

# 11608

P. 4723-  
4726

TORRANCE COUNTY ORDINANCE # 95-8

AN ORDINANCE PROVIDING FOR THE PROTECTION OF RIGHTS TO AND USES OF WATER.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY, NEW MEXICO.

Section 1. FINDINGS AND PURPOSE . The Commission finds, determines and declares that 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. Further, that it is in the interest of the health, safety, and welfare of the citizens of Torrance County that water derived from the ownership of water rights and the beneficial use thereof, be free from introduced contaminants. To ensure that an adequate, sustainable supply of fresh water now exists and will continue to exist for the citizens of Torrance County, no newly acquired water rights shall be exported out of state.

The purpose of this Ordinance is to preserve the health, provide for the safety, and promote the order, comfort and convenience of the inhabitants of the County by establishing formal procedues for notification, monitoring and approval with regard to water rights and uses within the County.

Section 2. DEFINITIONS.

A. "Abandoned well" means a well whose use has been permanently discontinued, or is in such a state of disrepair that it cannot be rehabilitated for its original purpose.

B. "Board" means Torrance County/ Estancia Basin Water Planning Board.

C. "Commission" means the Torrance County Board of Commissioners.

D. "Contamination" means any natural or chemical element singly or in compound which can degrade, combine with, or replace surface and/or ground water resulting in reduced water quality conditions. E.P.A. labled products used in accordance therewith are exepted.

E. "Discharge Plan" means a description of methods and conditions, including any monitoring and sampling requirements, for the discharge of effluent or leachate which may move directly or indirectly into ground water.

F. "Disposal" means to abandon, deposit, or otherwise discard a fluid as a final action after its use has been achieved.

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P. 47022



# 95-7

NOTICE OF REPEAL

THE TORRANCE COUNTY COMMISSION ON THIS 26th, DAY OF JULY, 1995, HAVE VOTED TO REPEAL ORDINANCE NUMBER 94-8 IN ITS ENTIRETY, AN ORDINANCE PROVIDING FOR THE PROTECTION OR RIGHTS TO, AND USES OF, WATER.

EFFECTIVE DATE: The effective date of this repeal shall be 30 days after the date of execution.

Torrance County Commission

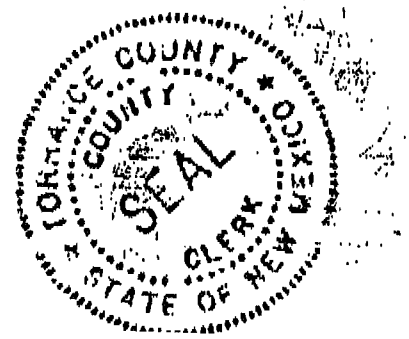
Bill White  
Chairman

Rodger Rame  
Member

Roy Spenser  
Member

Attest:

Carla Clayton  
Clerk of the Board



County of Torrance  
I hereby certify that this instrument  
filed for record on the 27 d<sup>th</sup>  
of July A.D. 1995  
at 9:33 o'clock A M and duly  
recorded in book 27 at page 47022  
Witness my hand and Seal of office  
Carla Clayton  
County Clerk, Torrance Co., N.M.  
St. Ryan

B. Any person making application to the State Engineer's Office for a permit to drill a new well, drill a replacement well, or otherwise effect a change of water rights and/or use thereof shall, upon making such application, also notify the Torrance County Board of Commissioners within three working days. Notification will be made in writing by the property owner or the well driller to the Torrance County Manager's Office and shall include: a copy of the application to the State Engineer's Office; a plat map of the proposed drilling site, indicating the location of any existing wells within 500 feet of the proposed site; any septic/leach fields adjacent to the proposed site; and any other pertinent information as appropriate or requested.

C. Upon receipt of the notification as required in paragraph B above, the County Commission shall review, or cause to be reviewed, the proposed use of water to determine whether there is any adverse impact to the citizens of Torrance County. The criteria to be used to determine adversity will be:

1. Public Welfare

a) Proposed water use must be consistent with historic custom and traditional culture.

2. Conservation

a) Proposed water use will not deplete water resources below identified sustainable levels.

b) Proposed water use will not foul or degrade water quality to a point below presently measured toxicity levels.

Section 4. PROCEDURES FOR MONITORING.

(Intentionally left blank)

Section 5. WATER QUALITY.

A. No person shall introduce or cause to be introduced any contaminants and/or toxic pollutants into the surface waters or ground waters of the Estancia Basin.

B. No person shall dispose of any waste, refuse or fluid in any manner which is likely to introduce or cause to be introduced any contaminants and/or toxic pollutants into the surface waters or ground waters of the Estancia Basin.

Section 6. PENALTIES.

A. Persons violating this ordinance shall, upon conviction, be subject to the penalties as prescribed by State Law.

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G. "Fluid" means material or substance which flows or moves whether in a semisolid, liquid, sludge or any other state.

H. "Ground Water" means interstitial water which occurs in saturated earth material and which is capable of entering a well in sufficient amounts to be used as a water supply.

I. "Person" means any individual, agency, institution, municipality, or other political subdivision thereof, federal agency, public or private corporation, partnership, association or any other entity.

J. "Plat" means a map, chart, survey, plan or replat certified by a licensed, registered land surveyor containing a description of the subdivided land with ties to permanent monuments.

K. "Refuse" means food, swill, carrion, slops and all substances from the preparation, cooking and consumption of food and from the handling, storage and sale of food products, the carcasses of animals, junked parts of automobiles and other machinery, paper, paper cartons, tree branches, yard trimmings, discarded furniture, cans, oil, ashes, bottles and all unwholesome material.

L. "Sewerage system" means pipelines, conduits, or other structures, devices, appurtenances or facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

M. "Toxic pollutant" means a water contaminant or combination of water contaminants in concentrations which upon exposure, ingestion, or assimilation either directly or indirectly will unreasonably threaten to injure human health, animal or plant health commonly protected and used by man for food or economic benefit. E.P.A. labeled products used in accordance therewith are excepted.

N. "Wastes" means sewage, industrial wastes, or any other liquid or solid substance which will pollute any waters of the basin.

O. "Well" means a bored, drilled or driven shaft.

### Section 3. NOTIFICATION.

A. No federal agent or representative of any federal agency, commission or any other federal entity shall acquire, change, nullify or in any way alter any water rights within Torrance County without the express approval of the Torrance County Board of Commissioners.

Section 7. REGULATIONS ADOPTED.

The laws of the State of New Mexico governing the drilling of wells and appropriation and use of ground water, and the regulations of the State Water Quality Control Commission, along with any subsequent revisions or amendments to such laws or regulations, are hereby adopted and incorporated herein by reference and made a part of this ordinance.

Section 8. SEVERABILITY

If any article, section, subsection, paragraph, sentence, clause, phrase, provision or portion of any article, section, subsection, paragraph, sentence, clause, phrase or provision in this Ordinance is for any reason, held to be unconstitutional, invalid or void, the remaining portions shall not be affected.

Section 9. EFFECTIVE DATE. The effective date of this Ordinance shall be 30 days after the Ordinance has been recorded in the County Ordinance Book.

PASSED, ADOPTED AND APPROVED by the Board of County Commissioners of Torrance County, New Mexico as Ordinance No 95-8 this 26 day of July 1995

BOARD OF COMMISSIONERS  
OF TORRANCE COUNTY

BY *Bill Wick*  
Chairman

This Ordinance was recorded in the Torrance County Ordinance Book on 7-27-95

ATTEST:

*Carla Clayton*  
Torrance County Clerk



NEW MEXICO  
County of Torrance  
I hereby certify that this instrument  
filed for record on the 27<sup>th</sup>  
of July A.D. 1995  
at 9:30 o'clock A.M. and duly  
recorded in book 271 at page 103  
Witness my hand and Seal of office 7/26  
*Carla Clayton*  
County Clerk, Torrance Co., N.M.  
*J. Ryan*