

OGRCR-1
09/00

New Mexico State Land Office
Royalty Management Division

Claim for Refund
Oil and Gas Royalties - Erroneous Payment
Distributed Funds

Commissioner of Public Lands
New Mexico State Land Office
P. O. Box 1148
Santa Fe, New Mexico 87504-1148

Dear Sir:

Whereas, _____ Dollars
\$ _____) were erroneously paid for oil and/or gas
royalties by _____ OGRID NO. _____ to the
Commissioner of Public Lands on account of Lease No. _____
and PUN _____.

Whereas, to the best of the knowledge of such applicant,
such payment is not carried in any suspense fund by the State Land
Office or its agent (if any) but has been distributed to the state
permanent fund.

Applicant states that the reasons why such payment was
erroneously made are, as follows:

Now, therefore, the undersigned makes a claim for refund of said
payment(s) from that part of the State Lands Maintenance Fund
distributable to the fund into which such payment(s) was (were)
erroneously made.

Claimant petitions the Commissioner of Public Lands to investigate
the facts herein and endorse his approval of this claim and take
action thereon, as provided by Section 19-7-59 et seq, NMSA 1978, as
amended.

Applicant/Claimant

_____ being duly sworn states that
Applicant
the foregoing claim is made in good faith and the facts stated herein
are true.

Subscribed and sworn to before me this _____ day
of _____ 201____.

My commission expires:

Notary Public

Seal

Approved ()

Disapproved () this the _____ day of
_____, 201____.

Commissioner of Public Lands

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Instructions

Purposes:

This form is to be used for applying for a refund from the New Mexico State Land Office for oil and gas royalties which have been paid and distributed to a permanent fund.

Amended Data:

If you are changing any information for prior reporting periods (sales months, by product), you must submit an amended report for each period affected. Note: Failure to submit the required amended report(s) will prevent the processing of your application and will result in a delay of your oil and gas royalty claim for refund.

Letter of Explanation:

Attach a letter of explanation if the space provided for reason for an erroneous payment is insufficient.

Signature:

This form must be signed by the oil or gas royalty payor or an authorized agent.

State District Court Involvement:

If this claim for refund exceeds \$2,000, approval or disapproval must also be obtained from the State District Court for Santa Fe County by the Commissioner of Public Lands, prior to any disbursement of state funds.

Authority - Claimant Time Limitation:

Section 37-1-23 (NMSA, 1978, as amended) Contractual Liability; statute of limitations provides that an action must be based on a valid written contract (e.g. oil and gas lease) and each claim permitted by this section shall be barred forever unless brought within two years from the time of accrual. Such accrual time relates to the time the erroneous payment was made.

Lease credits previously established through the Section 37-1-23 process can later be subject a claim for refund, without a time limit.

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Presumption of Distribution:

If the remitter has not received notification from SLO of suspended funds within one month of the payment for which the credit is requested, the applicant can assume such payment(s) is/are not carried in a suspense account.

Subject to Audit

Refunds are still subject to audit at the discretion of the Commissioner of Public Lands.

Registered Notification - Time Limitation:

If the Commissioner of Public Lands discovers an erroneous payment, notice is to be given, by registered mail, to the last recorded address of the person making such erroneous payment. All claims for refund of money shall be filed within ninety days after notice. All claims for refund not filed with the Commissioner of Public Lands within the time prescribed shall be forever barred. (Section 19-7-60).

PUN/Lease - Report Line Entries:

The applicant should submit separate PUN/Lease - Report Line Entries by a separate report so that the ONGARD system can validate the line entries.

The claim for refund application will then be verified by the Royalty Management Division of the State Land Office to the above processed data, as a part of the approval process.