



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: _____

Billing 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

Parties are expected to review and abide by the laws and rules related to the protection of cultural properties, including the Cultural Properties Protection Rule (19.2.24 NMAC). Please indicate whether you have signed the enclosed Acknowledgment Form. Yes _____ No _____

The NMSLO Cultural Resources Cover Sheet (Exhibit _____) provided to you by the archaeological consultant is attached to your application and indicates whether:

an ARMS Inspection ____ or an Archaeological Survey ____ has been conducted for this project.

(see 19.2.24.9 & 19.2.24.10 NMAC for exceptions of certain categories of activity that do not require an ARMS inspection or survey).

Does your project involve federal or other state agencies? Yes _____ No _____

In addition to complying with the requirements of the Cultural Properties Protection Rule, parties also must comply with all other applicable state and federal laws and rules, including laws and rules pertaining to endangered and threatened species and habitat protection.

9. DIGITAL FILES

Digital information of your project’s location is required. Acceptable formats: shapefiles (preferred), gps coordinates, kml/kmz files or georeferenced AutoCAD files Yes _____ No _____

Digital Files Custodian-Name if other than the applicant: _____

Email: _____ 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: | <u>\$250.00</u> |
| 1st Year Annual Rent: | |
| Number of production wells requested _____ X \$1,000.00: | <u>\$</u> |
| Check number _____ TOTAL AMOUNT SUBMITTED | <u>\$</u> |

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: _____

ACKNOWLEDGMENT BY APPLICANT

Applicant acknowledgement must be notarized.

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 Land 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.



Stephanie Garcia Richard, Commissioner of Public Lands
State of New Mexico

CULTURAL PROPERTIES PROTECTION ACKNOWLEDGMENT FORM

All lessees, operators, grantees, permittees, and/or applicants (collectively, “Parties”) requesting any authorization from the Commissioner of Public Lands, or conducting any project or activity on state trust land, are expected to review and abide by all applicable laws and rules related to the protection of cultural properties on state land, including the New Mexico State Land Office’s (“NMSLO”) Cultural Properties Protection Rule, 19.2.24 NMAC. The Cultural Properties Protection Rule can be viewed at <https://www.nmstatelands.org/culturalproperties/>.

Parties conducting surface-disturbing activity on state trust land must follow the procedures and timelines outlined in 19.2.24.8 NMAC. To minimize processing delays, Parties are strongly encouraged to supply NMSLO with appropriate documentation as early as possible pursuant to 19.2.24.8 (C), (D), (E) & (F) NMAC. Parties are advised to always exercise due caution to ensure that cultural properties on state trust land are not inadvertently excavated, disturbed, dislodged, damaged, destroyed, or removed by any person, pursuant to the Cultural Properties Protection Rule, 19.2.24.8 (A) NMAC and Section 18-6-9 (A) and (B), NMSA 1978.

By signing this acknowledgment form, Parties affirm that they have read this document, including the accompanying Instructions for Compliance, and have reviewed and agree to comply with NMSLO’s Cultural Properties Protection Rule. If a Party is other than a natural person, the individual signing below attests that they have the authority to execute this acknowledgment on behalf of and bind that Party.

Type and Number of Instrument (Lease Number): _____

(Required for Oil & Gas Leases-eg. VB06320001; include if available for other leases: Business, Renewables, Minerals, Water Bureau, ROW or Agricultural leases-eg. BL05220001, GR0232, R40893, SW0520, HA0102)

Name of Party (Company Name, if applicable): _____

Name of Signatory (Person Signing): _____

Relationship to Party/Title (position): _____

(eg. lessee, operator, grantee, applicant, self or other)

Phone Number: _____ **Email Address:** _____

Signature : _____ **Date:** _____

INSTRUCTIONS FOR COMPLIANCE

Cultural Properties Protection Rule (19.2.24 NMAC)

The following instructions apply to all lessees, operators, grantees, permittees, and/or applicants (collectively, “Parties”) that intend to conduct new surface disturbing activities on state trust lands. The instructions provide additional guidance for fulfilling the requirements of NMSLO’s Cultural Properties Protection Rule. A copy of the Cultural Properties Protection Rule can be found at <https://www.nmstatelands.org/culturalproperties/>.

We thank you in advance for your commitment to protecting New Mexico’s past and living history. NMSLO encourages all Parties to provide current and accurate documentation as early as possible to minimize processing delays.

Please do not hesitate to reach out to the Cultural Resources Office at croinfo@slo.state.nm.us should you have any questions after reviewing these instructions or with NMSLO’s cultural properties review process.

Part I: Archaeological Records Management Section (ARMS) Inspection (Records Review)

1. The ARMS inspection is a records review and should comply with the pre-field requirements of 4.10.15.9 NMAC. An ARMS inspection must be conducted prior to any new surface-disturbing activities, in compliance with 19.2.24.8 (C) NMAC. The specific timing of when an ARMS inspection is required depends on the category of activity, as described in 19.2.24.8 (E) NMAC. The Cultural Properties Protection Rule provides exceptions for certain categories of activity that do not require an ARMS inspection or survey; see 19.2.24.9 NMAC and 19.2.24.10 NMAC.
2. Parties are expected to engage a permitted archaeologist to conduct the initial ARMS inspection. Permitted archaeologists are referred to in these Instructions as “archaeological consultants.” Only ARMS inspections from archaeological consultants will be accepted. The list of archaeological consultants in New Mexico is available at <http://www.nmhistoricpreservation.org/documents/consultants.html>. Scroll down past the headings for “Archaeological Permits” and “Official Scenic Markers” to “Preservation Consultants.” Click on the pdf document titled “Cultural Resource Consultants.” The list is updated regularly and arranged by county of location. Because costs vary, the NMSLO encourages Parties to contact more than one archaeological consultant.
3. The Party must provide the archaeological consultant with all relevant supporting documentation. This may include a description of the project, cadastral plats, and location information in digital form (ArcGIS shape files, kml/kmz format, GPS coordinates, CAD drawings, plats, or accurate depictions on USGS 1:24000 quadrangles).
4. The archaeological consultant will conduct an ARMS inspection of the entire area of potential effect (APE). Based on the ARMS inspection, the findings will be summarized into one of three results as indicated on the NMSLO Cultural Resources Cover Sheet (“Cover Sheet”). The Cover Sheet is a fillable PDF form (available from the Web Portal and also from NMSLO’s website and Cultural Resources Office):
 - (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 or has not been surveyed to current standards. A complete archaeological survey must be conducted and submitted for review.
5. If the ARMS inspection indicates that the entire APE has been previously surveyed and no cultural properties were located (**result A above**), NMSLO’s Cultural Resources Office and the relevant leasing

division (e.g. Water Bureau, Minerals; Agricultural Leasing; Business Leasing, Renewable Energy, Rights-of-Way, etc.) will complete the process of review and approval. In the case of oil and gas lease projects, once the Cultural Resources Office reviews and approves the ARMS inspection results, no further archaeological review is required and the project may proceed.

6. For the ARMS Review (**result A above**), the archaeological consultant will complete and submit the ARMS Inspection/Desktop Review web form on the Cultural Compliance Web Portal (Web Portal), available at <http://culturalcompliance.nmstatelands.org/>. NMSLO's Cultural Resources Office will have immediate access to the submitted web form and accompanying documents.
7. If the ARMS inspection result indicates a previous survey showing the presence of cultural properties within the APE (**result B above**), the Party must propose avoidance and protection measures for the project as designed in collaboration with their archaeological consultant.
8. If the ARMS inspection shows that the entire APE has **not** been subject to archaeological survey or to a current standards survey (**result C above**), a complete archaeological survey must be conducted. The new survey need not include areas already subjected to acceptable surveys. See continued instructions below, Part II.
9. Because specific locational information of cultural properties that may be contained in an ARMS inspection or archaeological survey is confidential under New Mexico law (see Cultural Properties Act, Section 18-6-11.1, NMSA 1978, and Section 19-1-2.1, NMSA 1978), Parties should expect to receive a copy only of the Cover Sheet from their archaeological consultant, and should forward the Cover Sheet to the appropriate NMSLO leasing division with their application.
10. Parties conducting project activities on state land under oil and gas leases, like other Parties, will receive a copy of the Cover Sheet from their archaeological consultant. To provide information on their upcoming projects on state land, Parties will then fill in the Oil and Gas Project Description Web Form at <http://culturalcompliance.nmstatelands.org/> and will submit, along with the Cover Sheet, any necessary documentation for cultural compliance review pursuant 19.2.24.8 (E)(3) NMAC. Only on-lease oil and gas projects with activities that are not included in any other lease application at NMSLO (eg. Business or Right of Way) should utilize the Web Portal.

Part II: Archaeological Surveys and Compliance Measures

1. If the ARMS inspection, in compliance with 19.2.24.8 NMAC, indicates that the entire APE has not been subject to archaeological survey (see Part I, Para. 4, **result C**), a complete archaeological survey must be conducted to current standards in compliance with 4.10.15 NMAC. The new survey need not include areas already subjected to acceptable surveys.
2. In compliance with 19.2.24.8 (F) NMAC, at least 15 calendar days prior to any survey activities, the archaeological consultant should fill in and submit a Notification of Intent to Conduct an Archaeological Survey through the Web Portal at <http://culturalcompliance.nmstatelands.org/>.
3. Only archaeological surveys from archaeological consultants will be accepted and must be conducted under current standards in compliance with 4.10.15 NMAC. Information on how to access the list of archaeological consultants is listed in Part I, Para. 2 above. NMSLO encourages Parties to contact more than one archaeological consultant in your location as proximity will be a factor in estimated costs of an archaeological survey.
4. Parties will be expected to design their project to avoid any cultural properties identified within the APE (as recorded on the Cover Sheet in Part I, Para. 4, **result B**) by the archaeological survey obtained in conjunction with a project or by pre-existing surveys, or provide other mitigation measures in collaboration with their archaeological consultant. Parties are encouraged to provide NMSLO with appropriate current and accurate documentation of the proposed activity as early as possible (preferably at least sixty calendar days prior to any surface disturbing activity) to minimize processing delays and ensure implementation of avoidance and protection measures.
 - a. Pursuant to the Cultural Properties Protection Rule, 19.2.24.12 (A) NMAC, if any Party becomes aware of actual or imminent damage to cultural properties on state trust lands

where that Party is conducting activities, that Party shall immediately notify NMSLO and suspend project activities in the immediate area of the damage or the threatened cultural property. Activities shall remain suspended until the State Historic Preservation Officer and NMSLO approve resumption of activities.

- b. A Party that damages cultural properties on state trust land is responsible for the cost of an archaeological damage assessment, plus the remediation value of the affected cultural property as determined by that damage assessment. In addition, the Commissioner of Public Lands may file an action to recover an amount equal to twice the cost of restoration, stabilization, and interpretation of the damaged cultural property, in accordance with the Cultural Properties Act, Section 18-6-11.2(C), NMSA 1978.
5. The archaeological consultant, upon completion of the survey report, should submit the fillable, completed Cover Sheet to croinfo@slo.state.nm.us with any relevant questions.

Pursuant to the requirements of 4.10.8.18 NMAC, the Cultural Resources Office will review a complete copy of the survey report, its findings and any required compliance (avoidance or mitigation) measures and recommend revisions, if applicable. The Cultural Resources Office will provide further guidance on how archaeological consultants should submit complete survey reports and any required compliance measures for review.

The Cultural Resources Office additionally may request electronic files of survey report(s), sites, location of findings, or survey areas in order to complete its review, all of which should be sent to croinfo@slo.state.nm.us.

6. The complete results of an archaeological survey are confidential under New Mexico law (see Cultural Properties Act, Section 18-6-11.1, NMSA 1978, and Section 19-1-2.1, NMSA 1978).
- a. Upon approval of the final archaeological survey report and its findings/recommendations, the archaeological consultant will upload the final archaeological report along with all supporting documentation to the New Mexico Cultural Resources Information System (NMCRIS). Parties should expect to receive a copy of the Cover Sheet from their archaeological consultant, and should forward it to the appropriate leasing division with their application.
 - b. In the case of oil and gas leases only, Parties themselves will upload the Cover Sheet along with their Project Description Web Form documentation submitted via the Web Portal at <http://culturalcompliance.nmstatelands.org/>.
7. The website <http://nmstatelands.org/cultural-resources-office/> contains a list of State Trust Land Archaeologists within NMSLO's Cultural Resources Office (along with related contact info) to whom questions can be addressed.
8. Below is a list of useful links, emails, and phone numbers:
- a. Cultural Compliance Portal: <http://culturalcompliance.nmstatelands.org>
 - b. Cultural Resources Office Website: <http://www.nmstatelands.org/cultural-resources-office/>
 - c. Cultural Properties Protection Rule and FAQs: <http://www.nmstatelands.org/culturalproperties/>
 - d. Historic Preservation Division-List of Archaeological consultants: <http://www.nmhistoricpreservation.org/documents/consultants.html>
 - e. Inquiries to the Cultural Resources Office: croinfo@slo.state.nm.us
 - f. Main New Mexico State Land Office phone number: 505-827-5760



Stephanie Garcia Richard, Commissioner of Public Lands
State of New Mexico

NMSLO Cultural Resources Cover Sheet Exhibit

NMCRIS Activity Number:
(if applicable)

Exhibit Type (select one)

- ARMS Inspection/Review** - Summarize the results (select one):
 - (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 or **has not been surveyed** to current standards. A complete archaeological survey will be conducted and submitted for review.

Archaeological Survey

Findings:

- Negative** - No further archaeological review is required.
- Positive** - Have avoidance and protection measures been devised? Select one:

Comments:

Project Details:

NMSLO Lease Number (if available):
 Cultural Resources Consultant:
 Project Proponent (Applicant):
 Project Title/Description:

Project Location:

County(ies):
 PLSS/Section/Township/Range):

For NMSLO Agency Use Only:

NMSLO Lease Number: Acknowledgment-Only:
 Lease Analyst:
 Date Exhibit Routed to Cultural Resources Office:

No person may alter the wording of the questions or layout of the cover sheet. The completion of this cover sheet by itself does not authorize anyone to engage in new surface disturbing activity before the review and approvals required by the Cultural Properties Protections Rule.
 Form Revised 12/22