and again in 1958, Taos water users sent their spokesperson, dairy farmer Andres Martinez, to Washington to testify before Senator Anderson's Interior Committee. He spoke in favor of the CRSP and funding for the San Juan-Chama Diversion. Martinez delivered a lengthy statement advocating passage of the CRSP.[12] He and the other eight signatories, six of whom were Hispanics, outlined the history of their county and its people. Martinez testified that 50 percent of the heads of household in Taos left their homes and families each year to find work "...in the beet fields and mining camps of Colorado or running the sheep camps of Colorado, Wyoming and Montana. There [were] no jobs in Taos County."[13]

Martinez told the senators that 100 years earlier Taos had been a prosperous farming community, "called the granary of that part of the world," with "great flocks of sheep and great herds of cattle." But that was before the Rio Grande Compact required them to send "many

thousands of acre-feet of water per year to Texas."[14] It was also before the creation of the Forest Service, which the farmers claimed had sharply curtailed or denied grazing permits on what had been their ancestral and communal lands, and before the Taos Pueblo Indians had come to have more water rights, including the rights to the best streams in Taos.

In her seminal essay on the history of patterns of ethnic stratification in Taos, anthropologist and Taos native, Sylvia Rodriguez, shows that "appropriation of community common lands was probably the single most devastating blow dealt the native agro-pastoral subsistence economy"[15] and that "around the time of statehood [1912], Taos seems to have gone from a valley of golden promise to an economically stagnant backwater, awaiting touristic discovery."[16] While the touristic discovery of Taos is beyond the scope of this essay, its pervasive economic influence, as well as that of the luxury home real estate market (nascent in Hispanic villages near the Taos Ski Valley at the time of the Indian Camp Dam controversy), cannot be overlooked as factors contributing to tensions in the valley and conflicts over land and water use.

Andres Martinez's 1954 Congressional statement advocated a dam to impound excess runoff waters. The farmers argued that a dam would allow a more stable water source and prevent the injudicious over-use of the spring season's waters, a practice that had grown out of the farmers' desire to capture as much water as possible, when possible, from Taos's highly ephemeral streams. The extra water would also make possible the irrigation of new lands and local market gardening would increase, increasing the saleable output from their farms. In their final plea, the farmers proclaimed that the San Juan River waters and a dam in Taos "would change an area of potential

tragedy into one of great productivity and prosperity."[17] This plea meshed perfectly with the social goals of reclamation and was exactly the kind that the altruistic rationalizations of the CRSP were designed to address.

After passage of the CRSP and the SJCDP, the Bureau of Reclamation determined that two of the four water storage projects planned for the Taos area could not be built due to geological obstacles. Then, in 1969, Indian Camp Dam itself appeared endangered as well. Even though Taos was eligible for the huge power revenues that would pay 96.6 percent of the construction costs of the dam, Reclamation questioned whether the dam, even with the heavy subsidies, could meet the government's cost-benefit ratios. Because the lands to be benefited were so marginally productive, Reclamation announced that the project was not feasible "as a purely agricultural irrigation unit."[18] Farmers mounted a campaign to fight for the dam. They organized a full scale "Save the Water" effort to lobby for the water, to endorse the dam, and to "recommend that the ground rules for water use or even design be changed to make [the dam] feasible."[19] By November, 1969, Hispanic ditch commissioners and *mayordomos*[20] from thirty-five ditch systems and other members of ditch associations from Arroyo Hondo to Llano Quemado united to fight for the dam.[21]

Needing to put the water to beneficial use and fearing political repercussions if three of the four projects proposed for northern New Mexico failed to be built, the Bureau of Reclamation did change the ground rules. It added on a "recreational use" provision, which allowed the Forest Service to step in to maintain and operate the small lake created by the dam. This use required the

Forest Service to contribute significantly to the costs of the dam. But ironically, this plan, tacked on to help pay for the dam, later became one of the opponents' most forceful arguments against it. Hispanics long resented the Forest Service as the agency that held and controlled much of what had been land grant common lands during the Spanish and Mexican colonial periods and they linked Forest Service development projects to debt and dispossession.[22] The Forest Service had become a powerful symbol of their "stolen" homeland.[23]

Another such powerful symbol was the quiet title suit. Such suits were seen as the means by which Hispanics had lost over 80 percent of their grant lands by the turn of the twentieth century.[24] Because both the Rio Grande and Colorado River Compacts required stringent accounting of existing Rio Grande waters, the New Mexico State Engineer believed that these waters had to be measured prior to the addition of the imported Colorado River waters. The only legal mechanism for this accounting was stream adjudication, or quieting title to the water. In 1969, New Mexico State Engineer Steve Reynolds, through his Special Attorney General, Paul Bloom, filed stream adjudication suits along the entire northern stretch of the Rio Grande, including the Taos tributaries, to determine the nature, amount, location, and priority of all existing water rights.[25]

At the initiation of the stream adjudication suits, at least two interpretations of the Winters reserved rights for Indians prevailed. Water law historian Ira G. Clark provides a helpful discussion that serves to distill these two interpretations, one propounded by William Veeder and the other by Paul Bloom. These two views, both supported by the Winters decision, illustrate the ambiguity in the law and the conflicted position of the federal government's reclamation policies

vis a vis Indian reserved rights. Veeder, a veteran official in the Department of Justice during the Nixon administration, voiced a tenacious defense of Indian water rights pursuant to Winters, holding that

> …in signing treaties with the United States the Indians …retained everything they did not cede including their water rights…Their rights were therefore 'immemorial' in origin and prior in time to all counterclaims. Development by the Bureau of Reclamation and other interior department agencies of "surplus" waters originating on or flowing through Indian reservations was limited in time to the period during which Indians were unable to use them. Nor could any appropriator assert rights based on state law because the federal government had exclusive control over Indian resources.[26]

Furthermore, Veeder placed Indian reservations in a position "to assert superior claims to all additional waters as the needs develop." [27] As Clark states, this interpretation imposed "drastic limitations on the power of state water control agencies" and threatened non-Indian water users in the vicinity of reservations, especially Hispanic water users in places like Taos, since their lands and *acequias* usually have the oldest appropriated rights in these vicinities. The Indians' claim of prior and paramount rights could conceivably not only halt further development within the state, but these claims would "jeopardize the rights of junior appropriators who were already using the water beneficially."[28]

Clark describes Paul Bloom as "a most vocal exponent" of the counter-position to Veeder's. Bloom interpreted Winters as holding that

> …the United States impliedly reserved waters for Indian use at the time the reservations were created, based on the constitutional power of Congress to dispose of and make all needful rules and regulations respecting property belonging to the United States. It did not therefore, differ materially from the implied reservation of water at other federal enclaves.[29]

Clark charges that of the federal agencies, the Bureau of Reclamation was "the worst offender" in its "purposeful 'reclaiming' of Indian waters for use on federal projects"[30] since it and other federal agencies were supposed to protect Indian water rights rather than preempt and develop them.

The stream adjudication suits exposed the uncertainty of the extent of the Indians' Winters claims to Taos valley's water and thus opened a Pandora's box of distrust, competition, and greed, and exacerbated centuries' old tensions and ambiguities over unresolved water claims within the communities. Although he believed it was New Mexico's duty to initiate the adjudication suits, the State Engineer underestimated the effect the suits would have on the communities, and on Taos valley's response to the dam.[31] The State Engineer may have also miscalculated the extent to which mistrust of the state's motives in initiating the suits led to a deeper apprehension and questioning of other legally required components of the dam.

Both New Mexico law and reclamation law required the water users to form an entity capable of issuing bonds to contract with the government to construct the dam, but New Mexico law limited the proponents' choice for such an entity to either a conservancy district or an irrigation district.[32] Initially Andres Martinez, as head of the Taos Unit Coordinating Council's executive committee, recommended the water users form a conservancy district. The Council argued that under irrigation district laws, irrigators would bear the full burden of the dam's remaining costs, even though others in Taos would benefit indirectly from the added water. By sharing costs of the dam with non-irrigators under a conservancy district, the cost per farmer, in the form of ad valorem taxes, would be halved.[33] Yet as tension and misapprehension grew, irrigators began to suspect

that while conservancy district laws favored irrigators in this respect, in other, more important, respects they did not. Under conservancy district statutes, members of the conservancy district's board of commissioners, at that time a three-person appointed board, did not have to be farmers or irrigators. Hispanic ditch commissioners and *mayordomos*, the leaders who oversaw operation of the traditional existing irrigation system, began to realize they would lose immediate control over water allocation and management.[34] In the summer of 1971, sixteen *mayordomos*, led by Andres Martinez, very publicly resigned from the local water

users' association that had formed to promote the dam, basing their change of heart on opposition to formation of the conservancy district.[35]

Conservancy district case law in New Mexico reflects that users in the Middle Rio Grande Conservancy District, New Mexico's first and largest conservancy district, litigated over most of the very issues that Taos users feared, citing many of the same reasons. Yet a look at the first case deciding the constitutionality of New Mexico's first conservancy act shows that mistrust and antipathy toward conservancy districts were not unique to New Mexico. In citing precedents for its decisions, the New Mexico Supreme Court quoted the Ohio court: "Rarely has a law been found which has been assailed with such frequency or from so many angles."[36]

Conservancy district laws in New Mexico have evolved into an odd hybrid that reflect simultaneously the goals of flood control--the original ostensible purpose of the act—as well as reclamation, drainage, and irrigation. There is no doubt that promoters of the original act sought protection from floods. In fact, the original act forbade the creation of conservancy districts north of Santa Fe County, since that section of the River with its deep gorges was not flood prone. When the act was challenged on the grounds that it was unconstitutional by reason of being special or class legislation, the court ruled that the differences in natural conditions along the northern portion of the river justified the special classification that forbade flood control districts where they were not needed.[37]

Proponents of the first act also convinced the legislature that drainage of the middle Rio Grande valley was imperative, as aggradation of the river had waterlogged the entire middle valley and the City of Albuquerque was "hemmed in by unhealthy marshes and swamps."[38] But in

addition to flood control and drainage, boosters of a conservancy district for the middle Rio Grande valley also clearly wanted the economic development that reclamation promised to bring. An Albuquerque editorial on June 4, 1922 proclaimed:

> It is difficult to imagine an investment of effort that would yield such enormous and such certain returns. Nor is it difficult to bring this development about….There is not a business in Albuquerque that can fail of doubled volume from reclamation of the Middle Rio Grande Valley, because that reclamation will double the tributary population not once but several times over and add enormously to the flow of wealth to and through this city….Why not get up and hustle—while the hustling is good?[39]

Most importantly, conservancy district proponents needed the ability to increase the tax base by bringing municipalities, principally the City of Albuquerque, and railroads into the district to share in the costs. Conservancy district laws allowed lands to be classed and assessed according to benefits received and, unlike irrigation districts that were limited to agricultural lands, conservancy district laws allowed the inclusion of non-agricultural lands.

In 1923, New Mexico modeled its first conservancy act on both the Ohio act, passed in 1914, and the Colorado act, passed in 1922. Those states designed their laws solely for purposes of flood control, in response to disastrous floods in Dayton and Pueblo, respectively. In its opening remarks determining the constitutionality of this first New Mexico conservancy act, the court In Re Proposed Middle Rio Grande Conservancy District "made a careful comparison" of the New Mexico conservancy act with those of Ohio and Colorado and found that

> …in the main the provisions of all three acts are the same. The Colorado act followed the Ohio act, making such changes as seemed suitable for the conditions prevailing in the Western states, and the New Mexico act closely followed the Colorado act, occasionally including a provision which was in the Ohio act and omitted from Colorado law.[40]

Yet the appellants questioned the title of the act, arguing that it indicated that the New Mexico legislature had in mind different purposes from those declared in the Ohio and Colorado conservancy acts, namely irrigation. They argued that because the title of the New Mexico act included the subject of cooperation with the federal government in its reclamation policy, "the indications are that the purposes of our Conservancy Act look to the improvement of the agricultural conditions of the Rio Grande Valley, and that alone."[41] Appellants argued that the Ohio and Colorado acts were adopted "solely and exclusively for the protection of life and property, and not in any sense calculated to interfere with the industrial pursuits of their people."[42]

The New Mexico Supreme Court appeared oblivious to the appellants' suggestion that the Middle Rio Grande Conservancy District would interfere with agricultural pursuits or engage in reclamation. Replying that "it did not appear" that the legislature, in passing the conservancy act, "had in mind alone or principally the reclamation of lands," the court noted there were already statutes existing authorizing the formation of irrigation and drainage districts and these had been approved on the same day as the conservancy act.[43] In closing, the court noted that if "an attempt should hereafter fraudulently be made to accomplish a purpose not within the purview of this act, the courts would doubtless give protection to the complaining parties."[44]

But backers of the Middle Rio Grande Conservancy District appear to have intentionally "recast and enlarged" their proposed language for the original act, specifically to add a provision for reclamation. Notes kept by the membership committee of the Middle Rio Grande Association, the booster organization formed to work with the legislature for passage of the

conservancy district law, reflect that "changing from drainage to reclamation ha[d] been more or less confusing," but "when the people [were] correctly informed,…[the] committee…met with hearty response from people…ready and anxious for reclamation, some of whom were opposed to drainage."[45]

In 1927, apparently anticipating that the Supreme Court would hold that under the original act, reclamation alone was insufficient to warrant the organization of a conservancy district, the legislature amended and broadened the act to allow unambiguously "for irrigation of lands, though they are not menaced by floods."[46] This amendment led to another challenge to the act's constitutionality in 1929 when plaintiffs in Gutierrez et al v. Middle Rio Grande Conservancy District argued that as petitioners for the conservancy district they had been "moved by a desire only for flood control but that a corporation resulted with power to make irrigation its principal object."[47] The Supreme Court ruled that the new conservancy act did not change the character of the Middle Rio Grande Conservancy District as a district organized for "the main purpose of flood control with irrigation and drainage incident thereto.[48] By 1940, the Supreme Court, again noting that New Mexico conservancy district laws closely followed the Colorado and Ohio statutes, acknowledged finally that "The provision for the irrigation system, included with flood control and reclamation, is, however, peculiar to the New Mexico Act."[49]

More importantly though to the discussion and context of the Indian Camp Dam controversy, the Supreme Court in 1940 examined for the first time the management and control of existing community *acequias* by the conservancy district. Noting that the old community

ditch laws were not repealed by the conservancy act, and that water rights were not affected by the act, the court nevertheless dodged the question of what duties, if any, remained to ditch commissioners who continued to be elected and operate under the old regime, independently of the conservancy district. The court termed this question "intriguing."[50] Ultimately, the court ruled against dual control of the ditches, stating that "the administration of these [water] rights, so far as the impounding, diversion, carrying and delivering of…water for irrigation…has now been placed in the hands of this new and superior authority, plaintiff [conservancy] District."[51]

Taos water users questioned virtually all of the same provisions that water users in the Middle Rio Grande Conservancy District did in appealing the constitutionality of that district, including their inability to appeal assessments made by the county treasurer; the appointment rather than election of the conservancy board; the impingement upon their power to manage and control their own affairs; and the lack of a requirement that a majority of the landowners in the district sign the petition for organization of the district.[52] All of these provisions seemed "undemocratic" and "un-American" to opponents of the district in Taos.[53] But most of all, the Hispanics who turned against the conservancy district feared "this new and superior authority."

Originally, the proposed conservancy district in Taos included 774 acres of land lying with the San Cristobal de la Serna Grant. Granted by the King of Spain in 1710, the La Serna Grant was the oldest non-Indian Spanish land grant in Taos County (and one of the oldest in New Mexico).[54] Having held onto most of these ancestral lands through the intervening decades of rapid Anglo land expropriation after New Mexico became a territory, the Hispanic residents of La Serna were deeply suspicious of the taxes that the conservancy district could impose.[55] To irrigators who owned

small plots it "seemed 'wrong' to have to start paying $5.75 an acre for the same water" they had been using for generations.[56]

Land tenure patterns in La Serna further compounded the problem for the La Serna farmers.[57] Because of the Hispanic tradition of dividing land equally among multiple heirs, each tract with access to the river or *acequia*, acreage in the La Serna Grant included many long, extremely narrow plots (in some cases only a few feet wide and several miles long). Many farmers owned several narrow but non-contiguous plots, often with rights to different *acequias*. The Bureau of Reclamation recognized that farms under ten acres were not considered economically feasible and recommended that owners of such narrow tracts consolidate their lands by forming land pools or co-ops. The Bureau of Reclamation also recommended a change in cropping patterns, away from forage crops to more cash intensive crops. Not only did the La Serna landowners fear the loss of their lands if conservancy district taxes for the dam could not be repaid, they also resented and resisted the pressure to change their traditional ownership and cropping patterns.[58] In the fall of 1971, the La Serna irrigators petitioned for the removal of their lands from the conservancy district.

State statute required the district court to approve the petition for the conservancy district, an approval now complicated by the petition for removal of the La Serna lands. After months of delays (including the self-excusal of an Anglo judge), District Court Judge Santiago Campos ruled in October 1972 that the La Serna land grantees' opposition to the conservancy district constituted an "insurmountable obstacle to any reasonable finding of benefit from irrigation to all the lands within the proposed district."[59] Moreover, he ruled that the exclusion of La Serna left the costs of

the project higher than the resulting benefit, and thus the necessary statutory justification for the formation of the conservancy district was absent. However, Judge Campos noted the "intense and pressing interest in the Taos community,"[60] as well as the obvious need for the water. He warned that opposition to the conservancy district could well mean loss of the water that everyone needed and he warned the opponents of the character in Othello whose hand threw away a pearl richer than all his tribe. The judge told the remaining proponents that he would not totally dismiss the petition if they could alter their plans and substitute other lands for the La Serna lands.[61]

Judge Campos's decision proved fatal for the conservancy district, though that was not his apparent intent. The petitioners, not wanting to lose the fabled pearl, took Campos's suggestion and redefined the conservancy district boundaries. If anything, this move only increased the controversy, since the newly incorporated lands included large tracts belonging to several prominent Anglos, including an Anglo developer and his sister, owners of the largest land holdings in Taos valley. Unlike the neighboring La Serna lands, much of the newly added lands had not been irrigated previously. This fueled rumors that the water would not be used for irrigation, but would be converted to commercial uses and development purposes.[62]

In April 1973, Judge Campos granted the formation of the revised conservancy district. The dam's opponents, now allied under Andres Martinez as the "Tres Rios Association," appealed Judge Campos's decision. On May 14, 1975, the New Mexico Supreme Court ruled that Campos's compromise decision to allow a reformed district was illegal. The Supreme Court agreed that Judge Campos had properly excluded the La Serna lands from the district because such lands would not benefit from the conservancy district. But the higher court ruled that Campos had

exceeded his authority in allowing the petitioners to "amend the petition so as to create a new and different district, since signers of the original petition contemplated and intended a different district from the one resulting, and where the ultimate tax burden upon those remaining in the district would be definitely affected."[63]

After the 1975 New Mexico Supreme Court decision nullified the Rancho del Rio Grande Conservancy District, no one in Taos pursued the project further; Indian Camp Dam never got off the drawing board. That same year John Nichols published The Milagro Beanfield War, and the story of the dam's demise took on the aura of legend: local *nativos* and a few concerned, earth-loving Anglos versus the callous government in cahoots with land-grabbing, usually Anglo, capitalist developers.

By the time he left New York for New Mexico in 1969, John Nichols described himself as "strung out, on edge, going down fast."[64] The son of privilege and wealth, a graduate of private prep schools and Hamilton College (the setting of his first successful novel, The Sterile Cuckoo), he became active in the anti-war movement in New York City in the late 1960s. But he found New York relentless and wanted out. Because he found himself "looking at the world from a much more Marxist or even socialist perspective," he wanted to come to New Mexico, which he saw as fertile ground for his political activism.[65] Because New Mexico "approximated a colonial country," Nichols believed it would be like "moving to the third world," and that interested him.[66] He also sought "an environment where [he] could be startled constantly by natural phenomen[a]...having roots in a special landscape not yet destroyed by progressive human

endeavors."[67] Instead, what confronted Nichols in Taos valley was a community on the brink of building Indian Camp Dam, a project many would have proudly labeled a "progressive human endeavor."

Like other refuge seekers, Nichols saw life in northern New Mexico as "an antidote to modern mechanization, and land of exotic primitivism and simple truths."[68] In his memoir, If Mountains Die, Nichols wrote that he was "destined" to "wind up in northern New Mexico as the semi-Marxist-Leninist propaganda arm for a group of quixotic Spanish-speaking septuagenarians locked in mortal combat with the U. S. government over preservation of their water rights, their land, their culture, their very historical roots."[69]

During our interview, Nichols downplayed his own role in the controversy, calling it a "minor but vocal one."[70] He recalled "speaking out" at meetings and holding heated exchanges with Paul Bloom, the attorney from the State Engineer's office. And although Nichols wrote many articles opposing the dam in the local weekly independent newspaper, The New Mexico Review, he denied that he played a significant role in changing public opinion.[71] This denial is probably more accurate than his more romanticized written memoirs. The articles Nichols wrote in 1971 in The New Mexico Review did not receive wide distribution among Hispanics and, having arrived in Taos only recently, he was not well known within the community then.

There is also evidence to support attorney Paul Bloom's observation that Nichols' overtly politicized speeches at public meetings offended many Hispanics "who identified him either with the Hippies or the crazy environmentalists…they didn't like…being told they were barefoot, serape-wearing peasants…[who needed] to be protected by this political agitator who view[ed]

Hispanic culture as being on a museum shelf for 300 years…"[72]

Since the publication of Milagro Beanfield War it has become difficult for even the participants to unravel how much influence Nichols had on actual events at the time of the Indian Camp Dam controversy, and how much he has been credited with, or blamed for, because of the book. In everyone's attempt to give coherence, and perhaps meaning, to these events, Nichols's fictional and satirical version has somehow become the standard that other versions must meet.

Nichols described to me one heated public meeting about the conservancy district that he attended, saying it was "just like a film set." He said that the room was "split in two," with "100 percent Chicano farmers on one side, and bankers, lawyers, real estate people, Anglo business people from town and the developers in the valley on the other side."[73] Nichols claimed that the controversy "seemed to pretty much break up into what most battles around here do, between essentially smaller farmers, impoverished people, and the developers of the valley, which is a cliché struggle all over the world."[74]

But neither the historical record of Indian Camp Dam nor the recollections of the other interviewees reveals a simple two-sided dichotomy, nor do they reveal a "cliche struggle." Nichols's description did seem like something off a movie set—indeed, it seemed to be right out of the movie version of The Milagro Beanfield War. A far more intriguing, more ambiguous, more complicated, but less coherent scenario emerges not only from the legal and political web of the dam's history, but from other participants' memories.

Born in 1898, Andres Martinez grew up poor but relatively well educated at a Presbyterian mission school in Taos. He lived his entire life in Taos, except for the many months each year

during his youth when he traveled the circuit as a shearer on the sheep ranching circuit throughout the West. Martinez's father had been a shepherd who never owned irrigated land, just a small vegetable plot and house in Ranchos de Taos. As a child, Martinez supplemented the family's income by picking onions from his mother's garden, loading them onto burros, hiking to Elizabeth Town, and selling the onions to the miners who paid him with little bottles of gold dust.[75] Martinez's depiction of his childhood and early adulthood mirrors that of the majority of Hispanics in northern New Mexican villages during the first quarter of the twentieth century, as described by Sarah Deutsch in No Separate Refuge:

> Faced with an increasingly intrusive conquering economy and culture, the Hispanics could not retreat. They had to formulate new strategies in order to maintain the viability of their villages…among the options, seasonal labor proved the most attractive…through the strategy of work and migration patterns, they retained their control over their own enclaves, retained for themselves a homeland—both a refuge and a base for expansion without loss of cultural identity….The migrants [were] 'living links' to the goods, services, and cash of the Anglo economy.[76]

Martinez managed to save enough money to leave the seasonal labor system, though it appears he never forgot the lessons of that strategy. In 1950, he and his wife bought eight cows and a forty-acre dairy farm in Taos. By the time he sold his dairy and retired, he was on the board of directors of the local savings and loan and one of its largest shareholders. He was not an "impoverished farmer"; arguably, he had become a "rico." Rumors had it that he had also become a Mormon and had sought appointment to the Interstate Stream Commission.

Even though he ultimately opposed construction of the dam, Martinez remained, at age 92 when I interviewed him, fiercely proud of the role he and other Hispanics played in getting New Mexico its share of Colorado water. Fighting for the water remained a core and defining memory.

He described himself as "fighting for twenty years to get it."[77] Martinez admitted that in the beginning he and the other Hispanic water users "were all for the dam."[78] That is, until they learned more about the conservancy district. Martinez claimed that the conservancy district would have resulted in loss of lands due to its power to impose property liens and, if necessary, foreclose and sell the property to pay back taxes.[79]

Perhaps because of the varied experiences of his youth as a migratory worker, Martinez became adept at crossing ethnic boundaries. While maintaining his strong ties and identification within the Hispanic community as a respected leader, he also negotiated and cooperated with Anglo power brokers when he believed it would benefit Hispanics. His status within the Hispanic community enabled him to travel out of this ethnic enclave while simultaneously strengthening it by establishing his own presence and identity within the predominantly Anglo arena of reclamation politics and interstate water management.

The most ambiguously positioned participant in this controversy may have been Paul Bloom, who was, in 1969, a 30-year-old Special Attorney General working for State Engineer Reynolds and the Interstate Stream Commission. In this position, Bloom came to be the point man and spokesperson not only for the state in its efforts to explain Indian Camp Dam, but also for the Interstate Stream Commission in its efforts to promote the dam—sometimes the latter role was at odds with this private opinions about the dam.

Bloom denies he ever tried to "sell" the dam, but as the state attorney who initiated the stream adjudication suits, he was assigned to hold town meetings to explain why the dam triggered the adjudication suits. Bloom was keenly aware that the Interstate Stream Commission was

"clearly a booster of record [for the dam]."[80] He also understood the "complicated calculus of log-rolling," and "jealous intrastate and interstate jurisdictions, communities, and political power bases…that had constantly traded off and fought each other to get their key interests taken care of…" and he realized when he was assigned to go to Taos that "all of these compromises were expressed in years of impatience to get [the dam] going."[81]

Because Bloom was the voice of government, he became heavily involved in the controversy and was often the focal point of the community's re-ignited distrust of the government. While this distrust was historical for the Hispanics, for Anglos like Nichols who opposed the dam, this distrust was contemporary, tied to the emerging environmental activism of the late 1960s, and perhaps even more significantly, to anti-Viet Nam War sentiments. John

Nichols often conflated his opposition to the dam with militarized rhetoric directed personally against Bloom. In July, 1972, Nichols described Bloom in The New Mexico Review:

> Bloom…has been a pivotal figure in the attempt to erect Indian Camp Dam over the dead bodies of the poor people in Taos for whom the Dam is allegedly being built….and perhaps Bloom, petulant, frowning, doomsayer here and culture savior there, is wondering why nobody believes anymore in the magic of his Indian Camp baubles, bangles, and bright shiny promises.
>
> Well: maybe it's because some grizzled old brujo was staring through the smoke of his pinon fire one day, gazing up towards the soft green hills at the eastern edge of the Little Grande Valley, and on the crest of one little mountain he saw a strange figure from the State Engineer's office with his left hand thrust Napoleonically between the breast button in his Brooks Brothers tunic, standing proudly beside his Indian Camp howitzer, grandiosely proclaiming—as it has been the habit of certain other United States Government landscapers et al to proclaim-: "It was necessary to

> destroy the people of Little Rio Grande Valley in order to save them…"[82]

Like others, Bloom believed that the issue of the conservancy district was "the kiss of death" for the dam, not because of the dangers of conservancy districts but because "it allowed it to be demagogued to death."[83] Bloom claimed he never saw "a more effective case of demagoguery, of romantic nostalgia, of playing on all the nineteenth century fears and agendas."[84] Yet Bloom maintained that in 1971 he privately believed the dam came 100 years too late. He thought it was a "somewhat utopian…rather touching…unreal political thing to do."[85] But by the mid-twentieth century the lands the project was intended to benefit had been divided up into such small tracts that land pooling would have been a daunting if not impossible task. This, combined with the short growing season, flood risks, high elevation, and distance from markets, seemed to Bloom to be problems the Bureau of Reclamation's optimistic forecasts could not overcome. But he did not see it as his place to make this judgment because, he said, the local water users wanted this project. "It had been negotiated by them and for [them] by their elected representatives, over many years, justified by their federal government on certain assumptions, including the benefits from irrigation."[86] He believed that "[people] couldn't simply let comparative economics dominate what [they] do with natural resources or the rich and the big cities would have everything."[87]

Bloom also saw clearly that once Andres Martinez and his group went into open opposition, the dam "was doomed…at least doomed to an endlessly long and painful and divisive dispute."[88] Bloom warned State Engineer Reynolds and the Interstate Stream Commissioners that even if all the hurdles could be overcome, it would be done at a great price in community discord

and division. Bloom recalled that the Stream Commissioners looked at him "as if they'd heard Santa Claus had been shot." [89]

In 1971, Rudy Pacheco was a 41-year old cattle rancher and school administrator and owner of one of the larger tracts of lands in the proposed conservancy district. Pacheco wanted the conservancy district and the dam. After Andres Martinez's resignation as leader of the water users' organization, Pacheco led the proponents. Pacheco never wavered in his support of the dam and remained bitter that it was never built, believing that its loss forced him to move his ranching operation to Colorado. He believes that now, without the dam, it is virtually inevitable that each of the eight Taos streams' flow will have to be commercialized and domesticated because "they killed agriculture in Taos County."[90]

Pacheco recalled that before the opposition to the dam became overt, Hispanic farmers discussed the possibility of producing grain for Coors Brewing Company and raising beans for the Campbell Soup Company because bean crops had been very cost effective in the Taos area. Campbell's ultimately located its operation in Bayfield, Colorado, using irrigated lands from another CRSP project. "Campbell's had guaranteed a contract for 6,000 acres of beans for a twenty-year period. That was a cash crop that La Serna people could have used," Pacheco claimed.[91] Interestingly, Pacheco blamed John Nichols, rather than Andres Martinez and the other Hispanics who withdrew their support, for loss of the water. "Through his ignorance [Nichols] did the valley an injustice by sacrificing that amount of water that could have been used forever in the future...and that's something you lose culturally and historically and it will never come back."[92]

Perhaps because of his relative wealth, but more likely because of his relative youth,

Pacheco was unable to maintain a coalition of water users in 1971 with the same strength as the coalition Andres Martinez previously formed. Martinez and the other elder *mayordomos* who defected symbolized Hispanic tradition melded to American agrarian ideals. Ultimately, this symbol proved too powerful for younger Hispanic farmers to overcome.

In 1971, one year out of college, Eluid Martinez joined the office of the State Engineer as the first Hispanic engineer in the history of that office. In conjunction with the stream adjudication suits, he began learning to conduct the hydrographic studies that the suits required. While he did not witness the confrontations between Bloom and Nichols, Eluid Martinez did attend meetings of local water users as part of his duties to explain the stream adjudication suits. He perceived that the attention, but not the controversy, had shifted to the adjudication suits. At his first such meeting at a local elementary school, he was told not to enter the room unless he spoke Spanish. He did not perceive this as an attempt on the part of the Hispanics to keep Anglos away, but rather a concern that any explanations of the adjudications be given in Spanish, since many of the older participants did not speak English. [93]

Yet Eluid Martinez acknowledged that at the time of the controversy there was an increased animosity in Taos valley against "outsiders," primarily the Hippies, who had flocked to the area in what Rodriguez terms "The Great Hippie Invasion."[94] As Rodriguez points out, this influx of thousands of people into Taos between 1968 and 1971 also placed increased pressures on the valley's resources since the Hippies, although seeking the "same romantic utopia their bohemian predecessors had sought," also came with dreams of "going back to the land."[95] According to Rodriguez, Hippies were:

> able to buy up parcels of irrigated land rather cheaply from Hispanos, who needed the cash and had little inkling of the transformation about to occur….within another decade the average price of an irrigated acre had increased by as much as forty times.[96]

Significantly though, Eluid Martinez did not perceive that there "was much controversy" in Taos at the time over the matter of the stream adjudications themselves. "Most of the surveys were completed and brought to closure fairly quickly in terms of water right offers that were signed and accepted…except for those lands that had been offered no water rights because of non-use."[97] Here again the water and land use patterns of Hispanics in northern New Mexico came into play and worked against them under New Mexico law. According to Eluid Martinez, "in the traditional way of managing *acequias* in northern New Mexico, the land owners would consider that their water rights would be protected as long as they paid their ditch dues and ditch assessments."[98] Because so many Hispanics left northern New Mexico in the decades following World War II, primarily for economic reasons and in a continuing pattern of out-migration similar to that described by Deutsch above, their lands went fallow and unirrigated although they continued to pay their ditch dues. When the hydrographic surveys picked up lands as being non-irrigated, the lands were deemed to be without water rights. However, by the time of Indian Camp Dam, New Mexico's water rights forfeiture laws had been amended to allow for notice by the State Engineer and a four-year opportunity for the user to cure the non-use and place the lands back under irrigation. While this change in the law rectified the situation somewhat, it could not ultimately alleviate the problem many absentee Hispanic landowners confronted: how to put their lands back into production from afar. Similarly, many older Hispanics who stayed on their lands were unable to irrigate them without the assistance from younger family members who no longer

lived nearby.

Upon the death of State Engineer Steve Reynolds, who had held that office for thirty-five years and become one of the most powerful men in the state's history, Eluid Martinez stepped into the position in November, 1990. He went on to serve as Commissioner of the Bureau of Reclamation under President Clinton. With the perspective he gained throughout those years of state and federal water administration, Eluid Martinez now believes that opponents of Indian Camp Dam "might have made a mistake, in terms of water supply." Because of the still unresolved Winters claims of the Indians, "[holders of] the existing irrigated lands that would have been supplemented by the San Juan-Chama replacement waters are today fighting for their very existence in the adjudication that's taking place….In hindsight, if that project would have been constructed, in my opinion it would have provided the water supply necessary to address all these concerns."[99] Yet despite this opinion Eluid Martinez, like Bloom, also conceded that as an irrigation project Indian Camp "even if proposed today, would probably not be economically feasible," primarily due to the obstacles of the land tenure system.[100]

According to Eluid Martinez, the Bureau of Reclamation was accustomed to building projects for farms of 160-960 acres. Moreover, Indian Camp Dam was not a project that Reclamation could build, as it usually did, from the ground up on lands to be newly irrigated, at least not primarily. The project was hobbled by ineffective attempts, from all sides, to make it fit into an existing and foreign irrigation framework. "It was something new to them," Eluid Martinez said, referring to the existing *acequia* irrigation system in Taos and the Bureau of Reclamation.[101] But this "foreign-ness" was not one-sided. The complicated history of Indian Camp Dam illustrates

profoundly the collisions that can occur at cultural intersections, where indeed, in hindsight, it can be said of the actions of almost all the resisting participants, "it was something new to them."

Other researchers tend to rely on Nichols's nonfictional accounts of the Indian Camp Dam controversy as the basis for their findings that Indian Camp Dam and the related SJCDP projects exemplify "top down planning," and they conclude this reveals that "Hispanic participation, at least at the grass roots level, was not effective."[102] These interpretations overlook or downplay the importance of the Hispanic water users' very active and effective participation in obtaining the allocation of the SJCDP water. In Water and Poverty in the Southwest, Brown and Ingram outline the complex problems facing rural Hispanics in northern New Mexico and examine Hispanics' attitudes about water rights and their preferences for water use and economic alternatives. But ultimately, and ironically, Brown and Ingram see the "lack of water storage as a continuing problem"[103]and they end up recommending some of the same changes that were proposed by the Bureau of Reclamation for the Indian Camp Dam project, namely a change in cropping patterns, land pooling (in the form of cooperative grazing programs), reservoirs ("water storage capacity") and permanent diversion structures.[104] In Acequia Culture: Water, Land, and Community in the Southwest, Rivera extols traditional *acequia* culture and examines the stream adjudication suits, but he fails to place the suits in the context of the Hispanics' fight for SJCDP, in fact he never mentions SJCDP. By consistently stressing the *acequias*' "traditional" culture, he misses the opportunity to view *acequia* users as dynamic agents of change themselves.

Sylvia Rodriguez argues that in Taos the "ongoing process of expropriation [of Hispanic land and water bases] and the recent acceleration [of this process] has…intensified Hispano

resistance to further usurpation and displacement…"[105] These resistant reactions represent, she says, "strategies of ethnic boundary maintenance."[106] Rodriguez believes that whereas specific ethnic cultural content can change more or less continuously, "boundary maintenance through time is the essential feature of ethnic persistence."[107]

While I agree with Rodriguez that boundary maintenance through time is an essential, if not the essential feature of ethnic persistence, I believe that the entire history of Indian Camp Dam controversy reveals that the boundaries themselves are not constant or predictable. In northern New Mexico, I see a kind of ever-changing shoreline where ethnic boundaries shift with the tides of certain events. Cultures selectively borrow from one another, in complex processes of cooperation, negotiation, accommodation, assimilation and acceptance, even amidst processes of resistance and rejection.

Perhaps the most intriguing aspect of the Indian Camp Dam history is the extent to which it exposes not only obvious inter-ethnic strategies for boundary maintenance and accompanying tensions and conflicts, but also the intra-ethnic contradictions and conflicts, such as those between Anglos John Nichols and Paul Bloom and between Hispanics Andres Martinez and Rudy Pacheco. The controversy blurred ethnic boundaries even as it revealed and defined them.[108] Beneath these blurred boundaries lies the deep irony that everyone involved—from the politicians, to the Bureau of Reclamation, to Anglos John Nichols and Paul Bloom, to Hispanics Andres Martinez and Rudy Pacheco—everyone claimed to be fighting to save, each in his own way, the dying Hispanic agro-pastoral lifestyle in Taos.

We all struggle to define ourselves in the world and to give our lives, our stories, meaning

and emotional satisfaction. In telling our stories and our histories we too often resist or omit the confusion of untidy ambiguities, even though experientially we find them commonplace. In an attempt to order and explain the past, too often we simplify it. I would argue that our histories should be layered, multifaceted, and multi-voiced. They need complexity, perhaps even confusion and cacophony. They should embrace rather than shun the untidy ambiguities.

The more we learn of Indian Camp Dam "from the ground up," these "parts before the whole," the more we grasp the incredible inclination of these events to remain untidy and raveled. Yet we also recognize the incredible obligation we have to respect the right of these events to be properly represented, especially when the past, raveled though it may be, can give us not only meaningful insights into how we interact and negotiate with one another for the use of our natural resources, but also give us informed ways to choose our own local futures.

1.1. Marilyn J. Koch is an independent scholar who lives in Bernalillo, New Mexico. A version of this paper was presented at the annual conference of the American Society of Environmental Historians in April, 1999. Ms. Koch is grateful for the comments, suggestions, and advice from Dr. Donald Pisani following that presentation, all of which have informed and benefited this essay. She is also grateful to her father for suggesting, over twelve years ago, that she interview the participants in this controversy and she is especially grateful to those interviewed.

2.2. Paul A. Cohen, History in Three Keys: The Boxers as Event, Experience, and Myth (New York, 1997), 62.

3.3. F. Lee Brown and Helen M. Ingram, Water and Poverty in the Southwest (Tucson, 1987), 58-62; John Nichols, If Mountains Die, A New Mexico Memoir (New York, 1987) and "Land and Water Problems in Northern New Mexico: New Mexico Conservancy Districts," Speech given October 16, 1975, University of New Mexico School of Law; C. Lynn Reynolds, Decision Making and Cultural Change: The Status of Spanish American Small Farms in Northern New Mexico, Ph.D. diss. Southern Methodist University, 1975, and "Economic Decision-Making: The Influence of Traditional Hispanic Land Use Attitudes on Acceptance of Innovation," The Social Science Journal,Volume 13, No. 3, October, 1976; Jose A. Rivera, Acequia Culture: Water, Land and Community in the Southwest (Albuquerque, 1998),155-158; Sylvia Rodriguez, "Land, Water and Ethnic Identity in Taos," Land, Water, and Culture: New Perspectives of Hispanic Land Grants, ed. Charles L. Briggs and John R. Van Ness (Albuquerque, 1987), 353-354.

4.. Donald J. Pisani, To Reclaim a Divided West: Water, Law, and Public Policy 1848-1902 (Albuquerque, 1992), 332.
5.5. Winters v. United States, 207 U.S. 564 (1908).

6.6. John O. Baxter, Dividing New Mexico's Waters, 1700-1912 (Albuquerque, 1997). Baxter gives a comprehensive history and analysis of water conflicts in the colonial period, including numerous references to conflicts in Taos valley. See also Rodriguez, "Land, Water, and Ethnic Identity in Taos."

7.. Paul L. Bloom, "Law of the River: A Critique of an Extraordinary Legal System," New Courses for the Colorado River: Major Issues for the Next Century," Ed. Gary D. Weatherford and Lee Brown (Albuquerque, 1986); Norris Hundley, Jr., Water and the West: The Colorado River Compact and the Politics of Water in the American West (Berkeley, 1975); John Uptown Terrell, Water for the Colorado River (Glendale: 1965); and Donald Worster, Rivers of Empire: Water, Aridity, and the Growth of the American West (New York, 1985). Bloom states that the laws governing the Colorado "cannot be found in any single set of statutes, codes or compilations...[They are] an odd composite of state, federal, and international laws and decisions." (p. 139)

8.. See Worster, Rivers of Empire.

9.. Ira G. Clark, Water in New Mexico, A History of Its Management and Use. (Albuquerque, 1971), 509.

10.10. Ibid, 511.

11.. United States Congress, Senate, Andres A. Martinez and Senator Clinton P. Anderson's testimony regarding S. 3648, 85th Congress, Second Session, July 9-10, 1958, Congressional Record.

12.. Middle Rio Grande Flood Control Association and J. Benito Vigil, Vigillio Trujillo, Andres A Martinez, O. G. Martinez, Gil B. Gallegos, Emett Ellis, E. C. Cabot, Joe D. Austin, Abad Martinez, Statements on Colorado River Storage Project and Participating Projects and Particularly the San Juan-Chama Project in New Mexico (Albuquerque: Middle Rio Grande Flood Control Association, 1954), cover letter.

13.. Ibid.

14.. Ibid.

15.. Rodriguez, "Land, Water and Ethnic Identity in Taos," 338. This essay gives the fullest and most nuanced analysis of these issues.

16.. Ibid, 339.

17.. Middle Rio Grande Flood Control Association, et al., Statements, 13.

18.. Taos News, January 23, 1969.

19.. Ibid.

20.20. In New Mexico, community *acequia* systems or associations are recognized as political subdivisions of the state. Each community *acequia* association is under the general control and supervision of three commissioners and a *mayordomo*, who are elected for a one-year term by those persons who have rights on the *acequia*. The commissioners organize and elect from among themselves a chairman, secretary, and treasurer. The *mayordomo*, under the direction of the commissioners, is the chief executive officer of the *acequia*, and is usually an elder and highly respected member of the community. Phil Lovato, Las Acequias del Norte, Technical Report Number 1 (Taos: Four Corners Regional Commission, New Mexico State Planning Office, Kit Carson Memorial Foundation, Inc., 1974) 15, 24-28.

21.. Rudy Pacheco, “Indian Camp Dam: The Positive View,” Taos News, August 11, 1971.

22.. Sarah Deutsch, No Separate Refuge: Culture, Class and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940 (New York,) 184.

23.. C. Lynn Reynolds, Decision Making and Cultural Change: The Status of Spanish American Small Farms in Northern New Mexico, Ph.D. diss. Southern Methodist university, 1975, p. 251.

24.. Rodriguez, “Land, Water and Ethnic Identity,” 338.

25.. Interview of Paul Bloom by Marilyn Koch, April 3, 1989, audiotape (in Marilyn Koch’s possession), side 2, tape 2. See also Lovato, Las Acequias del Norte, 51-53. The Taos tributaries’ adjudication is State of New Mexico ex rel. Reynolds v. Abeyta, Cause No. 7896 & No. 7939 (Consolidated) (C) (D.N.M., filed February 4, 1969). The still-pending stream adjudication suits, the most infamous of which is the Aamodt case, filed in 1966, are being stayed until judicial resolution of central issues in Aamodt, common to all cases, namely the amount and extent of the Indian reserved or Winters rights. The Aamodt suit is the adjudication of the Rio Grande tributaries to the south of Taos (the Nambe, Pojoaque, and Tesuque valley tributaries) and involves non-Indian claimants and Indian claimants of those three pueblos as well as the Pueblo of San Ildefonso. See, State of New Mexico ex rel. Reynolds v. Aamodt, Cause No. 6639(M) (D.N.M. filed April 20, 1966).

26.26. Clark, Water in New Mexico, 625.

27.27. Ibid.

28.28. Ibid, 626.

29.29. Ibid, 625.

30.30. Ibid, 624.

31.31. Bloom Interview, side 2, tape 1.

32.. New Mexico Statutes Annotated, Chapter 73, Article 9, Sections 73-9-1 through 73-13-47, Pamphlet 117, Irrigation Districts, NMSA 1978 (1978 Supp.) and Chapter 73, Article 14, Sections 73-14-1 through 73-19-5, Pamphlet 118, Conservancy Districts, NMSA 2000 (1996 Supp.)

33.. Ibid. Clark, Water in New Mexico, 204-212; “Indian Camp Taxes, Costs Explained,” Taos News, September 1, 1971.

34.. Interview of Andres A. Martinez by Marilyn Koch, 7 April, 1990, audiotape (in Marilyn Koch's possession), side 1, tape 1; Bloom Interview, side 1, tape 1. See also C. Lynn Reynolds "Economic Decision Making and the Influence of Traditional Hispanic Land Use Attitudes on Acceptance of Innovation," The Social Science Journal, Volume 13, No. 3, October, 1976, 29-30; and Lovato, Las Acequias del Norte, 36-38. New Mexico law recognized *acequias* as public and political subdivisions of the state beginning in 1965. Additionally, acequias have managed their affairs with a great deal of autonomy by local customs and traditions.

35.. Taos News, "Unfair and Malicious Representation Cited," August 4, 1971.

36.36. In re Proposed Middle Rio Grande Conservancy District, 31 N.M. 188, 196 (1925).

37.37. Clark, Water in New Mexico, 212. See also Cater v. Sunshine Valley Conservancy District, 33 N.M. 583 (1928). At the time of the Indian Camp Dam controversy, this conservancy district law was amended to allow for formation of a conservancy district north of Santa Fe County.

38.38. C. T. DuMars and S. C. Nunn, Eds., Middle Rio Grande Conservancy District Water Policies Plan, Working Document (Albuquerque: Middle Rio Grande Conservancy District, 1993), 5.

39.39. "Certainties of Growth Before Albuquerque—If Albuquerque Wills To Be a City," Editorial [clipped from unknown newspaper but probably The Albuquerque Journal], June 4, 1922.
Middle Rio Grande Association Manuscripts, No. MSS 62 SC, Center for Southwest Research, Zimmerman Library, University of New Mexico, Albuquerque.

40.40. In re Proposed Middle Rio Grande Conservancy District, 31 N.M. 188, 195 (1925).

41.41. Ibid, 217.

42.42. Ibid.

43.43. Ibid, 218.

44.44. Ibid, 220.

45.45. Report of the Membership Committee, Middle Rio Grande Association, undated. Middle Rio Grande Association Manuscripts, No. MSS 62 SC, Center for Southwest Research, Zimmerman Library, University of New Mexico, Albuquerque.

46.46. Cater v. Sunshine Valley Conservancy District, 33 N.M. 583 (1928).

47.47. Gutierrez et al v. Middle Rio Grande Conservancy District, et al, 34 N.M. 346, 363 (1929).

48.48. Ibid, 364. But, for an example of the maxim 'the law is made for the times, and will be made or modified by them,' see In re Sandia Conservancy District; City of Albuquerque, et al v. Middle Rio Grande Conservancy District, et al., 57 N.M. 413, 259 P.2d 577 (S. Ct. 1953), 416-417, wherein the Supreme Court, in 1953, appeared to have re-ordered what it saw as the Middle Rio Grande Conservancy District's functions. It wrote that the district was "organized, primarily, for irrigation, reclamation and to afford protection from floods…."

49.49. Middle Rio Grande Conservancy District v. Chavez, 44 N.M. 240, 245 (1940).

50.50. Ibid, 247.

51.51. Ibid.

52.52. In re Proposed Middle Rio Grande Conservancy District, 31 N.M. 188, 198 (1925).

53.53. Interview of Eugene Weisfeld by Marilyn Koch, April 6, 1990, audiotape (in Marilyn Koch's possession), side 1, tape 1. At the time of the Indian Camp Dam controversy Eugene Weisfeld was a VISTA volunteer and Rural Legal Aid attorney who represented the Tres Rios Association in its appeal of the formation of the Rancho del Rio Grande Conservancy District. In 1990, he was Taos Town Attorney.

54.. Rodriguez, "Land, Water and Ethnic Identity," 334. Jerry L. Williams, Ed., New Mexico in Maps (Albuquerque, 1986) 105-107.

55.. Bloom, side 2, tape 1; Interview of Rudy Pacheco by Marilyn Koch, 7 April 1990, audiotape (in Marilyn Koch's possession), side 2, tape 1; Reynolds, "Economic Decision Making...," 22.

56.56. Taos News, June 2, 1971.

57.. John R. Van Ness, "Spanish American vs. Anglo American Land Tenure and the Study of Economic Change in New Mexico," The Social Science Journal, Volume 13, No. 3, October 1976.

58.. Reynolds, "Economic Decision Making...," 24.

59.. Taos News, October 4, 1972.

60.. Ibid.

61.. Ibid.

62.. New Mexico Review, April - May, 1972.

63.. Rancho del Rio Grande Conservancy District v. Tres Rio Association, 87 N.M. 482, 353P.2d 1333 (1975).

64.. John Nichols, If Mountains Die, back cover.

65.. Interview of John Nichols by Marilyn J. Koch, April 8, 1990, audiotape (in Marilyn Koch's possession), side 2, tape 1.

66.. Ibid.

67.. Nichols, If Mountains Die, 60.

68.. Sarah Deutsch, No Separate Refuge, 191. See also David Whisnant, All That is Native and Fine, The politics of Culture in an American Region (Chapel Hill, 1983), and James Byrkit, "Land, Sky, and People: The Southwest Defined," Journal of the Southwest.

69.. Nichols, If Mountains Die, 13.

70.. Nichols Interview, side 1, tape 1.

71.. Ibid.

72.72. Bloom Interview, side 2, tape 2. Interview of Rudy Pacheco by Marilyn Koch, April 7, 1990, audiotape (in Marilyn Koch's possession), side 1, tape 1.

73.73. Nichols Interview, side 2, tape 2.

74.74. Ibid.

75.75. Interview of Andres Martinez by Marilyn J. Koch, April 7, 1990, audiotape (in possession of Marilyn Koch), side 1, tape 1.

76.76. Deutsch, No Separate Refuge, 23, 30, 39.

77.77. Andres Martinez Interview, side 2, tape 1.

78.78. Ibid.

79.79. Ibid. See also Reynolds, "Economic Decision Making…" 22-23.

80.80. Bloom Interview, side 1, tape 2.

81.81. Ibid.

82.82. The New Mexico Review, July 1972.

83.83. Bloom Interview, side 2, tape 2.

84.84. Ibid.

85.85. Ibid.

86.86. Ibid.

87.87. Ibid.

88.88. Ibid.

89.89. Ibid.

90.90. Pacheco Interview, side 2, tape 1.

91.91. Ibid.

92.92. Ibid.

93.93. Interview of Eluid Martinez by Marilyn J. Koch, June 16, 2001, audiotape (in Marilyn Koch's possession), side 1, tape 1.

94.94. Rodriguez, "Land, Water and Ethnic Identity in Taos," 350.

95.95. Ibid.

96.96. Ibid.

97.97. Eluid Martinez Interview, side 1, tape 1.

98.98. Ibid..

99.99. Eluid Martinez Interview, side 2, tape 1.

100.100. Ibid.

101.101. Ibid.

102.102. Brown and Ingram, Water and Poverty in the Southwest, 61-62; Rivera, Acequia Culture, 156, footnote 31; 157, the quoted section is attributed to the Tres Rios Association, but was, according to John Nichols [Nichols Interview, side 2, tape 2], written by him for the Tres Rios Association; 158.

103.103. Brown and Ingram, Water and Poverty in the Southwest, 87.

104.104. Ibid, 89-93, 101.

105.105. Rodriguez, "Land, Water and Ethnic Identity in Taos," 314.

106.106. Ibid.

107.107. Ibid, 315.

108.108. This is an on-going and evolving process. Another ironic example of the cooperation between opponents and proponents of the Indian Camp Dam, and perhaps the meshing of ethnic boundaries as well, can be found in the cooperation between Las Acequias del Norte, a coalition of community ditch systems of northern New Mexico, and Paul Bloom. In 1974, Bloom helped Las Acequias del Norte compile information on New Mexico's water laws for use in public education literature that Las Acequias del Norte distributed to its members. Once such member was the Tres Rios Association, the alliance of *acequias* formed by Andres Martinez to fight the conservancy district, having itself evolved into an activist organization. See Lovato, Las Acequias del Norte, Technical Report Number 1, acknowledgment page.