



New Mexico Territorial Legislature
January 31, 1866

Whereas, A small number of men of Dona Ana county whose property was destroyed by the terrible floods of the Rio Del Norte in the year 1862, and who, in consequence of their destitute condition, resolved to settle the Tuleroso, which now is known as precinct number ten of said county, and

Whereas, Said inhabitants had to suffer great privations and overcome great obstacles at said place, thrown in their way by the Mescalero Apaches, who at said time were in open hostility with the inhabitants of the territory of New Mexico; and

Whereas, Said settlers have had possession of said valley and rivers with which the lands thereof are irrigated, up to this time, and having chosen the most eligible place for their settlement: therefore,

Be it enacted by the Legislative Assembly
of the Territory of New Mexico:

Sec. 1. That no person shall have the right to use the water to irrigate lands in the canyon from the source of the Tuleroso river down to where said river enters the Tuleroso valley; provided, that mills and machinery may be established by any person who wishes to do so, under the condition that the course of the water shall not be changed so as to injure agriculture, this being a branch of the greatest necessity.

Sec. 2. That if any person or persons shall violate the provisions of the foregoing sections, by using the water contrary to the provisions of said section, the person or persons so offending shall suffer a fine for each offense of not less than ten dollars nor more than fifty dollars, and for such purpose the justice of the peace for precinct number ten, of the plaza of the Tuleroso, is hereby authorized to hear such complaints, and upon the accused



being found guilty, he shall be held responsible for the injuries caused, which shall be assessed by two impartial persons, to be appointed by the justice of the peace, and he shall require the said persons, before they proceed to make such assessment to take an oath that they will act impartially in the matter.

Sec. 3. That all fines accruing from violations of the provisions of this act shall be paid into the treasury of Dona Ana county, and that all laws or parts of laws in conflict with this act are hereby repealed, and this act shall be in force and take effect from and after its approval.