



Village of Wagon Mound Resolution No. 2022-06

A RESOLUTION IN SUPPORT OF PROTECTING THE SANTA CLARA SPRING AND THE FUTURE OF THE VILLAGE'S SOURCE WATER

WHEREAS, The Village of Wagon Mound is an incorporated municipality within the State of New Mexico; and

WHEREAS, The Village of Wagon Mound, as a municipality, in accordance with NMSA 1978, Sections 3-18-25, 3-23-5(A) and 3-27-1, has acquired, constructed and maintained a water system for the purpose of supplying municipal water to paying utility customers and has continuously operated said water system since its construction; and

WHEREAS, The Village of Wagon Mound has established perpetual water rights to the Santa Clara Springs dating back to 1936; and

WHEREAS, NMSA 1978, Section 3-27-3 allows for the jurisdiction of a municipality to protect its source water and water facilities from pollution and allows the Village of Wagon Mound to adopt this Resolution to carry out its power. NMSA 1978, Section 3-27-3 extends the jurisdiction of the municipality to:

- 1) all territory occupied by the water facilities;
- 2) all reservoirs, streams and other sources supplying the reservoirs and streams; and
- 3) five miles above the point from which the water is taken; and

WHEREAS, NMSA 1978, Section 3-17-1 grants The Village of Wagon Mound authority to adopt this Resolution providing for the safety, preserving the health, promoting the prosperity, and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and

WHEREAS, Upon entering into the roles and duties of the Governing Body, the Mayor and Councilors swore an oath to support the Constitution and laws of the State of New Mexico and faithfully and impartially discharge the duties of said office to the best of their abilities; and

WHEREAS, The Village of Wagon Mound has established a Source Water Protection Plan; and

WHEREAS, The Village of Wagon Mound has consistently and impartially maintained and defended the health and productivity of the Santa Clara Springs in order to protect the Village's municipal water supply for current and future use by the municipality's citizens; and

WHEREAS, The Village of Wagon Mound is concerned that Fisher Sand & Gravel-New Mexico, Inc. may not hold a business license in Mora County, and therefore has not demonstrated that Fisher Sand & Gravel-New Mexico Inc. has made sufficient efforts to comply with state and federal environmental laws;

WHEREAS, The Village of Wagon Mound is concerned that Fisher Sand & Gravel-New Mexico, Inc. may not be compliant with all applicable state and federal laws including but not limited to the Clean Water Act; the requirements of Mine Safety and Health Administration; or the requirements of the New Mexico Energy, Minerals, and Natural Resources Department; and

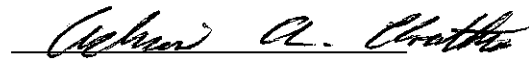
WHEREAS, Fisher Sand & Gravel-New Mexico, Inc. must comply with all federal, state, and local laws and regulations for water protection and mining.

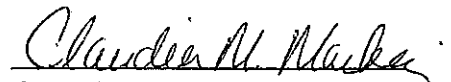
NOW THEREFORE, BE IT RESOLVED The Village of Wagon Mound Governing Body establishes an objective to continue protecting the Santa Clara Springs from all possible sources of pollution, contamination, and decreases in productivity; and, under the present circumstances, The Village of Wagon Mound opposes any and all gravel mining operations within the statutory jurisdiction to protect the Santa Clara Springs.

Passed, Approved, Adopted this 28th day of June 2022


Andres Martinez, Mayor

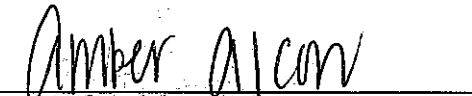

Eldie Cruz, Mayor Pro Tem


Adrian A. Clouthier, Councilor


Claudia M. Martinez, Councilor


Paul A. Miera, Councilor

ATTEST:


Amber L. Alcon, Clerk Treasurer

