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Protesters barred from more demonstrations at water well near Taos

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A district court judge in Taos approved a preliminary injunction Tuesday (April 2) that prevents a loose association of water protestors from staging further demonstrations at a water well in El Prado.

On March 14, Buck Johnston climbed a well drilling rig located off of U.S. 64 West and stayed on top of the machinery for a four-day prayer action.

Cooper Drilling of Monte Vista, Colorado, is drilling the well for the El Prado Water and Sanitation District. The well is currently about two-thirds completed, according to testimony given during Tuesday's hearing.

On March 20, Jeff McElroy, chief judge of the 8th Judicial District Court, granted a temporary restraining order that prevented Johnston, of Llano Quemado, and other associates of Guardians of Taos Water from getting within 100 yards of the boundary of the property where the well is located.

The injunction granted at Tuesday's hearing essentially extended the restraining order as the matter moves through the court. However, the order adjusted the limitations on the water protestors so they are not prevented from congregating in the highway right of way, where a prayer camp was set up during the four-day action in March.

Kathryn Hardy, attorney for the Guardians of Taos Water, said there was "absolutely no need" for the injunction. She argued the group has no further demonstrations planned for the well site. She also argued that since the El Prado district does not yet own the land where the well site is located, they and the contractor do not have standing for a restraining order.

McElroy disagreed and granted the order for a preliminary injunction.

"When I address civil disobedience as a tactic, I think there are times when civil disobedience doesn't interfere with others' rights and cause damage, and there are times when it does," McElroy said.

"Plaintiffs allege credibly that there have been damages caused, and so therefore the injunction should issue in this particular circumstance. That does not mean I'm shutting down in any way the activities they're able to lawfully execute on the road."

Johnston's demonstration at the well was meant to draw attention to what he and other water protectors describe as the worrying aspects of the Abeyta Settlement, a water-sharing agreement for the Taos Valley among the major water users, including Taos Pueblo, the town of Taos and the El Prado district.

Under the terms of the settlement, El Prado has to drill two new wells on U.S. 64 to supply its water system.