EXHIBIT A
EL RITO COMMUNITY DITCH ASSOCIATION'S
DECLARATION OF THE TIEMPO SYSTEM OF WATER ALLOCATION CUSTOMS
STATE OF NEW MEXICO )
COUNTY OF TAO ) ss.

1, Lucas Trujillo, being duly sworn, and being over the age of eighteen and competent to
make this statement, states as follows:

1. I am the current President of the El Rito Community Ditch Association. I have
lived in the community of El Rito for 68 years, all my life, and have been a member of the El
Rito Community Ditch Association for all of my adult life.

2. The community of El Rito is divided into two plazas: Plaza Arriba and Plaza
Abajo. There are eleven (11) acequias that serve the Community of El Rito. The eleven El Rito
Acequias are all tied together not only by the river, from which water is diverted at six different
points of diversion, but also by one another as many of the acequias join together to form a
single, intricate system under the administration of a single commission of three members that
supervises two mayordomos, one for Plaza Arriba and one for Plaza Abajo, who manage the
distribution of water.

3. The Plaza Arriba ditches include: Acequia Alires, Acequia Viterbo Alires,
Acequia Duranes, Acequia Monte, Acequia Camino, Acequia Medio, Acequia Madre,
Acequia Estero and Acequia Otra Vanda (a.k.a. Acequia Trujillo). The Plaza Abajo ditches
include: Acequia de la Plaza, Acequia Medio Abajo, (a continuation and part of Acequia
Medio), Acequia Madre Abajo (a continuation and part of the Acequia Madre), Acequia del
Alto (a continuation and lateral of Acequia Madre) and Acequia Jalar.
3. The management of water diverted from the acequias that comprise the El Rito Community Ditch Association is governed by a local custom known as the *tiempo* system. The underlying traditions of sharing water, of rotating the water between the upper and lower acequias, and of requiring community labor to maintain the ditch continue to be the operating rules for the community ditch system.

4. The *tiempo* system is a community-based structure for water sharing and distribution. The system does not anticipate that any ditch or user has priority over another. The system does not attempt to fix quantity to a particular place, but anticipates that the available water will be shared by parciantes making efficient use of water during chronically short periods.

5. The *tiempo* system serves many functions: it is a book-keeping system to ensure the collection of adequate acequia dues; a means of determining the amount of water that each parciante is entitled to during times of shortage; and a system of assessing the labor each parciante is required to provide to the association for maintenance of the ditch. Labor assessments are called *limpias*.

6. When there is an abundance of water (*tiempo de abundancia*) water is not distributed on a rotation basis. Parciantes in good standing are allowed to use water as needed under the supervision of the mayordomos.

7. When, in the judgment of the elected Commissioners, the amount of water in the stream is not sufficient to irrigate all land, the *tiempo* system is implemented according to local custom.

8. When the elected Commission implements the *tiempo* system, parciantes receive water according to a system of rotation as follows:
a. Daytime tiempos run for six hours: from 6 a.m. to 12:00 p.m. or from 12:00 p.m. to 6:00 p.m.

b. Nighttime tiempos run for twelve hours, from 6:00 p.m. to 6:00 a.m.

9. The time that parciantes receive their water is determined by their place on the ditch and the flow of the stream.

10. Historically, the number of days that the tiempos rotate between Plaza Arriba and Plaza Abajo ditches has changed. The Commission can elect to rotate the delivery schedule between the plazas according to their determination of available water.

11. The Commissioners can alternate the rotation schedule, beginning either in the Plaza Arriba or Plaza Abajo. Once a rotation has begun in one plaza, water is delivered sequentially to parciantes down one acequia, and then moved to the next acequia and delivered sequentially to the parciantes down that acequia.

12. The rotation for one plaza is not necessarily completed in that plaza before the water is rotated to the other plaza. When water is returned to the first plaza, watering continues from the point at which it ceased on the previous rotation.

13. When the tiempo system is in place more than one parciant can irrigate at the same time, depending on how much water is available.

14. Parciantes can own one or more tiempos:

   a. Tiempos do not correspond to the number of acres owned;

   b. Over the years, in some cases, parciantes have purchased and sold tiempos separately from the land for use within El Rito’s Community Ditches;

   c. Parciantes pay dues in accordance with the number of tiempos owned;
d. Parciantes cannot irrigate if they fail to pay dues or are otherwise not in good standing with the acequia as specified in the Association bylaws.

e. All parciantes in good standing are permitted one vote per member; the number of tiempos owned does not determine the number of votes.

15. Tiempos shall not be broken into units less than one (1) tiempo.

16. When the water is insufficient for irrigation, in the judgment of the elected Commissioners, water is allocated for (a) small gardens (b) orchards (c) livestock use and (d) for other domestic use including recharge of community wells.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by Lucas Trujillo on the 13th day of April, 2007.

My Commission Expires:

[Signature]

Notary Public