A woman in a black t-shirt and blue jeans is leaning over a wooden structure, possibly a fence or a well, in a field. She is holding a vertical wooden post. A man wearing a white cowboy hat, sunglasses, and a grey t-shirt is assisting her, holding a horizontal wooden beam. In the background, there are other people, including a man in a blue shirt, and a landscape with trees and a clear blue sky.

# Restorative Justice and Acequias

Gregor MacGregor  
Acequia Assistance Project Director  
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# Restorative Justice and the Environment

- “Traditional” EJ:  
Disproportionate environmental burdens
  - 1982 – Warren County, North Carolina
  - 1987 – “Waste and Race” report by United Church of Christ Commission for Racial Justice
  - 1987-200 – Development of “environmental racism” and critical race theory





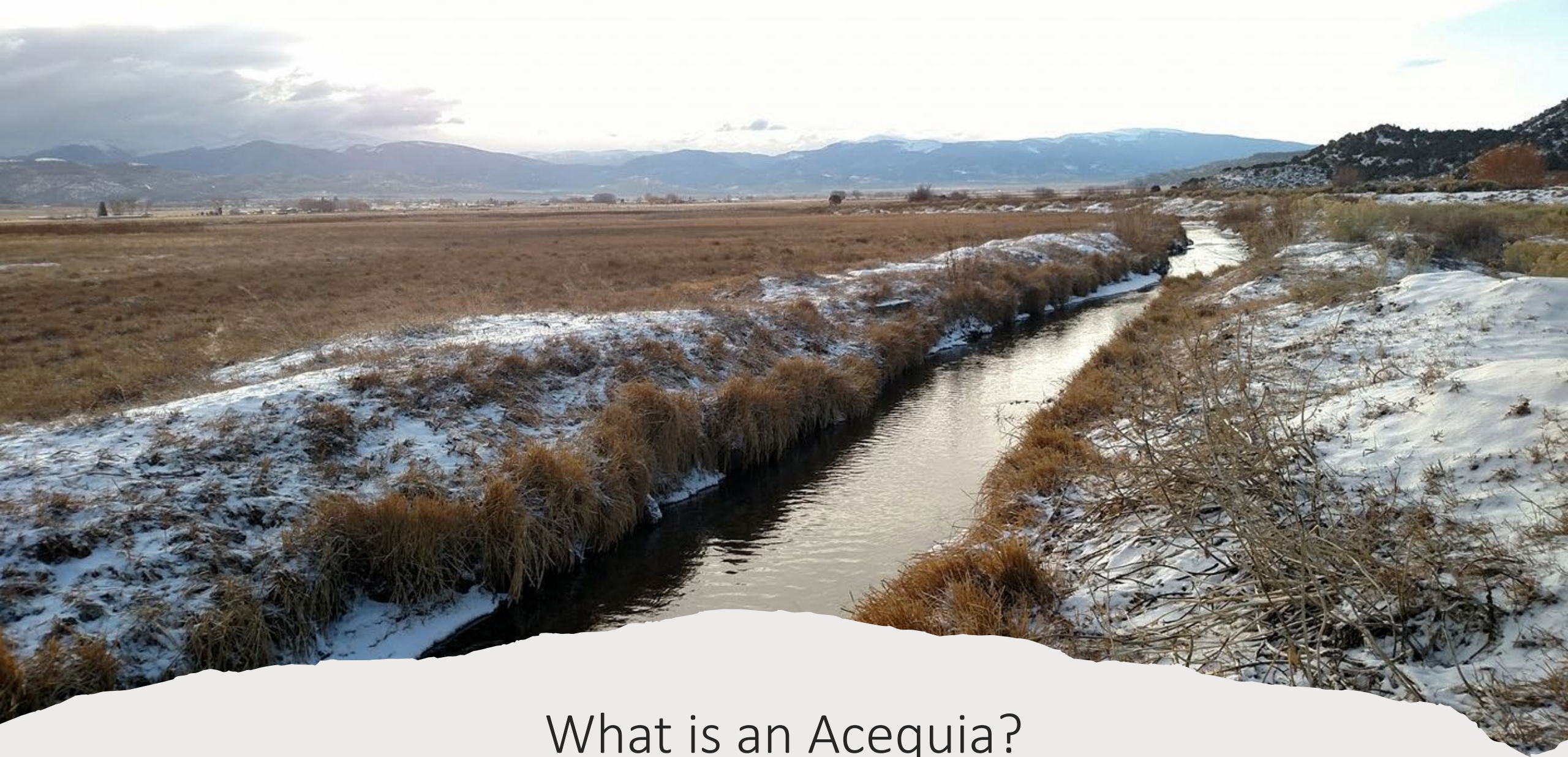
# Restorative Justice and the Environment II

- EJ and Natural Resources (Eds. Mutz, Bryner, Kenney)
  - Distributive Justice and Ethics
    - How do we distribute benefits and burdens equitably; how do we compensate for past injustices?
  - Social Justice
    - How do we address the interaction of economic, political, and social factors to address root causes of injustice?



# Restorative Justice and the Environment III

- Restorative Justice: “to repair harm to the victim, address the root cause of the crime [injustice], and ideally, transform unjust systems and structures in order to reduce or prevent future crime [injustice].”
- Easy to think about with a polluter.
- What if the cause of harm is the law itself? Is changing the law enough?



What is an Acequia?



## Infrastructure, Governance, Culture

- Long Vara Strips
- Small land-holdings
- Gravity-fed irrigation
- One family, one vote
- Communal contribution of labor
- Comisión and Majordomo
- Distribution by equity
- Water sharing on and between acequias



## The Origin of Acequias



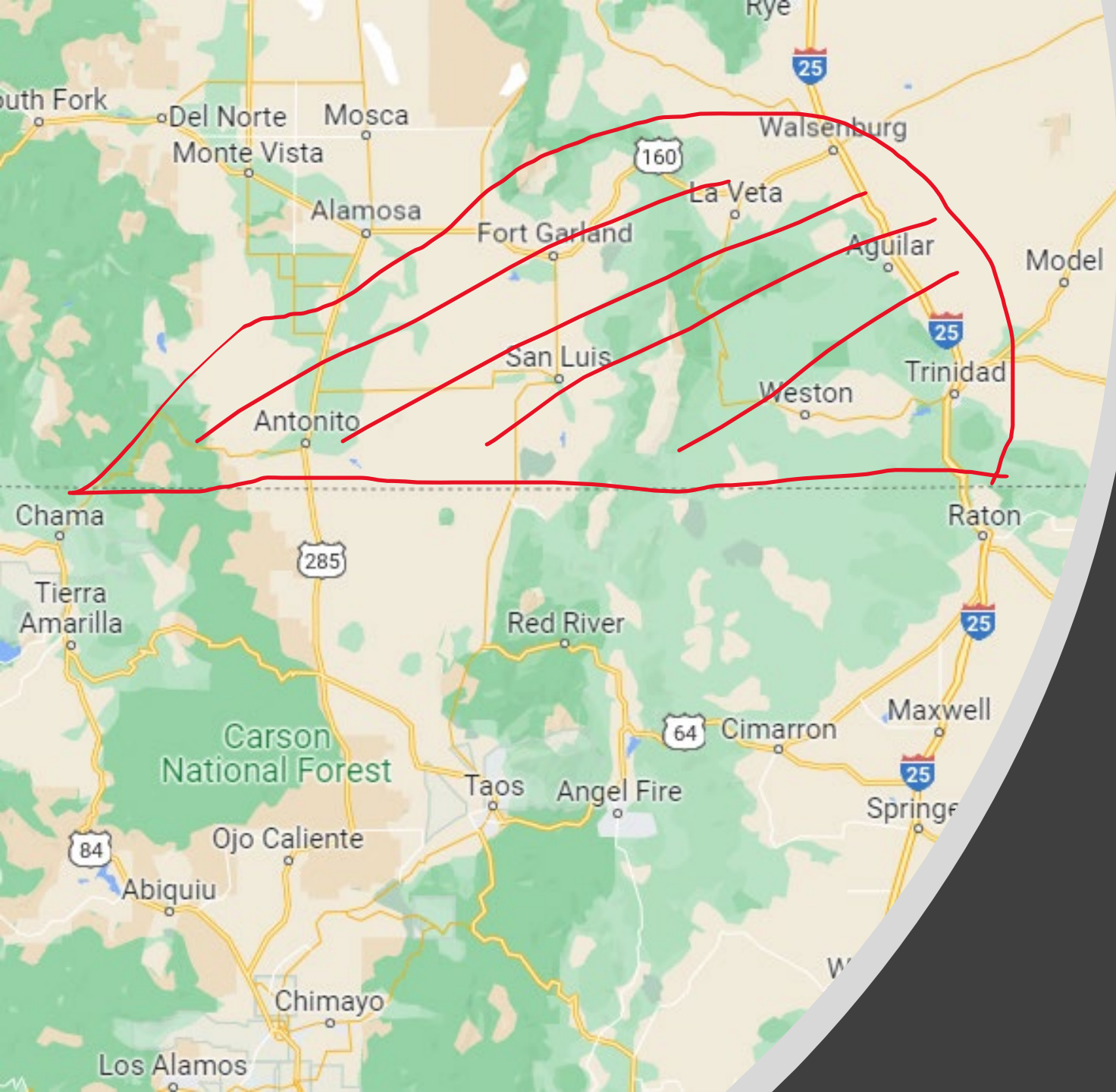




*Genl. Scott's entrance into Mexico*

# The Mexican-American War

- 1846-1848
- The United States Annexes most of the Southwest
- Ended with the Treaty of Guadalupe Hidalgo
  - Promises to respect Mexican property rights



One Community:  
Two Laws

# STEPHEN WATTS KEARNY EXPEDITION



1846 ENTRY INTO SANTA FE 1946

## New Mexico

- Kearny Code
- Acequias codified in law
- Operate as sub-units of the state
- Doesn't mean there are no problems!



## PLEAS *and* PETITIONS

Hispano Culture and Legislative Conflict in Territorial Colorado



Virginia Sánchez



# Colorado

- Explicit discrimination in the legislature.
- Failure to recognize acequias until 2009 Acequia Recognition Act and 2012 amendment.
- 133 years under the radar.



# The Acequia Assistance Project, Contemporary Issues



## By the Numbers

- Founded: 2012
- Students Attorneys: ~ 60-90 each year (new and returning)
- *Pro Bono* Supervising Attorneys: 15
- New cases per year: ~ 10
  - Filing for water rights
  - Writing by-laws
  - Title search and opinion
  - Public research and white papers
- Average value of legal services provided per year: \$300,000
- ABA Awards: 1



# Holistic Approaches



Yes, and...







SAN LUIS STATE BANK

# Downtown Revival



- Montez Ditch Revitalization
  - Charlie Jacquez & Ronda Lobato
- Lupine Luna Project
  - Ronda Lobato
- San Luis People's Market
  - Devon Peña and the Acequia Institute



# Looking Ahead

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