



**ORDINANCE NO. 2023-01**  
**VILLAGE OF WAGON MOUND**  
**PROTECTING THE MUNICIPAL WATER SUPPLY**

AN ORDINANCE EXERCISING THE VILLAGE OF WAGON MOUND'S JURISDICTION  
TO PROTECT THE MUNICIPAL WATER SUPPLY, SANTA CLARA SPRING,  
AND THE VILLAGE'S WATER FACILITIES

- WHEREAS**, The Village of Wagon Mound became an incorporated municipality within the State of New Mexico in 1918; and
- WHEREAS**, The Village of Wagon Mound (the "Village"), as a municipality, in accordance with NMSA 1978, Sections 3-18-25, 3-23-5A and 3-27-1, has constructed and maintained a water system originating at the Santa Clara Spring (the "Santa Clara Spring" or the "Spring") for the purpose of supplying municipal water to paying utility customers in and around the Village and has continuously operated said water system since its construction in the mid-1930s; and
- WHEREAS**, The Santa Clara Spring has supplied inhabitants of the Village with a domestic water supply continuously since at least 1913, prior to municipal incorporation; and
- WHEREAS**, The Village was granted perpetual rights to use water from the Santa Clara Spring in 1936; and
- WHEREAS**, The Village has established a Source Water Protection Plan for the Santa Clara Spring; and
- WHEREAS**, The Village has consistently and impartially maintained and defended the health and productivity of the Santa Clara Spring in order to protect the Village's municipal water supply for current and future use; and
- WHEREAS**, NMSA 1978, Section 3-27-3 establishes the jurisdiction of a municipality to adopt an ordinance to protect its source water and water facilities from pollution and 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.

**NOW THEREFORE, be it resolved**, the Village of Wagon Mound adopts the following ordinance for the protection of the Santa Clara Spring and the municipal water system consistent with NMSA 1978.

**Section 1 - Purpose**

This Ordinance adopts protective measures to ensure the health and productivity of the municipal water source, the Santa Clara Spring, and to safeguard these waters from potential sources of contamination, water pollution, and/or disruption of the fractures in the bedrock through which the groundwater flows, or any activity negatively impacting discharge. The Village of Wagon Mound recognizes that water is



essential for the life, prosperity, sustainability, and health of the community and that damage to natural groundwater and surface water sources imposes great tangible loss, not just for today, but for future generations.

This ordinance is not intended to limit, restrict or enforce grazing of cattle or any livestock at standard stocking rates acceptable for the grazing land within the Protected Area.

## **Section 2 – Severability**

If any section, paragraph, clause, or provision of this ordinance shall, for any reason, be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

## **Section 3 – Definitions**

The below words and phrases, wherever used in this ordinance, shall be defined as follows:

AQUIFER – water-bearing permeable rock that can contain and transmit groundwater to wells and/or springs through a complex series of fractures

CONTAMINATION – the presence of a chemical, biological or physical impurity or any undesirable element degrading a material to a condition of being unfit for the desired use

DISCHARGE – the productivity or flow rate of a spring measured by determining the volume of water passing a specific location over a specific length of time

FRACTURE – any break or structural discontinuity in a geologic formation creating two or more distinct surfaces within the formation allowing pathways for fluids and gases

GROUNDWATER – any body of water located underground in spaces created by fractures

RECHARGE – the replenishing of groundwater stored in an aquifer

SPRING – a place on the Earth’s surface where groundwater emerges to become surface water

STOCKING RATE – the number of livestock animals per acre for a specified period of time. Synonymous with carrying capacity and stocking density.

SURFACE WATER – any body of water located above ground

WATER POLLUTION – any source or form of contamination introduced to a body of water leading to environmental degradation so that it negatively affects the usability of the water

## **Section 4 – Description of the Municipal Water Source and Water Facilities**

- A. Municipal Water Source – The Santa Clara Spring is a naturally occurring spring that supplies water to the Village for municipal water use and distribution to paying water utility customers. The Spring is located approximately two miles northwest of the Village outside the municipal boundaries on privately owned land.

While previous analysis indicated the Santa Clara Spring receives groundwater recharge from five miles south-southwest in the Turkey Mountains, more recent studies and analysis have determined the zone where aquifer recharge occurs is primarily northwest of the Spring with groundwater flowing through a fractured basalt layer atop gray shales of the lower Niobrara Group. Testing of Spring waters indicates a relatively low residence time for groundwater to reach the Spring as it moves laterally through fractures in the basalt.



B. Municipal Water System – The Village of Wagon Mound Water System originates at the Santa Clara Spring with a transmission line running through private property to a vault located within Village limits. The water is treated within the vault, and it is fed to a 224,000-gallon storage tank. Water is distributed from the tank to individual customers via distribution lines.

**Section 5 – Description of Protected Area**

- A. In accordance with NMSA 1978, Section 3-27-3, the Village of Wagon Mound is designating an area to protect the municipal water system and municipal water source. See Appendix 1.
- B. The Protected Area shall encompass all components of the Municipal Water System including the Santa Clara Spring; the transmission line from the Spring to the Village; the vaults, the chlorination equipment, and storage tank; distribution and service lines; and meters, meter loops, and meter cans.
- C. The Protected Area shall also extend five miles above the Spring located approximately two miles northwest of the Village of Wagon Mound. This five mile area shall extend out from the Spring one and one quarter (1¼) miles to the southwest and a half-mile (1/2) to the northeast.

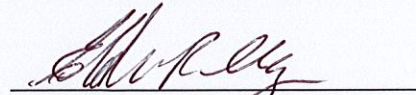
**Section 6 – Enforcement**

The Village of Wagon Mound shall enforce Ordinance 2023-01, pursuant to NMSA 1978, Section 3-17-1(C)(1) by prosecution in the municipal court and upon conviction, the Village of Wagon Mound shall impose a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days or both.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
THE VILLAGE OF WAGON MOUND  
ORDINANCE NO. 2023-01 IS PASSED, ADOPTED AND APPROVED AT REGULAR COUNCIL  
MEETING THIS 14<sup>th</sup> DAY OF MARCH, 2023.**

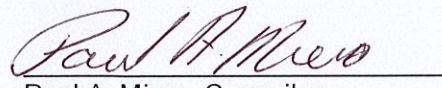
**COUNCILORS**

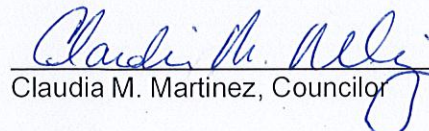
  
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Andres Martinez, Mayor

  
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Eldie R. Cruz, Mayor Pro Tem

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Adrian A. Clouthier, Councilor

ATTEST: (SEAL)  
  
  
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Amber L. Alcon, Clerk Treasurer

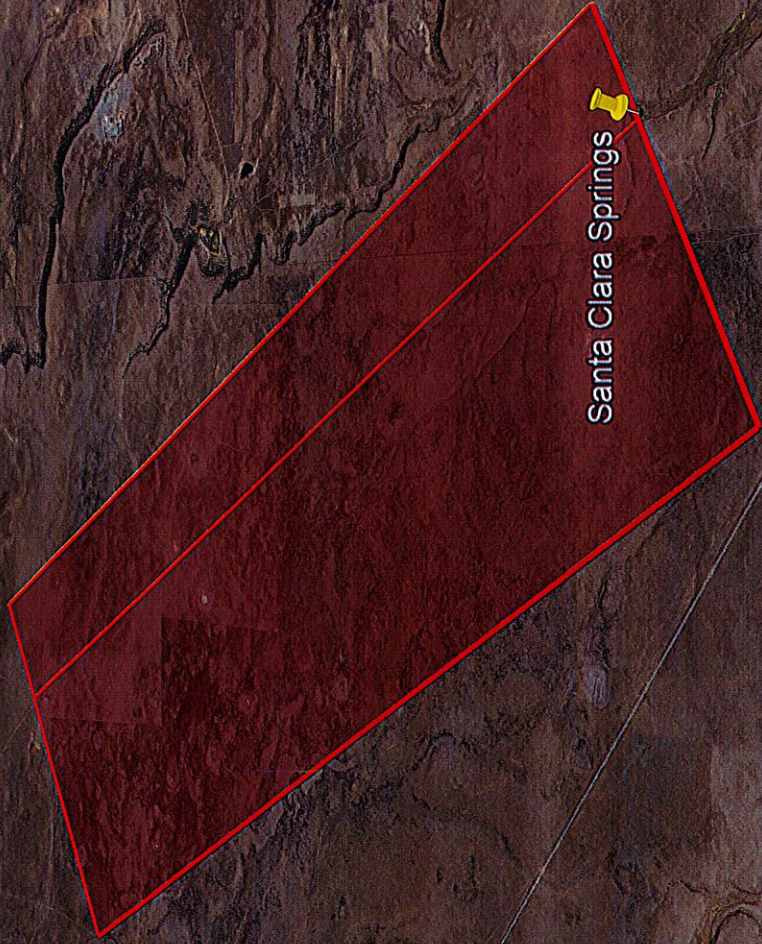
  
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Paul A. Miera, Councilor

  
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Claudia M. Martinez, Councilor



# Appendix 1

Santa Clara Springs Protected Area



Santa Clara Springs

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