

#6837

P. 4455-  
4456



Torrance County Ordinance # 94-8

An Ordinance providing for the protection of rights to, and uses of, water.

WHEREAS, the citizens of Torrance County by their nature adhere to and demand democratic participation in their government; and

WHEREAS, the ownership of water rights and the expectance that the water derived from the beneficial use associated with that right, is free of introduced contaminants are considered basic civil rights by the citizens of Torrance County; and

WHEREAS, the protection of existing water rights and water uses within the County is of primary importance to the County's economic and cultural well-being.

INTENT

The intent of this ordinance is to create a mechanism that citizens can use to enforce their rights to:

1. A supply of water equal to the amount appropriated under the laws of the State of New Mexico, and;
2. Expect that water will be free of introduced contaminants.

NOW THEREFORE, be it ordained by the governing body of the County of Torrance:

1. The County Commission shall use all means available to oppose the involuntary restriction of water rights or uses within the County.
2. No person shall fraudulently restrict or nullify water rights, under color of law.
3. No person using federal appropriations or grants, nor federal agent, shall transfer water rights, change the use of water, or nullify water rights without prior coordination with the Torrance County Commission.
4. The County Commission shall review, or cause to be reviewed, changes in water use to determine if there is no adverse impact to the historical, customary, and cultural uses retained by the citizens of the County.
5. The County Commission shall act immediately to initiate ~~criminal action~~ <sup>an investigation</sup> upon the complaint of one or more affected persons who allege criminal acts that



threaten their lawful use of water rights, or result in the provable introduction of contaminants into surface or ground water.

6. No person shall contaminate ground or surface water. The contamination of ground or surface water shall be considered trespass and each individual affected shall constitute one count.

7. If any provision of this ordinance or the application thereof is held invalid, such invalidity does not affect any other provision of this ordinance which can be given effect without the invalid provision or application, and to those ends the provisions of this ordinance are severable.

8. Conviction of violation of this ordinance shall carry a fine of \$300.00 or imprisonment of 90 days, or both.

9. This ordinance shall be recorded in the book kept for that purpose and shall take effect in accordance to law.

PASSED, APPROVED, AND ADOPTED THIS 12<sup>th</sup> DAY OF September, 1994.

STATE OF NEW MEXICO  
County of Torrance  
I hereby certify that this instrument was  
recorded on the 13 day  
Sept A.D. 1994  
at 8:25 o'clock A M and duly  
recorded in book 269 at page 4455-  
4456  
Witness my hand and Seal of office  
Carla Clayton  
County Clerk Torrance Co., N.M.

Bill P. Williams  
Chairman of the Board

Bill Carter  
Member

ATTEST: Liz Lyman Deputy

Ray Spivey  
Member

Carla Clayton  
Clerk of the Board

