

Taos water protectors protest new wells

Young generation questions the impact of the Abeyta waterrights agreement on Taos Valley

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Water activists sing prayers Friday (March 15) during a four-day protest outside a water well drilling rig along U.S. 64.

Before the sun rose over the mountains, a group of water protectors walked from the highway up to a drilling rig for a water well near Taos, the hole in the ground already reaching down more than 900 feet. One among them climbed the rig and, once on top, stayed there in peaceful protest for four days.

The action started Thursday morning (March 14) when Buck Johnston and the others met to pray in El Prado before heading west along U.S. 64 to the site of a well that's being dug as part of a water rights agreement called the Abeyta Settlement.

More than anything else, the action was meant to draw a collective focus to what they say are worrying aspects of the Abeyta Settlement — the unknown impacts of drilling more than a dozen wells, potentially fueling growth in the valley that is unsustainable.

“The most important and critical thing right now is to bring awareness to the community so the community can be fully informed on each step of the implementation of the Abetya Settlement and how these wells are connected,” Johnston said in an interview.

“We need to be in on this process throughout the entire thing and be kept up-to-date,” he said.

Judging by the crowd the action drew and the response it has prompted from some officials involved in the settlement, their action worked.

“I find that when I’m in town, at the coffee shop or wherever, people are talking about it where they weren’t talking about it before,” said Jenn Sawyer, a Taoseña who was at the prayer camp the morning Johnston came down.

“Suddenly I’ve got [the settlement details] on the computer and reading it line by line, actually trying to get into the details of what that lingo means,” Sawyer said “Talking with people on the acequias to get their perspective, I’m getting a bigger picture and a deeper understanding of something I just had a fuzzy thought about before.”

The protest immediately got the attention of the well drillers who live in an RV on site. A prayer camp was set up along the highway and within hours of Johnston’s climb on Thursday, the activity also prompted a response of New Mexico State Police, whose officers and crisis negotiators surrounded the drill rig until the most dramatic statement about the Abeyta Settlement to bubble up in Taos in recent memory was over Sunday morning (March 17).

Though the action is over, the impacts of it are just taking shape.

“We’re trying to pick up the pieces and go on and finish it,” said John Painter, board member of the El Prado Water and Sanitation District, the water system responsible for the Midway well that became the site of the demonstration.

“We’ll see what happens,” he said. “None of this is over by any means.”

The settlement

The Abeyta Settlement is a highly complex water-sharing agreement among the major water users in the Taos Valley, like the town of Taos, Taos Pueblo, acequias and El Prado water district. It was finalized in the federal courts in 2013 and, since 2017, the entities involved with the settlement have been applying for federal money to plan and drill the wells that are integral to pulling off the ideas written down in the settlement.

Due to compromises made during the settlement negotiations, the El Prado district must relocate some of its water pumping away from the Buffalo Pasture at Taos Pueblo. The Midway well is one of the first settlement projects to see progress. The well was recently drilled to 913 feet, the bottom layer of the aquifer used by most people in Taos County.

Like a lot of the fights over water rights New Mexico, the history of the Abeyta Settlement stretches back generations, at least to 1969 when the state first started quantifying all of the water, and water rights, in the valley.

The language of the settlement is unforgiving in its legalese. And talk to many of the people who have been involved with crafting it and they'll repeat a common refrain about the settlement: it's a done deal.

But new residents to the Taos Valley have just as much at stake in the future of the area's water and young people like Johnston, 31, argue they and the community at large still have the right to be clued into the development of wells and infrastructure that will be coming online in the next few years.

"All of the parties that were negotiating this have been in it so long ... they got a sort of tunnel vision going on, so they're not able to look at the big picture," said Johnston, who lives in Llano Quemado.

"Coming in a little bit later and being a younger crowd that's taking interest in the health of our valley, we have a fresh perspective on this. We also have new information about the worldwide water crisis and how draining aquifers at faster rates than they can be replenished is dangerous for the natural ecosystems," he said.

'I wasn't going to have an easy time'

The rig Johnston climbed is on the north side of U.S. 64, about 100 yards set back from the road and about 60 feet tall. It's not far from the Taos Mesa Brewing Mothership and the Taos Regional Airport.

After climbing the rig, he strapped himself in with a harness to wait out the four days, a sacred number in a lot of native ceremonies, said Johnston, who is Diné.

State police responded to the scene just after 7:30 a.m. on Thursday and a crisis negotiation team was quickly called in. Fire trucks with ladders that could reach the top of the rig were also brought in from local departments. Throughout the first day of the action, the negotiators talked with Johnston, asking how he was doing and trying to convince him to come down from the rig.

Though Johnston and the protestors thanked the state police for helping maintain a peaceful attitude throughout the action, law enforcement's tactics were more aggressive during the first evening.

"The first night was the worst, and that's good because it let me know I wasn't going to have an easy time up there," Johnston said.

"It was blowing and snowing sideways, freezing. The police sure wanted me down and they didn't let me rest either. They thought if I was tired, they could wear me down and get me off of there. So they kept checking on me every hour throughout the night, putting their lights on me, asking me questions."

They also took his hammock and tore open his backpack, he said. He stayed upright, getting about half an hour of sleep while tucked inside a military-grade sleeping bag, he said.

A state police spokesperson did not comment about confiscated some of Johnston's belongings. But he noted that, as of Friday (March 15), "negotiators stayed on scene all day with [Johnston] to continue to negotiate with him coming down off the water drill rig. [He] still refused to come down. A welfare check was conducted on him every hour throughout the night by state police."

'A beautiful movement'

On Friday morning, 24 hours after the action first started, someone walked past a barbed wire fence that separated the highway from the drilling rig to pass along a critical piece of equipment for Johnston's demonstration: a portable phone charger.

Near dawn, 30-year-old Zachary Trujillo climbed the rig to hand off the charger. State police arrested Trujillo for criminal trespassing as soon as he came down from the tower. Law enforcement officers were stationed at the gate near the highway for the remainder of the protest.

Meanwhile, the camp continued to grow Friday, seeing more than 50 people by nightfall. Their cars lined either side of the highway. Two pop-up tents were erected for food and supplies and a teepee was constructed, as well. A couple of people leaned on the hoods of their trucks, watching Johnston and police through binoculars. Others warmed themselves and drummed around the fire that had been lit since Johnston first went up the rig.

"It's been a beautiful movement, all of us coming together in unity to help mother earth and our water," said Steve Romer, of Taos Pueblo, who had been at the site since Thursday and had participated in a previous prayer action at the well site in December. "It's been a privilege to be here spiritually and physically. We're giving our good energies to our brother Buck up there."

Even though Johnston was isolated on top of the rig, it didn't feel that way.

"By the third and fourth day I felt stronger than when I started out," Johnston said.

"I didn't feel like I was alone because I could feel the brothers and sisters down there by the gates. Just hearing the songs, hearing people pray down there, and myself being on top of the rig, having that spiritual connection with all the land around me and the creator ... it really kept me strong mentally," he said.

During the third day of the demonstration, Saturday (March 16), the police abandoned their efforts to convince Johnston to come down early. They agreed to let him finish the protest, when he would peacefully surrender for arrest on Sunday morning around 10 a.m., said a state police spokesperson.

Coming to an end

Organizers put out the call for community members to come to the camp as Johnston descended from the rig.

By the final morning of the action, the camp had doubled in size: four tents for food (and a full breakfast bar to make burritos), two fires and a surge in the number of people – a mix of Taoseños and supporters from across the state.

“My cause and protection here is a spiritual base,” said Marie Tucker, of Taos Pueblo. “We’re here in prayer and to focus on our man up there, on his safety and well-being. Like a warrior that he is, he will face whatever consequences. But we’re here to support him fully, regardless if it’s this way in prayer and if we need to support him at the courthouse.”

“The battle never stops,” Tucker said.

Deborah Jiron came to the action with several other members of the Albuquerque chapter of the American Indian Movement.

“Anything that’s going to hurt our people or any community ... we’re here for them,” Jiron said.

She acknowledged the complexity of the Abeyta Settlement, especially for someone unfamiliar with the finer points of the local water history and politics. But she was resolute in her support for the water protectors’ questioning of the settlement implementation.

“Don’t tell me it’s going to be safe because I don’t believe anything’s going to be safe. Once you dig into mother earth, that’s it, you’re cutting into her and there’s no guarantee about having safe water after that.”

With only 15 minutes left before Johnston’s planned descent, most of the crowd lined up along the barbed wire fence, now hung with prayer flags and messages like “protect our sacred sites.”

One woman yelled out to Johnston. Her voice cracked, but it carried. Johnston yelled back. The crowd was buzzing.

At 9:54 a.m. he unharnessed himself, shimmied over to the vertical ladder and began climbing down.

State police allowed four of his family to walk up to the rig and finish the ceremony started four days ago at dawn. He was smudged and allowed to smoke from a pipe, before law enforcement took him into custody. He was arrested on charges of criminal trespassing and resisting arrest, both misdemeanors.

The camp began to disband that day, and most people were gone by that evening. Johnston was released from the Taos County jail Monday morning (March 18).

Outcomes

Johnston said that he and other members of the Guardians of Taos Water, the coalition of Taoseños who for the past year have been researching and raising awareness about the settlement, only intended to make a statement and draw attention to the unfolding Abeyta Settlement.

However, the action may have had an impact on the well itself.

The protest happened at a critical moment in the drilling process, when the contractor needed immediately fill in part of the well shaft with gravel. That didn’t happen. The El Prado Water and Sanitation District believes the well was compromised

“to a certain amount,” but won’t know the full extent of the damage until a pump is installed.

Painter, of the El Prado district, regrets that federal money that could have gone to other parts of the settlement will now have to be sunk into this well. And he feels stabbed in the back, he said, because of all of the parties to the settlement, El Prado has tried to be forthcoming with information about what they know, what they don’t and how it’s playing out.

As the Midway Well on U.S. 64 continues to be developed, Johnston and the other water protectors are pushing ahead with their mission around the Abeyta: to dig up more information from the government and the parties, research the impacts of drilling on the aquifer and build awareness, curiosity and a sense of empowerment among residents of the Taos Valley.

A few days after the protest was over and everyone had time to sleep and cool down, Painter says that, like the water protectors, everyone just wants clean water for people in the valley.

And he agrees with the protestors that now is the time for more forums and education opportunities for valley residents to talk about what’s going on with Abeyta.

“I think we will push for that,” Painter said. “I don’t think the protesters will wear down anytime soon.”

He’s not alone in saying so. Taos Town Councilor Pascualito Maestas also echoed the need for more conversation around the settlement.

“It’s such a complex subject and the history goes back to before I was even born,” said Maestas, 32. “There needs to be a conversation between the public and ourselves [the parties] about what the settlement really means.”