

Opinion No. 44-4564

August 28, 1944

BY: C. C. McCULLOH, Attorney General

TO: Mr. Joseph B. Grant, President, Spanish-American Normal School, El Rito, New Mexico

You have stated to this office that at various times certain persons have interfered with the water rights of the Spanish-American Normal School by diverting water from certain ditches. In view of this situation, you have requested this office to give you an official opinion concerning what recourse your institution might resort to, to prevent the repetition of the unlawful diversion of water, which causes your institution considerable damage and expense.

I am enclosing herewith, and reaffirm Opinion No. 3248, formerly given by this office on August 18, 1939, and, in further response to your request, we are herewith advising you that if such acts are repeated we will, at your request, bring an action to restrain and enjoin any persons whose names you will give us from continuing to interfere with your institution's water rights. If, after obtaining an injunction, such persons should again interfere with the water rights involved they may, of course, be brought before the Court on a contempt of court charge and, if found guilty, be sentenced to jail for a length of time to be determined by the District Judge.

By HARRY L. BIGBEE,

Asst. Atty. General