



Commissioner of Public Lands
State of New Mexico

APPLICATION FOR NEW WATER EASEMENT

1. APPLICANT INFORMATION

W- _____
For agency use

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, business, municipality or MDWA): _____

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).

OR

_____ a municipality, or Mutual Domestic Water Association located within the State of New Mexico.

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):

<i>Quarter-Quarter</i>	<i>Section</i>	<i>Township</i>	<i>Range</i>	<i>Number of Easement Acres</i>	<i>OSE POD #</i>

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:

<i>OSE POD#</i>	<i>Grantee Well ID</i>	<i>Lat/Long in NAD 83 decimal degrees</i>	<i>OSE Water Right File #</i>	<i>OSE Permitted Use</i>	<i>OSE-Permitted Volume of Use (indicate combined or per well)</i>

4. WATER RIGHTS INFORMATION

Please provide the following information about water rights 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</u> on 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, Tribal)
NM Office of the State Engineer ('OSE') water right file number			
Name of OSE 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 authorized point(s) of diversion in the OSE permit			
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

This section must be completed or this application will be rejected. Will any or all of the water produced under this easement be sold, given away, or traded?

Sold? Amount in gallons and to whom? _____

Quantify the projected revenue stream _____

Traded? Amount in gallons and to whom? _____

Given away? Amount in gallons and to whom? _____

6. USE OF WATER

Please list all intended Commercial uses, Industrial uses, Mining uses, Secondary Recovery of oil uses and units, Agricultural uses, Domestic uses by Applicant or other recipients of the water produced under this easement. Include location of use and distinguish state trust land from federal, tribal and fee lands:

7. GRANTEE IMPROVEMENTS AND SURVEY

****Applicant must attach a copy of a certified survey plat showing the location of existing or planned wells, equipment, facilities, infrastructure, roads, power lines, and other improvements listed below.**

Please list all existing and planned wells POD numbers, 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:

8. 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 _____

9. 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: _____

10. BOND INFORMATION

The following is enclosed to cover payment for damages that might occur to the state land improvements of a surface lessee:

- A bond or other surety in the amount \$1,000.00 for each production well
-Or-
- Sufficient bonding requirements have been met. A surety bond is already on file.
Bond # _____ and name of company issued to _____

11. FEES

Please submit the following payment with this application:

Application Fee:	\$250.00
1st Year Annual Rent:	
Number of production wells requested _____ X \$1,000.00:	\$
Check number _____ TOTAL AMOUNT SUBMITTED	\$

12. ACKNOWLEDGEMENTS

Please initial each statement below:

_____ If any information is omitted on this application it will be rejected as incomplete.

_____ Applicant or Representative understands and agrees that before a Water Easement can be granted, the Applicant must provide for each well drilled a **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.

-OR-

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.

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: _____

Please submit this application and make your check payable to;

Commissioner of Public Lands
Oil, Gas and Minerals Division/Water Bureau
New Mexico State Lands Office
310 Old Santa Fe Trail
Santa Fe, NM 87501

If this form is incomplete it will be returned and the fee will not be refunded. *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.

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 with the application, the applicant will design the project so as to avoid any cultural properties found by the survey.

As a condition of this permit and pursuant to NMAC 19.2.10.20, any project or lease activities that reveal or result in discovery of a previously undocumented significant cultural property or archaeological site on state trust land shall result in immediate cessation of activities and **immediate notification of the State Land Office and SHPO**. Activities shall remain suspended until SHPO and the State Land Office approve resumption of activities.

Furthermore, if activity is conducted without the benefit of a survey and any cultural property is damaged in the process, the lessee will be **subject to a fine of no less than \$100,000.00** at the discretion of the Commissioner of Public Lands. The lessee will also be held liable for the cost of an archaeological

damage assessment, plus the remediation value of said property as determined by that damage assessment.

For further information, please contact

New Mexico Historic Preservation Division: 505-827-6320; or

New Mexico State Land Office:

Cultural Resources Office: 505-827-5737, CRO@slo.state.nm.us

Oil & Gas Division: 505-827-5774

Mineral Leasing Division: 505-827-5750

Agricultural Leasing: 505-827-5732

Field Operations Division: 505-827-5856

**New Mexico State Land Office - Instructions for Compliance
Cultural Resources Protection Policy**

Applicants acknowledge receipt and acceptance of the New Mexico State Land Office (“NMSLO”) “T & E and Cultural Resources Notice to Applicants” by signing the acknowledgment contained in the application form. “The Notice” is part of the application packet.

Archaeological Surveys

1. Applicants and lessees should always exercise due caution to ensure that cultural properties are not inadvertently excavated, injured or destroyed by any person. To that end, the NMSLO strongly recommends that an archaeological survey be conducted to current standards for the area of potential effect (“APE”) in compliance with 4.10.15 NMAC at <http://164.64.110.239/nmac/parts/title04/04.010.0015.htm>.
2. If a survey is produced in conjunction with the application, applicants will be expected to design the project so as to avoid any cultural properties found by the survey. If cultural properties are discovered within the APE, the survey must include avoidance and protection measures.
3. If an archaeological survey is conducted, the applicant should provide the survey with the application, in a sealed envelope marked “Confidential” and attached to the NMSLO Cultural Resources Cover Sheet. If the survey is in progress at the time the application is submitted, a Notification of Intent to Conduct an Archaeological Survey pursuant to 4.10.8.17(C) NMAC <http://164.64.110.239/nmac/parts/title04/04.010.0008.htm> will suffice.
4. Only surveys from permitted archaeological consulting firms will be accepted. The list of permitted firms is available at: <http://www.nmhistoricpreservation.org/documents/archaeological-permits.html>

Scroll down past the headings for “SHPO Directory Forms” and “Permit Applications” to “Consultants Lists.” Click on the Word document titled “Cultural Resource Consultants.” The list is arranged by county of location. Proximity will be a factor in estimated costs. Because costs vary, the NMSLO encourages you to contact more than one firm.

The consulting firm will ask for supporting documentation. This may include a description of the project along with ArcGIS shape files, CAD drawings, plats, or accurate depictions on USGS 1:24000 quadrangles.

5. The applicant must provide the NMSLO with two copies of the completed survey. If the application is already in process when the survey is completed, the survey with cover sheet should be delivered directly to the NMSLO archaeologist at the address provided below:

New Mexico State Land Office
Cultural Resources Office
P.O. Box 1148
310 Old Santa Fe Trail
Santa Fe, New Mexico 87504
(505) 827-5737 (voice) CRO@slo.state.nm.us
(505) 827-5766 (fax) <http://nmstatelands.org/>

ARMS Review

1. If an archaeological survey is not provided with the application, an Archaeological Records Management Section Inspection (ARMS Inspection) in accordance with 4.10.15.9 NMAC is required. If the applicant is unable to provide an ARMS Inspection, the Land Office will provide the Inspection in the order in which applications are received.
2. Only ARMS Inspections from permitted archaeological consulting firms will be accepted. The list of permitted firms is described above.
3. ARMS Inspections should be provided in a sealed envelope marked “Confidential” and attached to the NMSLO Cultural Resources Cover Sheet with the application.
4. At a minimum, the ARMS Inspection is a records review and should:
 - a. query the New Mexico Cultural Resource Information System (“NMCRIS”) database and map server to identify previously recorded sites within 500 meters of the area of potential effect (APE) and previous archaeological surveys within 500 meters of the APE;
 - b. include a copy of the NMCRIS map server map and provide copies of the archaeological site record forms for all cultural properties in the APE;
 - c. review national and state register property files, and provide copies of documents for all such cultural properties that may be directly or indirectly affected by the project;
 - d. examine historic cultural properties inventory (HCPI) forms, and provide copies of documents for any such cultural properties within the APE;
 - e. review other archival sources (General Land Office (“GLO”), county records, state lease records, etc.) and summarize all archival information in tabular form -- sorted by site, activity, property, and register number(s);
 - f. note any previous surveys conducted more than 10 years ago that may be inadequate or insufficient by current standards;
 - g. summarize the findings into one of three results:
 - (A)___ *The entire area of potential effect or project area has been previously surveyed to current standards and **no cultural properties were found** within the survey area.*
 - (B)___*The entire area of potential effect or project area has been previously surveyed to current standards and **cultural properties were found** within the survey area.*
 - (C)___*The entire area of potential effect or project area has **not** been previously surveyed.*
 - h. if the ARMS Inspection result shows the presence of cultural properties within the APE (result B above), devise avoidance and protection measures for the project.



NMSLO Cultural Resources Cover Sheet
Confidential Exhibit _____.

Exhibit Type (check one):

Archaeological Survey

ARMS Review

Other (describe): _____

NMCRIS Activity No. (if any):

Section/Township/Range:

Cultural Resources Report/Exhibit Title:

Cultural Resources Consultant:

Project Proponent (Applicant):

Applicant's Project Title/Description:

If Archaeological Survey, avoidance and protection measures have been devised.

Yes No N/A

If ARMS Inspection, please summarize results:

(A) The entire area of potential effect or project area has been previously surveyed to current standards and **no cultural properties were found** within the survey area.

(B) The entire area of potential effect or project area has been previously surveyed to current standards and **cultural properties were found** within the survey area.

(C) The entire area of potential effect or project area **has not been previously surveyed.**

For agency use only:

NMSLO Lease No.: _____

Lease Analyst: _____

Exhibit Routed to Surface Resources Division: _____

Date