



Aubrey Dunn, Commissioner of Public Lands
State of New Mexico
APPLICATION FOR DEEP WATER EASEMENT

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).

LOCATION(S) OF REQUESTED EASEMENT

** Only for operations to extract water from formations below NM OSE jurisdiction (2500' or deeper).

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: _____ **Description of Common Landmarks:** _____

<i>Quarter-Quarter</i>	<i>Section</i>	<i>Township</i>	<i>Range</i>	<i># of Acres</i>
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2. WELL(S) INFORMATION

Please provide the following information about the well or wells associated with this application. Attach additional pages if necessary:

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

** Please attach a copy of OSE application / Notice of Intent for appropriation of Deep Water.

***If you are applying to the OCD to convert an existing Oil & Gas well**

NM OCD well API	
Well location (lat/long)	
Basin	
Name of water-bearing formation	
Depth of well	
Water quality (TDS)	
Casing/integrity test result)	

3. OSE PERMIT INFORMATION

Please provide the following information about the OSE Permit associated with this easement. 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
NM OSE well file number		
Name of Permit applicant/ holder of record		
Total acre-feet/year of proposed water under OSE-granted Notice of Intent		
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)		

4. 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 _____

5. 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:

6. GRANTEE IMPROVEMENTS

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

Existing:

Planned:

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

7. CULTURAL RESOURCE PROTECTION

Please indicate that you (Applicant or Authorized Representative) have read the **T&E and Cultural Resources Notice to Applicants** (attached) and that you understand and agree to abide by the terms and conditions set forth therein. Yes _____ No _____

An Archaeological Survey is strongly recommended. If no survey is provided, an Archaeological Records Management Section Inspection (ARMS Inspection) in accordance with NMAC 4.10.15.9 is required. If the ARMS Inspection is not provided by the Applicant, the Land Office will provide the ARMS Inspection in the order applications are received.

An Archaeological Survey is attached with a cover page labeled: Yes _____ No _____
Confidential Exhibit _____.

An ARMS Inspection is attached with a cover page labeled: Yes _____ No _____
Confidential Exhibit _____.

The Applicant would like the NMSLO to provide the ARMS Inspection: Yes _____ No _____

8. SHAPEFILES

Shapefiles are required with all applications. If you do not have shapefiles for the requested easement, please contact the surveyor who developed the project location plat for your application. If you already have shapefiles for the requested easement, please provide the following information:

Name of shapefile custodian: _____

Email address: _____

Phone number: _____

9. ADDITIONAL INFORMATION

If you have additional information that you believe is relevant to this application, please provide it below:

10. FEES

Please submit the following fees with this application:

Application Fee:	<u>\$250.00</u>
Production Well Annual Rent(s)	
Number of production wells requested _____ X \$1,000.00:	<u> </u>
TOTAL PAYMENT SUBMITTED	<u> </u>

11. 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 \$5,000 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: _____

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: _____

*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.



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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