



Commissioner of Public Lands
State of New Mexico
APPLICATION FOR NEW WATER EASEMENT

Easement #.W _____
(For use of NMSLO)

1. APPLICANT INFORMATION

I _____ hereby submit this application for a Water Easement under the laws of the State of New Mexico and rules and regulations of the State Land Office, for a term of **five** years. I submit this application:

_____ for myself, as Applicant.

OR

_____ on behalf of the Applicant, as Applicant's Representative. By signing below, Representative represents and warrants that he or she is duly authorized and has legal capacity to submit this application for Water Easement on behalf of the Applicant:

_____ Signature _____ Date

Applicant's name (individual or business): _____
Mailing Address: _____
Phone: _____
Email: _____

Representative's name: _____
Relationship to Applicant: _____
Mailing Address: _____
Phone: _____
Email: _____

Applicant is: _____ an individual resident of the State of _____.
OR
_____ a business that has a home office in the State of _____
and is authorized to do business in the State of New Mexico. Business is a(n)
_____ (partnership, corporation, other).

2. LOCATION(S) OF REQUESTED EASEMENT

Please provide the following information about the location(s) of the state trust land where the easement is requested (you may use more than one line but the land described must be contiguous):

County: _____

Quarter-Quarter Section Township Range OSE Well File # Number of acres requested

****Submit a certified survey plat showing the location of existing or planned wells, equipment, facilities, infrastructure, roads, power lines, and other improvements listed above.**

Provide driving directions to the well sites. _____

3. WELL(S) INFORMATION

Please provide the following information about the well or wells associated with this application. Attach an Exhibit list on an additional page if necessary for multiple wells:

| | New Well(s) on State Trust Lands | Existing Well(s) on State Trust Lands* |
|---------------------------------|-----------------------------------------|-----------------------------------------------|
| NM OSE well file number | | |
| Well location (lat/long) | | |
| Basin | | |
| Name of water-bearing formation | | |
| Depth of well | | |
| Depth to water table | | |
| Water quality (TDS) | | |
| Screened interval | | |
| Date of drilling | | |

4. WATER RIGHTS INFORMATION

Please provide the following information about water rights associated with each well(s). Attach additional pages if necessary:

| | <u>New Appropriation</u> on location of requested easement on state trust land | <u>Existing</u> <u>Appropriation on</u> location of requested easement on state trust land | <u>Transfer In</u> of water rights from another location (e.g., other state trust land, Federal, Private) |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NM OSE water right file number | | | |
| Name of water right holder of record | | | |
| Total acre-feet/year of OSE-granted (or applied for) water right | | | |
| Acre-feet/year requested under this easement | | | |
| OSE permitted point(s) of diversion | | | |
| Point(s) of diversion requested under this easement | | | |
| OSE permitted purpose(s) of use | | | |
| Purpose(s) of use requested under this easement | | | |
| OSE permitted place(s) of use | | | |
| Place(s) of use requested under easement (TRS, lot/subdivision OR Unit/Mine name) | | | |
| Priority date | | | |

5. SALE, GIFT, OR TRADE OF WATER

Will any or all of the water produced under this easement be sold, given away, or traded?

Yes _____ No _____

6. USE OF WATER

Please indicate all commercial product(s) and/or resource(s) that will be produced or extracted by Applicant or other recipients of the water produced under this easement:

7. GRANTEE IMPROVEMENTS

Please list all existing and planned wells, equipment, facilities, infrastructure, access roads, power lines, and other improvements associated with the operation of this water easement that are or will be located within the boundaries of the easement during the term applied for herein:

ACKNOWLEDGEMENTS

Please initial each statement below:

_____ Applicant or Representative understands and agrees that before a Temporary Boring / Water Easement can be granted, the Applicant must provide a **\$1,000 surety bond** to reclaim all surface damages that could result from activities undertaken under this easement.

_____ Applicant or Representative understands that the State Land Office might require additional information based on this application, and agrees to provide such additional information as reasonably necessary to complete the application process.

I, _____, do solemnly swear (or affirm) that the above statements and answers to questions in this application are true and correct to the best of my knowledge and belief.

If application is being submitted by Applicant, please initial the following statement:

_____ Applicant covenants and agrees to abide by all laws and regulations of the Land Office and to hold harmless, indemnify, and defend the Commissioner, his agents and lessees, in their official and individual capacities of and from any and all liability, claims, losses, or damages arising out of or alleged to arise out of or indirectly connected with operations under any grant made by the Commissioner.

If application is being submitted by Representative on Applicant’s behalf, please initial the following statement:

_____ I solemnly swear (or affirm) that I have advised the Applicant of the acknowledgements and agreements of this Paragraph, and that Applicant covenants and agrees to the statements in this Paragraph, and to abide by all laws and regulations of the Land Office and to hold harmless, indemnify, and defend the Commissioner, his agents and lessees, in their official and individual capacities of and from any and all liability, claims, losses, or damages arising out of or alleged to arise out of or indirectly connected with operations under any grant made by the Commissioner.

Signed: _____

Applicant acknowledgement must be notarized below

ACKNOWLEDGMENT BY APPLICANT

State of _____)
) ss.
County of _____)

This instrument was acknowledged before on _____ (date) by
_____ (printed name).

(seal) _____ (Signature of notarial officer)

My commission expires: _____

OR

ACKNOWLEDGMENT BY APPLICANT'S REPRESENTATIVE

State of _____)
) ss.
County of _____)

This instrument was acknowledged before on _____ (date) by
_____ (printed name) as _____ (title) of
_____ (name of party on behalf of whom instrument is executed).

(seal)

(Signature of notarial officer)

My commission expires: _____

Make your payment to:

New Mexico Commissioner of Public Lands
310 Old Santa Fe Trail
P.O. Box 1148
Santa Fe, NM 87504-1148

**When you provide a check as payment, you authorize the State of New Mexico to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.*



Commissioner of Public Lands
State of New Mexico

T & E AND CULTURAL RESOURCES NOTICE TO APPLICANTS

Prior to approval of any application, all applicants requesting permission to conduct any project or activity on state trust land must acknowledge receipt and acceptance of the following instruction and notification:

Lessees are expected to know and abide by the laws related both to threatened and endangered species, and to the protection of cultural properties.

Threatened and Endangered Species

Plant and animal species may be listed with various state and federal agencies as threatened or endangered. Each agency designation carries specific prohibitions against "take" which may result in distinct regulatory impacts on land use within the range of each species. "Take" is defined and interpreted differently across jurisdictional boundaries. **It is the lessee's obligation to know, understand and abide by the laws related to threatened and endangered species.**

Protection of Cultural Resources

The New Mexico Historic Preservation Division maintains records of all cultural resource surveys through its Archaeological Records Management Section (ARMS). **An ARMS Inspection of Records in compliance with NMAC 4.10.15.9 will be included with all applications.**

To minimize processing delays, **applicants are strongly encouraged to supply an ARMS Inspection with their applications.** If no ARMS Inspection is provided by the applicant, the Land Office will provide the ARMS Inspection in the order applications are received.

NMSA 1978, § 18-6-9(A) states "Any person who knowingly excavates, injures or destroys cultural property located on state land without a permit is guilty of criminal damage to property." Further, NMSA 1978, § 18-6-9(B) states "Any person who solicits, employs or counsels another person to excavate injure or destroy cultural property located on state land without a permit is guilty of criminal damage to property."

Applicants and lessees should always exercise **due caution** to ensure that cultural properties are not inadvertently excavated, injured or destroyed by any person. The State Land Office recommends that a survey be conducted to current standards, as defined by NMAC 4.10.15, prior to any activity in the proposed project area. If a survey is produced in conjunction