



THE TAOS NEWS

Best U.S. Weekly Paper- NNA 2007, 2008, 2010
Inland Press Nation's Best Weekly Newspaper 2009

Water protectors inspect a well site

By Cody Hooks chooks@taosnews.com

The Taos News, 13 Dec 2018



Water protectors check for a required permit at the drill site of an exploratory water well off of U.S. 64 west. They did not find it, they said. The well, which is part of the Abeyta Water Rights Settlement, does have a valid, state-issued permit. The state requires the permit to be posted while drilling is actively taking place but the well drilling is on hold until January.

About 50 people walked down U.S. 64 west Tuesday morning (Dec. 11) before gathering at the site of an exploratory water well to pray and drum up attention for what they see as major and imminent problems with implementing the Abeyta Water Rights Settlement.

The demonstrators and self-described water protectors are part of a loose coalition called the Guardians to Taos' Water. The walk, though it blocked a lane of traffic and slowed the other, was generally greeted with honks and "thank you's" by passing drivers. Law enforcement officers did show up but remained by the road, talking with organizers.

The march was part of a two-day sprint of actions that included two gatherings in Kit Carson Park, prayers by a group of traveling Tibetan monks and a sit-in at the Taos town council meeting Tuesday night.

At issue for the group are the known and unknown impacts of the Abeyta settlement, a legally binding resolution to Taos area water rights disputes stretching back decades.

In 1989, Taos Pueblo claimed a right to nearly 8,000 acre-feet of water each year from the Río Lucero and Río Pueblo de Taos. One acre-foot of water equals 325,851 gallons or about what two typical households use in a year. If the pueblo were to assert its full rights in this arena, it could mean water users downstream, including the town of Taos, could be left dry.

That same year, the Taos Valley Acequia Association, which represents traditional irrigation ditches, asked the pueblo to negotiate a deal to avert that scenario and to avoid the uncertainty of lawsuits between the tribe and nonpueblo water users. The pueblo agreed and the end result is what's now known as the Abeyta settlement.

It was largely finalized in 2013 and the parties to the settlement — the town, pueblo, acequia association, and El Prado Water and Sanitation District — are figuring out how to make their deal on paper work out in real-life hydrology.

The El Prado water district has made the most headway in terms of implementing the settlement. The district applied for and received money from the Bureau of Reclamation to drill an exploratory water well on the mesa on U.S. 64 west. Should the well provide water, El Prado will request the well be turned into a production well, meaning it would be used to supply the community water system.

According to several people at Tuesday's action at the well site, one of their immediate objectives was to determine if the site was properly permitted

Buck Johnson, one of the local water protectors, said he was told by an employee at the Office of the State Engineer, the state-level agency in charge of water well permits, that no permit was on file for the site.

John Painter, board member of the El Prado water district, provided The Taos News with a copy of the permit to explore for water at the site. The Office of the State Engineer confirmed the permit is valid.

A letter attached to the permit states it is the district's "responsibility to provide the contracted well driller with a copy of the permit that must be made available during well-drilling activities."

The drilling rig is located at the site on U.S. 64, but drilling is not underway yet because the contractor is waiting for specialized parts to arrive. Cooper Drilling of Monte Vista, Colorado, is the drilling contractor and is licensed in New Mexico.

While demonstrators inspected the well site, several indigenous women offered prayers. Among them was Taos resident Pat McCabe, who said water protectors, many of whom participated in the pipeline resistance at Standing Rock, sought out the leadership of elder women.

"I've been hearing about the Abeyta settlement for a long time but had not looked into what that meant and what the mechanisms are," McCabe said. "This group of young people came to me and said, 'We have to take action.'"

Whether or not the well along U.S. 64 (and other deep-aquifer wells that are to be drilled as part of the Abeyta settlement) are legally permitted by the state, they see it as “an injury to Mother Earth to punch those deep, deep holes,” she said.

“The prayer was acknowledging that injury and saying we understand this is a maltreatment. We are praying for her healing and our own healing, so we can come into alignment with the law of thriving life,” she said.

The driller first started digging the exploratory well in May, Painter said. The first attempt was unsuccessful as there was too much sand, he said. The district is trying another spot about 2 miles away, which is where demonstrators gathered Tuesday. Drilling the test well will begin again in January, Painter said.

Painter, who spoke with several of the organizers at Tuesday’s town council meeting, acknowledged they were concerned about “pulling up poisonous water from the deep aquifer.”

But he said the water district won’t know “what the quantity or quality of water will be” until after the well is finished. “Right now, there’s no way to get any kind of water sample that would be accurate as we’re drilling. The only way you get the true story is once it’s done,” he said.

Yet the goal of the Guardians to Taos’ Water is to slow the process before all the wells are dug.

“We see the imminent danger, and we need a way to have a pause,” McCabe said.