RESOLUTION 013-2012

A RESOLUTION STATING CATRON COUNTY’S
POSITION ON WATER RIGHTS

WHEREAS, Catron County has a vested interest in seeing all water users in the county are
secured in their water rights; and,

WHEREAS, the county is fully aware of past legal decisions that affect the ownership of water
rights on forest livestock ponds for the residents of Catron County. Attached to this resolution is detailed
information relating to those legal decisions; and,

WHEREAS, based on the information attached to this resolution, Catron County believes after
45 years it is time to set the record straight and undue the injustice to the citizens of this county.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that they will
attempt to obtain numbers to be included in any claim of water rights used to store and water livestock
on Federal or State lands by its citizens.

PASSED, ADOPTED, AND APPROVED at Reserve, Catron County, New Mexico this 2nd day of
November, 2011.

BOARD OF COUNTY COMMISSIONERS
CATRON COUNTY, NEW MEXICO

ATTEST:

HUGH B. MCKEEN, CHAIRMAN

SHARON ARMijo, CLERK

RICHARD McGUIRE, MEMBER

GLYN GRIFFIN, MEMBER
CATRON COUNTY WATER RIGHTS POSITION STATEMENT

- Catron County has a vested interest in seeing all water users in the county are secured in their water rights. The county is aware of the Supreme Court decision commonly known as Arizona v. California and the decree in 1964. In addition, the County is painfully aware of the fact the Hydrographic Survey of 1965 is woefully incomplete. This survey failed to account for all stock water tanks on the National Forest and the rights of ownership of these waters under New Mexico State law.
- Catron County residents were told by New Mexico State Engineer, Steve Reynolds, the ownership of water rights on the forest livestock ponds was in question. Reynolds told county residents his office would only visit the uses of water on private land and once the ownership issue was settled the rights would then be given to the appropriate party. Additionally, Reynolds assured the residents that the additional 18,000 acre feet of water would be allocated and all uses of water would be made whole at that time.
- Catron County residents were sued by the state of New Mexico to determine water usage and as a vehicle for residents to proclaim their historic use of water. It was during this study the county residents attempted to claim the water rights on the stock ponds within the national forest by filing declarations. During these filings the residents of Catron County were told to stop the filings until the matter of ownership was settled. As a result, not all of the stock tanks were declared and the ones that were filed were simply put on the shelf where they remain to this day.
- Catron County is aware of the findings in the 1978 case United States v. New Mexico (438 U. S. 696), known as the Rio Mimbres Decision. This decision states “any water rights arising from cattle grazing by permittees on the forest should be adjudicated to the permittee under the law of prior appropriation and not to the United States”.
- Catron County residents were assisted by the Office of the State Engineer during 2005 and 2006 in filing declarations on the Stock Ponds within the National Forest. A great deal of the livestock watering tanks, springs and wells were declared and the appropriate papers were filed with the State Engineer’s Office in Deming, New Mexico. All of these filings were paid for by the individual filers. To Date, The State Engineer has not acted on these declarations and they remain on the shelf.
- Catron County knows the Interstate Stream Commission is required to send an annual report to the Bureau of Reclamation. This report includes the number of stock tanks inside the national forest and calculates the total evaporative loss. This report indicates 660 stock tanks inside the national forest within the San Francisco River Basin and 416 stock tanks inside the national forest within the Gila River Basin.
- Catron County is informed that none of the 1076 stock tanks water rights have been adjudicated to the permittees or anyone else under New Mexico state law. The water is impounded by the permittee. The water is put to beneficial use by the permittee. The water usage is recorded and reported by the Interstate Stream Commission according to the Supreme Court Decree.
- Catron County knows the numbers listed above do not take into account the water rights associated with springs, wells, and any other device (trick tank, steel rims, etc.) used to store and water livestock located on Federal or State lands. The county will attempt to obtain numbers to be included in any claim of water rights by its citizens.
- Catron County believes after 45 years it is time to set the record straight and undue the injustice to the citizens of this county.