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The Town that Built its Own River: La Plaza del Cerro at Taos County New Mexico

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**The Town that Built its Own River:
La Plaza del Cerro at Taos County New Mexico**

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ABSTRACT

Cerro is an unincorporated community in Taos County, New Mexico, and is situated near New Mexico State Highway 522 heading north to the Colorado border. Nearby is Cerro de Guadalupe, a peak that has an elevation of 8,796 feet and Cerro at 7,490 feet. The connection to Guadalupe Mountain gave the town its original name as “La Plaza del Cerro de Guadalupe.” Cerro was established in the early 1850s by settlers who arrived from nearby Questa and Taos. By itself, Guadalupe Mountain did not provide sufficient water to sustain an agrarian economy based on farming and livestock ranching as was the case in the Taos Valley and other mountain villages of northcentral New Mexico. The mesa surrounding Cerro consists of a high sagebrush desert suitable only for grazing or dry land farming. With no natural water source, the settlers responded by building their own river. They commandeered the Rito Latir at the base of Latir Peak on the northeast, diverting and bending its course southerly to then capture the flows of three other smaller creeks along the way, Rito Jaroso, Rito del Medio and Rito Primero, resulting in the *acequia madre* (main irrigation ditch) for the community. Later, they formed a water users’ corporation influenced by the mutual aid societies already existing in the region, producing a hybrid form of organization combining the prototypical community acequia with a mutual protective association aimed at defending land and water rights. This article provides the social and economic context that gave rise to land and water and protective societies in northern New Mexico and southern Colorado with a focus on the Mutual Protection and Mutual Benefit Association organized at La Plaza del Cerro.

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Introduction

The majority of Hispanic mutual aid societies in New Mexico and Colorado were organized to perform charitable works and conduct burial services in the local community along the lines of the religious penitent brotherhoods. In addition, there were a few that organized in the defense of land and water rights when Anglo American cattle companies and other investors from “*los estados*” (the States) to the east entered the upper Río Grande in the 1870s and 1880s seeking to profit from the land, labor, minerals, and other natural resources. During this era of land speculation, the railroad and its associated industries played a catalytic role in the development of the region, making possible the shipment of large quantities of livestock, alfalfa, and other fodder crops to Midwestern and eastern markets. The rise in the Anglo American population, coupled with the imposition of a new legal-administrative system of land ownership, set the stage for resource use conflicts between the native *hispanos* and the English-speaking newcomers, especially in the case of the community land grants that had been issued to them by Spanish and Mexican authorities. Despite provisions in the Treaty of Guadalupe Hidalgo with Mexico in 1848 that property rights of former Mexican citizens would be protected, the United States Congress failed to confirm the vast majority of land grant claims, and eventually most were partitioned, stolen by fraudulent schemes, or reverted to the public domain.

To resist encroachment and protect their natural resources, hispano communities in New Mexico and Colorado organized mutual benefit and protective associations. For example, in 1888 the acequia landowners of Cerro in Taos County formed *La Asociación de*

Mutua Protección y Mutuo Beneficio de la Plaza del Cerro de Guadalupe (Association for the Mutual Protection and Mutual Benefit of the Town of Cerro de Guadalupe) to defend their agricultural lands, water rights, and mountain pastures:¹

The object of this association shall be: Mutual protection and mutual benefit so that united we may be able to assert, defend and take care of the rights and privileges that for more than thirty-seven years we have enjoyed in the waters of the Ritos del Latir in Taos County, N. Mex., as much for the irrigation of our lands, as for domestic purposes; having constructed ditches from sources of said Ritos de Latir, which are four in number... as also to procure for ourselves legal titles to the lands possessed and occupied by each one of the associates herein for more than thirty-seven years, in and about the town of Cerro de Guadalupe, New Mexico, as also to defend our rights to mountains and grazing ranges, which in the same conformity as above we have enjoyed; and ... to secure for ourselves and for our children the rights we may have acquired and now enjoy on our agricultural lands, our homes and the right to the use of the aforesaid waters, commonly by us. (Sánchez, 1979, 26)

Fourteen years later, hispano farmers and ranchers of the Costilla Valley, north of Cerro, formed an alliance of their own, *La Asociación Defensiva de los Pobladores de los Terrenos del Río de Costilla* (Defensive Association of the Settlers of the Lands of the Río de Costilla). In their founding constitution of 1902, the settlers united to protect and defend their land and other property rights along the Río Costilla against claims by foreign land development companies attempting to evict them: ²

Nosotros los pobladores de La Costilla, ciudadanos de Los Estados Unidos, residentes del Condado de Taos... con el fin de formar una alianza firme y constante para defender en unión y armonía fraternal nuestros hogares y propiedades raíces que por tantos años hemos tenido bajo nuestra posesión continua quieta y pacífica sin perturbación alguna.... El objeto de esta Asociación será la defensa unida y protección mutua de los asociados en sus hogares, derechos (de) propiedad y dominio que los pobladores aquí asociados han adquirido en los terrenos del Río de la Costilla.... estos terrenos actualmente reclamados por compañías extranjeras a nosotros pretendiendo y reclamando ser dueños del terreno bajo una pretendida merced dada en 1843.

[We the settlers of the Costilla, citizens of the United States of America, residents of the County of Taos... with the purpose of forming a constant and firm alliance to defend in union and fraternal harmony our homes and real properties that for so many years we have had under our possession continuous, quiet, and peaceful without any perturbation.... The object of this Association will be the united defense and mutual protection of its associates in their homes, property rights and domain that the settlers herein

associated have acquired in the lands of the Río of Costilla.... these lands now being claimed by foreign companies to us pretending and claiming to be the owners of the land under a false grant given in 1843.]

In the nearby San Luis Valley of Colorado, hispanos established *La Sociedad Protección Mutua de Trabajadores Unidos* (Society for the Mutual Protection of United Workers) in 1900 to help workers during times of unemployment, illness, and injuries at work; assist widows and orphans in the event of a member's death; and importantly, to unite the working class against discrimination in the railroad, mining and other industries emerging in the region (Rivera 2010). In addition to unskilled wage laborers, most of the initial members were farmers and sheepmen who operated small-scale ranches and engaged in agricultural self-subsistence. Like their neighbors in Costilla and Cerro, residents of the San Luis Valley united in support of the powerful words stated in their Preamble and Constitution: *Para protegerse contra las injusticias de los tiranos y de los déspotas, de los usurpadores de la ley y de la justicia, de los ladrones de vidas, honras y propiedades* ("To protect each other against the injustices of tyrants and despots, the usurpers of law and justice, and those who steal our lives, honor and property").³ The society's headquarters was based in Antonito, Colorado at a Sala Superior, a large meeting hall where members from local councils convened for biannual conventions and attended social functions throughout the year. Eventually the SPMDTU consisted of sixty five local councils in Colorado, New Mexico, and Utah, each with its own *sala* (meeting hall), including one organized in Cerro as local council number 43.

La Plaza del Cerro, 1851

La Plaza del Cerro de Guadalupe was established as an acequia-based community in the early 1850s by hispano populations seeking to expand the amount of irrigable land in the Taos County area of New Mexico. Cerro, as the settlement is now called, is located between Taos and the Colorado border with the Sangre de Cristo mountain range on the east and the Río Grande to the west. When the settlers sought to establish a permanent community in this wide mesa, they were confronted with a high sagebrush desert suitable only for grazing or dry land farming. Unlike the typical acequia communities in the upper Río Grande, Cerro was not located on a floodplain or next to a river. The nearest streams were five miles away along the western slopes of the Sangre de Cristos. The challenge for the original settlers was to transform this semi-arid mesa into an

agricultural valley at an altitude of 7,490 feet and a growing season lasting from about May 30 to September 25.

With no natural river at their disposal, the settlers responded by constructing a complex irrigation system, diverting water from several creeks northeasterly of Cerro. The flows on these creeks were intermittent, dependent on spring snowmelt from the Latir Peak watershed and supplemented by summer rainfall. At 12,708 feet in elevation, this mountain group today lies within the Latir Peak Wilderness area of the Carson National Forest. To domesticate the maximum available water supply, the *vecinos* (settler citizens) commandeered the Rito Latir (now West Latir Creek) at the base of Latir Peak, diverting and bending its course southerly to then capture the flows of three other smaller creeks along the way, Rito Jaroso, Rito del Medio and Rito Primero, forming the *Acequia Madre del Cerro de Guadalupe*. From this point, the combined flows in this main canal were turned westerly to drop into the more level land on Cerro mesa where the town's farmers could irrigate their *huertas* (home gardens) and the larger fields to the north. To administer the irrigation system, the farmers eventually established a water users' corporation, La Asociación de Mutua Protección y Mutuo Beneficio de la Plaza del Cerro de Guadalupe.

From the beginning, the settlers had in mind to convert the mesa land north of Cerro de Guadalupe into an agricultural valley. In an 1851 petition to the Prefect of Taos, eighty-two families requested a grant for a tract of land not only for homesteading but for the purposes of cultivation as well (Bowden 1969, Vol. 4, 894). Although the New Mexico Territory was under United States control by now, the petitioners reasoned that the Prefect still had authority to extend the settlement of vacant land within his jurisdiction and to parcel it out to families who wished to form new towns, as had been the custom and practice under Mexican law. The tract became known as the Plaza de Guadalupe Grant and was described as being bounded

On the north, by the Sangre de Cristo Grant; on the east, by the Cumbre de la Sierra Grande; on the south, by the Ojo del Pinabetas and the waters of the Sierra Guadalupe; and on the west by the Cañón of the Río Grande.

The Prefect approved the petition and appointed a commission to assign individual tracts of land to each of the families north of the Cerro de Guadalupe, now Guadalupe Mountain. To irrigate their tracts, ranging from fifty to seventy *varas* (a vara equals about

33 inches) in width, he also permitted the settlers to draw water from the small streams fed by the melting snow off the Sangre de Cristo mountains which bounded the grant on its eastern side. The families took possession of their tracts, occupied their respective lots, constructed an irrigation system, and began cultivating the valley.

As happened elsewhere, however, the area around Cerro soon became impacted by land speculation occurring in the region during the late 1860s and early 1870s. The Cerro landowners appeared before the Surveyor General in order to obtain confirmation of the Plaza de Guadalupe Grant. In 1872 the residents submitted their claim complete with a map delineating the grant boundaries, location of the town plaza, a public road and the creeks that supplied water to their irrigation system. The entire area of land included nine square leagues or approximately 39,852 acres (Sánchez 1979; Bowden 1969). By this time, some 741 people were inhabiting the grant. In their petition they claimed that “ever since 1824, Prefects of New Mexico had the right to extend the settlement of vacant lands within their jurisdiction and parcel it out to the people who wished to form a new town” (petition cited in Bowden, 1969, 68).

Despite their efforts to confirm their holdings and retain access to the resources of the common lands, no action could be taken due to a number of technical and legal discrepancies. The Taos Prefect, as it turned out, did not have jurisdiction or authority to issue land grants from the public domain as the petitioners had assumed. Thus, the petitioners did not press for a hearing over their claim nor did they ever present the grant to the Court of Private Claims for adjudication. No legal title to the Plaza de Guadalupe Grant was ever issued for the nine square leagues. The families, and their descendants, however, continued to occupy and farm their individual tracts at the base and north of Guadalupe Mountain (Bowden 1969).

During the intervening years, the Cerro irrigators continued to utilize the intermittent flows of the creeks fed by the Latir Drainage. A scanty supply of water meant that the farmers had to devise ways of sharing the water in accordance with snowmelt conditions, rainfall, and other factors season to season. Occasionally there was a drought, but a more serious impact for the long term was the arrival of new hispano settlers along with some Anglos beginning in the 1880s. Between 1883 and 1886 these homesteaders settled on the foothills northeast of Cerro at a place called Latir and soon began to compete

for the right to use waters from the Latir Drainage (Sánchez 1979). The Cerro irrigators claimed prior use, but they eventually signed an agreement in May of 1895 where the Acequia Madre del Cerro and the Latir Ditch would have to share irrigation waters taken from the four streams in the area. A court decree a few months later reviewed the agreement and ordered its implementation (Sánchez 1979; Rivera 1998). In 1896 when William W. Follett, civil engineer commissioned by the U.S. Army Corps of Engineers, presented his report on the use of water for irrigation on the Río Grande, he described the conflict this way:

The Mexican settlement of Cerro, started in 1852, has for many years used the entire flow of these creeks, and then had but a scanty supply. In 1883 their crop was a failure from lack of water. In 1886 some Americans settled on the stream below the Cerro ditch and by some means obtained a court decision or a compromise with the Mexicans of Cerro Plaza, which awarded to them one-fourth of the water in the creeks. The result is that the supply of water already scanty, is spread over a larger area than before, all are very short, and only partial crops are raised each year. (Follett 1896, 102)

The presiding judge in the case ordered a weekly schedule of water allocation to be followed in the two affected precincts, essentially the Plaza de Guadalupe settlement to the south and the upstream community of Latir. Henceforth, the water flow of the Latir creeks was to be shared for the purposes of irrigating cultivated lands at both locations. Precinct No. 24 users from the Latir vicinity would be allowed to take water beginning Friday of each week at sunset up until Sunday at twelve noon during the irrigation season; precinct 11 users from Cerro, on the other hand, would be entitled to the water from twelve noon on Sunday to Friday at sunset. After the irrigation season, all waters would empty into the Cerro ditch for domestic uses (Rivera 1998, 179-180).

Seven years prior to the court decree, the Cerro irrigators had anticipated the need to protect their land and water resources from homesteaders upstream. Since construction of the acequia in c. 1851, the hispano farmers had been irrigating their fields, but in 1888, they took an additional step and established a water users' corporation that set out to protect and defend their mutual rights to land and water against encroachment and land-grabbing by newcomers to the area (Chávez interview, 1999).⁴ Mr. Chávez was a former *mayordomo* (ditch manager) of the Acequia Madre at Cerro as well as an active member and former *Hermano Mayor* (Head Brother) of the local *Penitente cofradia* (brotherhood

society) in the late 1970s. In 1999 he recounted the motives that brought about the formation of the mutual protection and mutual benefit association at La Plaza de Guadalupe based on the oral history he heard as handed down in the community:

La idea era de formar una corporación de mutuo beneficio. La gente se juntó para proteger y pelear por sus derechos del terreno y el agua. En aquellos tiempos venían personas de afuera, tratando de quitarnos los terrenos. Los de la corporación eran los dueños, y se protegían por los derechos en la ley.

[The idea was to establish a mutual benefit association. People organized in order to protect and fight for their land and water rights. In those times outsiders were arriving and attempted to take away our lands. The association members were the landowners, and they protected themselves according to the law.]

The Mutual Protection and Mutual Benefit Association, 1888

The idea of forming a mutual protective society was a natural development for the Cerro farmers and ranchers. For two generations they already had strong traditions of cooperative labor and mutualism, helping each other at harvest time, collectively maintaining a *campo santo* or community cemetery, and for the men, participating in the local *Penitente* fraternity (Segura interview, 1999).⁵ The Cerro families were aware of the difficulties they had experienced in persuading the office of the Surveyor General to act on their petition for confirmation of the Plaza de Guadalupe Grant. In their minds, unity for mutual protection presented a reasonable alternative and perhaps their only defense. They drafted articles and adopted a constitution in 1888 for “The Mutual Protection and Mutual Benefit Association of La Plaza del Cerro de Guadalupe.” In Article One, the members of the association established their claim to the flow of waters from the four Latir creeks: “The objects of this association shall be: Mutual protection and mutual benefit so that united we may be able to assert, defend and take care of the rights and privileges that for more than thirty-seven years we have enjoyed in the waters of the Ritos del Latir in Taos County, N. Mex., as much for the irrigation of our lands, as for domestic purposes.”⁶

By this time, the Cerro irrigators had constructed four laterals that they claimed to have used continuously. The article also made direct reference to the granted lands they had been occupying since 1851, and they declared their strong intent to procure legal title to the farmlands surrounding the township as well as their rights to utilize the common

lands in the grazing ranges and mountains. These steps were necessary, they reasoned, not only to secure for themselves the rights acquired to their homes, agricultural lands, and common waters, but for the benefit of their children (Constitution 1888, Article One). In the high desert environment, crops from the cultivated lands alone were not sufficient to sustain the local households. Grazing lands in the mountain valleys and meadows were equally vital for cattle and sheep production, resulting in a mixed farming and ranching economy typical of the northern New Mexico uplands (Sánchez 1979; Rivera 1998).

A total of sixty-four members signed the 1888 constitution. They pledged their honor and properties, and to finance their endeavor, they levied assessments on each irrigator. These funds were to be utilized for the maintenance of their rights in their use of the waters of the Latir creeks and for the procuring of titles to their lands. They also promised “to proceed in all things with harmony and peace among ourselves, for our own protection and mutual benefit, and as a corporate body, to be faithful to our interests, and united sustain with courage our privileges, and transmit the same to our children forever” (Constitution 1888, Article Four). To help them guide the association, they elected five executive officers, an attorney, and a committee of three directors. The directors were charged with developing rules for the management of the association binding on all members and with the levying of taxes or assessments. To supervise the business of the association, insure compliance with the rules, and to administer the financial accounts, the directors appointed a general manager.

El Tanque, 1895

Seven years after incorporating, the association determined that a *tanque* (small reservoir or holding pond) should be constructed in order to store waters from snowmelt and precipitation. By this time, the farmers needed a dependable supply of irrigation water for the diversity of crops under cultivation. Construction of the *tanque* began in June of 1895, and guided by fifteen simple rules, the members agreed that all the physically fit members must contribute ten hours labor daily for the duration of the project. Absent members were subject to payment of fines or labor assessments for each day of absence. Labor duties were proportionate to the expected amounts of water uses, and all members, save for widows and others unable to work, would have to contribute daily labor in order

to earn the privilege of using water from the *tanque*. A superintendent oversaw the construction of the reservoir to insure proper work according to the specifications.⁷

The Mutual Protection and Benefit Association survived into the twentieth-first century and continued operating the system of four ditch laterals along with the *tanque*. Officers and members over the years have appreciated the fact that their association accomplished the initial objectives of the founders: to protect and preserve water rights for the mutual benefit of the community (Sánchez 1979). The membership revised their bylaws in 1992 to comply with New Mexico statutes that regulate community ditches. This change insured that the acequia irrigators would continue to qualify for state financial assistance afforded only to community ditch associations. The office of the State Engineer had previously regarded the Mutual Protection and Mutual Benefit Association as a community ditch, but at this time determined that its bylaws were deficient with respect to state law requirements. As part of the transition from a mutual benefit corporation to a recognized community ditch, the members changed the name of their organization to “Acequia Madre del Cerro de Guadalupe” and in 1995 dissolved the Mutual Protection and Mutual Benefit Association (Segura interview, 1999).

The Acequia Madre del Cerro de Guadalupe continues to operate in the traditional manner for the mutual benefit of the association members. The main canal delivers water to the four laterals for a combined length of some fourteen miles, irrigating more than 1700 acres. The earthen canals are maintained by seventy-five irrigators who conduct the ritual spring cleaning at the call of the ditch mayordomo. They also assist this official with removing obstructions or with ditch repairs when needed. The ditch and easement rights continue to be held and managed as commons property, with each *parciante* (ditch member) contributing labor in proportion to the amount of water rights and irrigated acreage. When sufficient flows enter the ditch in the spring, the mayordomo apportions the water to the laterals. In times of scarcity the water is shared one lateral at a time on a rotation basis with hours pro-rated to each landowner in the system. The mayordomo carries a book with a daily register of water use at each landowner’s headgate to insure equity and fairness in the taking of irrigation turns.⁸

NOTES

¹Articles of Incorporation of the Association for Mutual Protection and Mutual Benefit of the Town of Cerro de Guadalupe, 1888 (filed with State Corporation Commission, State of New Mexico, May 24, 1930, No. 918).

²Constitución de La Asociación Defensiva de los Pobladores de los Terrenos del Río de Costilla, Office of the Secretary, Territory of New Mexico, Certificate of April 12, 1902, Recorded in Book A-16, 267-72. The English translation is quoted as it appeared attached to the articles of incorporation, titled a "Free Translation." Credit to Gregory A. Hicks for providing a copy of the Constitution.

³Preamble to the 1911 General Constitution printed with the Constitución y Reglamento de la SPMDTU 1922 (Box 8, Folder 3, *José A. Rivera Papers*).

⁴The spirit of mutualism in Cerro continued into later times, such as in 1920 when Filiberto Quintana, Felix Quintana, Nicolas Salazar and Frederico Gómez petitioned the Sociedad de Protección Mutua de Trabajadores Unidos in Antonito, Colorado, allowing them to organize a local SPMDTU council. By 1937, the Cerro Concilio No. 43 had thirty-nine members. In 1979, Carolina Sánchez reported that this council owned its own meeting hall and was still providing mutual aid to its members in the traditional manner: "The *mutuos*, as they are called in Cerro, make a *promesa* [promise] to be responsible to each other. In times of sickness of an *hermano* [brother], other *hermanos* would go out to help out with work in the *labores* [irrigated fields]. They would help with things such as plowing, planting, bringing in the harvest or hauling wood... During the death of an *hermano*, a *comité de condolencias* [condolences committee] is appointed to go to give the condolences to the family and get information in order to publish it in the local newspaper obituary column. The *mutuos* also hold a ceremony for the *hermano* at the *casa de los mutuos* [meeting hall] where they offer him prayers. They accompany him to the *campo santo* [cemetery] where they give the *despedida* [last respects] and place pieces of *siempreviva* [everlasting flower] on his coffin" (Sánchez 1979, 59-60).

⁵As in many hispano villages, Cerro was home to a local *cofradía* (chapter) of *La Fraternidad de Nuestro Padre Jesús Nazareno* [Fraternal Society of Our Father Jesus of Nazareth]. Likely, many of the early settlers at Cerro were members of this society. To construct the town plaza, *penitentes* (brotherhood members) were among those who cleared the designated site of *chamisos* (saltbushes) and other desert brush; soon after the construction of the plaza, they built their own *morada* (chapel) to practice their religious beliefs and, like other *cofradías* in the region, aid the community in times of need. When Carolina Sánchez interviewed the *Hermano Mayor* (Head Brother), he elaborated on the charitable works of the *cofradía* at Cerro: The social services rendered by the *hermandad* included caring for the sick. This service was provided for both members and nonmembers. Food contributions were brought to the sick person's home to help the family. If the person was bedridden and in need of nursing care, they would take turns staying up at night, *velando*. If the sick person was head of the household, they would help with the cultivation

of *labores*, caring of the livestock, hauling, and chopping wood, or whatever work needed to be done. Financial help was also given to a member's family if it was needed (Sánchez 1979, 43-44). At the time of her study, the Cerro *cofradia* survived, and the *penitentes* still maintained their *morada*, observed religious days, aided the sick, and conducted prayers at wakes and funerals. As to the cemetery, it continued to be owned by the community and managed by three elected commissioners who regulate its operations, set the burial fees, and are responsible for its maintenance (Sánchez 1979).

⁶The 1888 Constitution

⁷The Tanque Rules

⁸1992 By-Laws as reported by Gilbert Segura interview.

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Juan Chávez and Gilbert Segura, Interviews by José Rivera, Cerro New Mexico, October 1999.

APPENDIX OF DOCUMENTS

La Asociación de Mutua Protección y Mutuo Beneficio de la Plaza del Cerro de Guadalupe

The Mutual Protection and Mutual Benefit Association of the Plaza del Cerro de Guadalupe is unique. The constitution and articles below were adopted in 1888 by hispano farmers who irrigated lands in and around the Plaza del Cerro de Guadalupe. In the constitution and articles, the farmers pledged to maintain and protect their lands, water sources, and mountain pastures from outside encroachment emerging in the area. Seven years later, in July of 1895, the irrigators took steps to augment their water supply by constructing a communal reservoir that would store surplus water and extend the irrigation season. To insure equity of physical labor during the construction phase, the members of the association devised a set of rules allocating the workload among the intended beneficiaries.

Constitution and Selected Articles of Incorporation, April 7, 1888

Territory of New Mexico
County of Taos

Article One

Sec. 1. The name of this association shall [be]: "The Mutual Protection and Mutual Benefit Association of the Plaza del Cerro de Guadalupe...."

Sec. 2. The objects of this association shall be: Mutual protection and mutual benefit so that united we may be able to assert, defend and take care of the rights and privileges that for more than thirty-seven years we have enjoyed in the waters of the Ritos del Latir in Taos County, N. Mex., as much for the irrigation of our lands, as for domestic purposes; having constructed ditches from the sources of said Ritos del Latir, which are four in number; and the possession of which waters... has been continuous, peaceful, and uninterrupted; as also to procure for ourselves legal titles to the lands possessed and occupied by each one of the associates herein for more than thirty-seven years, in and about the town of Cerro de Guadalupe, New Mexico, as also to defend our rights to mountains and grazing ranges, which in the same conformity as above we have enjoyed; and to push in operation the lawful means dictated by law, to secure for ourselves and for our children the rights we may have acquired and now enjoy on our agricultural lands, our homes and the right to the use of the aforesaid waters, commonly used by us.

Article Four

Sec. 2. The persons signing the rolls of this association, shall also sign this constitution, and all, each one for himself do by these presents [sic] pledge our honor and property to support, with money, according to each one's assessment, the maintenance of our rights and privileges we enjoy in the waters of Los Ritos del Latir and the procuring of titles to our

lands as aforesaid. We also promise, in the most solemn manner to be docile and faithful to this association, herein organized, and to proceed in all things with harmony and peace among ourselves, for our own protection and mutual benefit, and as a corporate body, to be faithful to our interests, and united sustain with courage our privileges, and transmit the same to our children forever.

Sec. 4. We appeal to the Supreme Judge of the Universe who controls all things in His Omnipotence, and submissive to His judgments and decrees, and elevating our prayers to Him, with a contrite heart we beg of Him to preserve in our hearts the necessary fraternal peace and good will to foster our mutual benefit and that of our children.

This constitution has been adopted in the town of Guadalupe, precinct No. 11 of the County of Taos, this 7th day of April 1888, and signed with our hands and seals.

[Sixty-four members signed the Constitution.]

Minutes of Meetings, June 12th, and July 6th, 1895

Rules for the Construction of the Reservoir, El Tanque

Today, the 12th of June 1895, a special meeting called by the Committee of the "Association for Mutual Protection and Mutual Benefit," ... for the purpose of dictating the rules for the construction and maintenance of the water reservoir or pond; and said body, having formulated the said rules by a motion unanimously adopted, it was proposed to hold a regular meeting of the Association for the consideration of the said rules; and the meeting adjourned.

Minutes and Rules

On this 6th day of July 1895, in a meeting in its regular term; and after the Committee presented the Rules formulated; they were read in full, and upon a motion of Pedro A. Gómez, the vote was taken and by a two thirds majority the Rules were approved and adopted. Upon motion of E. D. León, it was ordered that the Rules as adopted, be inserted in the "Diary of the Association."

RULING

Concerning the work on the water Reservoir begun on the 1st day of June A.D., 1895, by the people of the "Association" in Precinct Number 11 of Taos County, New Mexico, under the laws of the Territory for Incorporation Title and Purpose.

1ST

That any man working on said Reservoir one day, shall work from seven in the morning until six in the evening.

Rule One

That every person physically fit, and sane judgment, shall have to work ten hours each day on the Reservoir or water pond until the conclusion of said work. That each laborer in said work, working alone, shall be considered as earning 75 cents per day each day he works; and, if he bring[s] his team with a wagon, a scraper, or a plow, the team shall be considered as earning 75 cents a day for each day; but each one shall be responsible to himself for the above mentioned implements.

Rule Two

The team must be in condition and of quality to withstand the work.

Rule Three

The laborers must be docile and fit for the work as having an interest.

Rule Four

Persons absent shall have to refund, with money or with labor for each day absent from the work; and, after making up such work, they shall enjoy the same privilege herein stipulated by the Articles of the said Association.

Rule Five

Boys 15 years of age or under shall not be admitted or received on the terms as those 16 years of age, or above; their labor shall value at 25 cents per day. This article applies only to the fathers that are absent.

Rule Six

That a person, like a widow in poverty, or any other person self-proclaimed in poverty, shall be considered, when they shall bring a complaint before the committee. Said Committee shall take into consideration such a measure.

Rule Seven

That shall be the duty of the Superintendent, or Overseer, of such work, to conduct the laborers in order. He shall consider it as his official duty to direct the work from its foundation in the best condition, and with good judgment; so that the banks shall extend in proper direction and slope, as much in height as in width in proportion, so as to demonstrate the work until the conclusion of the same.

Rule Eight

An outlet shall be located where two thirds of those convening shall determine; so as to evade any charge against the officials except as afterwards disputed shall there be any damage.

Rule Nine

That each and every one of those convening in said reservoir project, for any future flood or case of disaster, shall have to bear some as consequences; and always, and in all cases, the majority shall prevail.

Rule Ten

That whatever person, after the construction of said Reservoir or pond, shall be caught with purpose of destroying our work in as much as it is ordained that each one of these convening shall have as their duty to watch over said Reservoir.

Rule Eleven

That persons having only their houses and who use said water for domestic purposes, shall have to pay a duty of two days of labor or \$1.50 in said work; otherwise, they shall be prohibited [from] using the water of the said Reservoir for said purpose.

Rule Twelve

That persons having a house and a small plot of ground used as a garden, shall have to pay a duty of four days labor, or \$3.00 in said work.

Rule Thirteen

That the pipe for the Reservoir shall be two feet wide, three feet high and eighteen feet long.

Rule Fourteen

That these articles shall be presented and taken into effect by a two thirds majority vote, being in accordance with justice.

Rule Fifteen

That these Rules may be amended or altered, whenever necessary.

The Committee

E. D. León Pedro A. Gómez Anastacio Jaramillo

Agreement to Divide Irrigation Waters, 1895: Acequia Madre del Cerro and Latir Ditch

At Santa Fe, New Mexico, October 23rd, 1895

Present as of October 7th, 1895

John H. Young, et als., vs. Juan N. Gomez, et. als.

Decree

.... It is further ordered, adjudged and decreed by the Court that during the time devoted to the cultivation and irrigation of the crops in said Precincts numbered 11 and 24, in said [Taos] County, or when there is a scarcity of water, in the streams hereinafter named, that the people herein above named as residents of said Precinct No. 24, shall take the water flowing in the four streams, known as the Latir, Jaroso, Rito del Medio and Rito Primero, for their exclusive use and benefit, for the purpose of irrigating their crops such as grain, vegetables, and cultivated lands of all kinds, diverting said waters of said four streams into

their ditches, during such times for said purposes, as follows: to-wit: Beginning Friday of each week at sunset in the evening and continue it on the same exclusively, up and until the following Sunday at twelve o'clock noon; and at that time, the parties in charge of said ditch shall divert the waters of said four streams into the ditch or ditches, belonging to the people of said Precinct No. 11, and the people of said Precinct No. 11, who are entitled to said waters shall have and enjoy the exclusive use and benefit of said waters from the hour of twelve o'clock, noon, on Sunday of each week, until the next following Friday at sunset in the evening. That is, the people of Precinct No. 24, shall have and enjoy the exclusive use and benefit of said waters from said four streams for the period of forty-two hours of each [and] every week, during the irrigation season of each and every year hereafter for the purposes above specified; and the people of Precinct No. 11, shall have and enjoy the exclusive use and benefit of said waters from said four streams for the remaining period of one hundred and twenty-six hours of each and every week, during the irrigation season of each and every year for the purposes above specified, and according to the times above set out herein, and by the agreement of all parties in interest hereto.

H. B. Hamilton, Associate Justice, etc., and Judge of the Fifth Judicial District thereof, acting for and in place of Hon. N. B. Laughlin, disqualified by reason of having been of counsel in the case. (Rivera 1998, 179-180)

PHOTO GALLERY: Plaza del Cerro Landscapes

NOTE: All photos below were taken by José Rivera, October 1999



Road to Guadalupe Mountain with the town of Cerro at its base, October 1999



Sangre de Cristo Mountains east of Cerro with Latir Peak on left, October 1999



Plowed field in October 1999 likely ready for planting winter wheat



Wheat field after fall harvest at base of Guadalupe Mountain, October 1999



Cerro farm equipment and hay bales, October 1999



Hay Wagon in foreground and Sange de Cristo Mountains in background



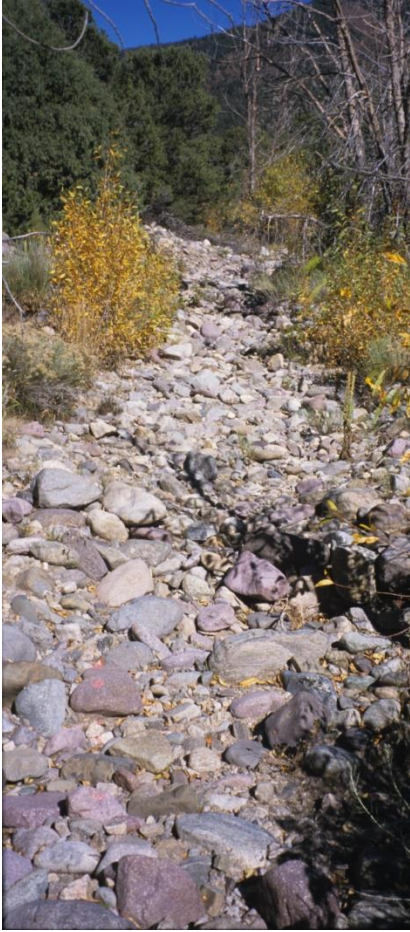
Semi-Truck & Trailer for transporting hay bales to market, October 1999



Old barn no longer in use



Latir Peak drainage: source of water for Plaza del Cerro de Guadalupe, October 1999



Latir Creek dry bed Oct. 1999



Latir Creek Compuerta (Headgate), October 1999



Above and Below: sign posted on Latir Creek road, "The Water Thief"





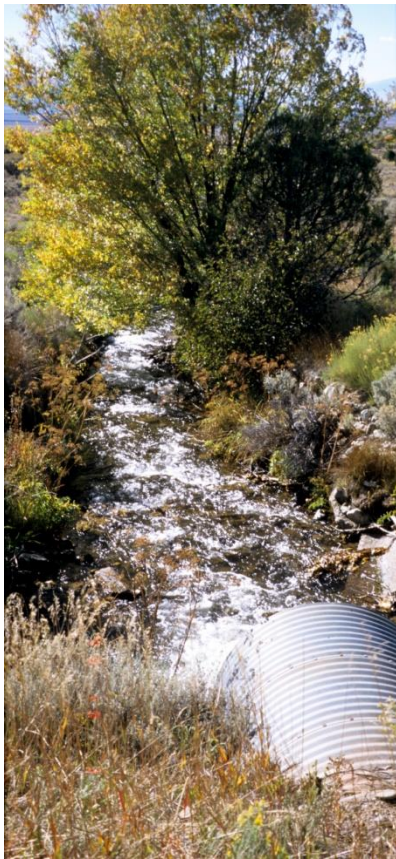
Rito del Medio with flow



Tree line marking the Acequia Madre path approaching State Highway 522

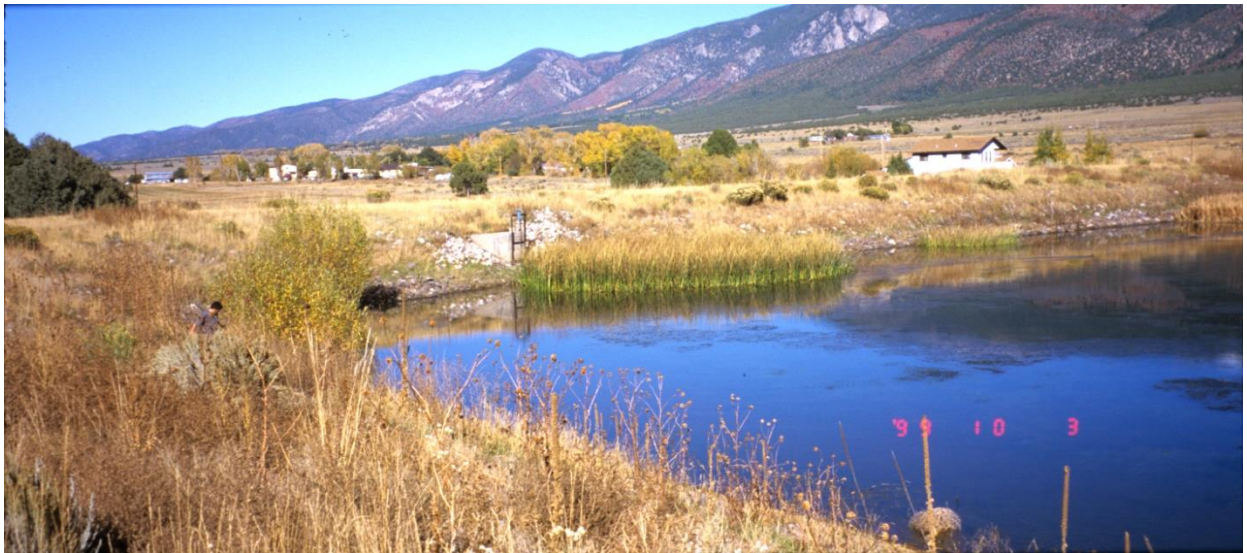


Tree line of Acequia Madre continues closer to State Highway 522 leading to a culvert crossing below





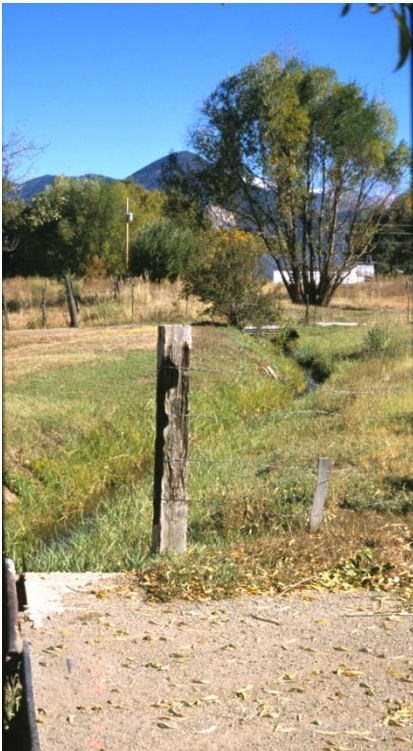
Cerro Reservoir, "El Tanque," October 1999



Headgate at El Tanque to release water into Cerro laterals, October 1999



Above and Below: Lateral No. 1





Compuerta to Lateral No. 2, October 1999



Cerro Fire Department, October 1999



Nuestra Señora de Guadalupe Church, October 1999



Cerro Cemetery, October 1999