

NEW MEXICO OFFICE OF THE STATE ENGINEER

**NOTICE OF INTENTION TO DRILL WELLS OR RECOMPLETE EXISTING WELLS
TO APPROPRIATE NONPOTABLE GROUNDWATER FROM AN AQUIFER
THE TOP OF WHICH IS AT A DEPTH OF 2500 FEET OR MORE
PURSUANT TO NMSA 1978 §§ 72-12-26 and 27**

1. FILER OF NOTICE (required):

Name: _____ Phone: _____
Contact: _____
Address: _____

Party on whose behalf the notice is being filed; required if different from filer **(required):**

Name: _____ Phone: _____
Contact: _____
Address: _____

2. SOURCE OF WATER (required):

Deep Nonpotable Underground Water Basin: _____
Target Aquifer(s): _____
Estimated depth to top of aquifer (feet): _____
Estimated total dissolved solids content (parts per million): _____

Please provide as "Attachment A" a description of the target aquifer and overlying confining strata, geologic cross sections of the target aquifer and overlying confining strata, and a map showing the lateral extent and depth of the target aquifer and overlying confining strata. Also include any other studies that form the basis for the contention that the target aquifer meets the criteria of 72-12-25 NMSA, addressing total dissolved solids content of the target aquifer groundwater, and hydraulic separation of target aquifer from shallower aquifer systems and surface water. "Attachment A" is required for this form to be complete and the NOI accepted for filing by the state engineer.

3. OWNER OF LAND ON WHICH WELL IS TO BE LOCATED (required):

Name: _____ Phone: _____

If not the same as the filer or appropriator, the access agreement(s) granting the filer and/or the appropriator the right of entry and permission to construct the well(s) for which this Notice of Intention (NOI) is being filed must be submitted as "Attachment(s) B" to this form for this form to be complete and the NOI accepted for filing by the state engineer.

4. LOCATION OF WELL (A, B, or C required, D and E required if known):

A. X = _____ feet, Y = _____ feet, N.M. Coordinate System
_____ Zone in the _____ Grant.
U.S.G.S. Quad Map _____

B. Latitude: _____ d _____ m _____ s Longitude: _____ d _____ m _____ s

C. East _____ (m), North _____ (m), UTM Zone 13, NAD ____ (27 or 83)

D. Tract No. _____, Map No. _____ of the _____ Hydrographic Survey

E. Lot No. _____, Block No. _____ of Unit/Tract _____ of the
_____ Subdivision recorded in _____ County.

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5. COMMON DESCRIPTION FOR LOCATION OF WELL (required):

The proposed well(s) for which this NOI is filed is to be located in the county of _____.
Description by common landmarks: _____

6. WELL INFORMATION (required):

Proposed depth of well _____ ft; Outside diameter of casing _____ inches.
Name of well driller and NMOSE license number _____
Proposed production interval from _____ ft bgs to _____ ft bgs.

An artesian well plan of operations for well construction must be submitted for approval as "Attachment C" to this form for this form to be complete and the NOI accepted for filing by the state engineer.

7. QUANTITY (required):

Proposed pumping rate: _____ gallons per minute
Diversion amount: _____ acre-feet per annum
Consumptive use amount: _____ acre-feet per annum

8. ESTIMATED DURATION OF THE PROPOSED DIVERSION (required):

_____ years based on estimated volume of _____ acre-feet

9. PURPOSE OF USE (required):

Domestic:___ Livestock:___ Irrigation:___ Municipal:___ Commercial:___ Oil and gas exploration and production:___ Prospecting:___ Mining:___ Road construction:___ Agriculture:___ Generation of electricity:___ Industrial:___ Geothermal:___ Other (specify): _____

10. PLACE OF USE (required):

Within the land area with the following description:

Subdivision	Section	Township	Range	Acres
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
				TOTAL:

11. COMMON DESCRIPTION OF PLACE OF USE (required):

County of: _____
Description by common landmarks: _____

12. OWNER OF LAND UPON WHICH WATER IS TO BE BENEFICIALLY USED (required):

13. DATE (month and year) FOR PLACING WATER TO BENEFICIAL USE (required):

14. **ADDITIONAL INFORMATION:**

15. **ADDITIONAL STATE ENGINEER REQUIREMENTS ON THE APPROPRIATION OF WATER FROM A WELL DRILLED UNDER THIS NOI:**

- a. Driller's well record must be filed with the state engineer no later than twenty (20) days after the completion of well drilling in accordance with 19.27.4 NMAC and § 72-13-5 NMSA.
- b. A representative sample of deep aquifer water collected in a manner acceptable to the state engineer shall be analyzed for total dissolved solids (TDS) in parts per million, including concentrations of common anions and cations that constitute common components of measured TDS. All analyses shall be performed by a certified laboratory. Analytical results including description of sampling protocol and sample chain of custody shall be submitted to the state engineer within 20 days of analysis. Specific analyses for radionuclides, arsenic, and other parameters of interest may be requested in anticipation of cooperative agency concerns regarding use and treatment of well water as well as disposition of waste streams. These additional analyses may also aid in establishing hydraulic separation of the aquifer. The state engineer may require additional information in order to validate the aquifer depth and water quality.
- c. Prior to pump testing or appropriating any water from the well drilled under this NOI, the filer shall submit to the state engineer copies of all required permits for discharge of water on the land surface or re-injection of the water or wastewater issued by the NM Environment Department or any other state or federal agency having jurisdiction over such disposal.
- d. Prior to any diversion of water from the well drilled under this NOI, the well shall be equipped with a functioning totalizing meter acceptable to the State Engineer, installed at the well head before the first supply line branch. The filer shall notify the Office of the State Engineer in writing of the make, model, serial number, the initial reading, and the date of installation of the totalizing meter.
- e. Records of the amount of water diverted from the well drilled under this NOI shall be submitted to the Office of the State Engineer on or before the 10th day of January, April, July, and October for the three preceding calendar months.
- f. Water shall be sampled and analyzed for total dissolved solids on a quarterly basis in a manner acceptable to the Office of the State Engineer. Results shall be submitted to the Office of the State Engineer within 20 days of analysis.
- g. Pursuant to § 72-8-1 NMSA, the state engineer and his representatives shall be allowed entry upon private property for the performance of their respective duties, including access to the well for meter reading, water level measurement, and water quality sampling.
- h. Pursuant to §§ 72-13-8 and 72-13-9 NMSA, water diverted shall be conserved and conducted in such a manner so as to prevent waste.

16. **ONLY THOSE APPROPRIATIONS FROM AQUIFERS DETERMINED BY THE STATE ENGINEER TO BE 2500 FEET IN DEPTH OR GREATER THAT CONTAIN NON-POTABLE WATER (1000 PPM OR GREATER DISSOLVED SOLIDS) NOT HYDROLOGICALLY CONNECTED TO ANY OTHER SOURCE OF WATER WILL BE RECOGNIZED AS VALID WATER RIGHTS.**

i. ACKNOWLEDGMENT

ACKNOWLEDGMENT FOR CORPORATION

I, _____, affirm that the foregoing statements are true to the best of my knowledge and belief.

By: _____

Signature of Officer

State of (_____)
County of (_____) ss.

This instrument was acknowledged before me on _____,
(date)

by _____ as _____
(Name of Officer) (Title of Officer)

of _____, a _____ corporation, on behalf of said corporation.
(Name of Corporation Acknowledging) (State of Corporation)

My commission expires _____

Notary Public

ACKNOWLEDGEMENT FOR INDIVIDUAL

(I, We) _____ affirm that the foregoing statements are true to the best of my knowledge and belief.

Applicant Signature Applicant Signature

State of (_____)
County of (_____) ss.

This instrument was acknowledged before me on _____,
(date)

by _____.
(Name of Applicant)

My commission expires _____

Notary Public

NEW MEXICO OFFICE OF THE STATE ENGINEER
INSTRUCTIONS - NOTICE OF INTENTION TO DRILL WELLS OR RECOMPLETE EXISTING WELLS TO APPROPRIATE NONPOTABLE GROUNDWATER FROM AN AQUIFER THE TOP OF WHICH IS AT A DEPTH OF 2500 FEET OR MORE PURSUANT TO NMSA 1978 §§ 72-12-26 and 27:

- a. This form should not be used for an appropriation from a nonpotable deep underground water basin declared by the state engineer unless it is for one of the following specific uses: oil and gas exploration and production, prospecting, mining, road construction, agriculture, generation of electricity, industrial, or geothermal.
- b. Completion of sections 1 through 13 of this Notice of Intention (NOI) form is required.
- c. An NOI is reviewed for completeness and compliance with §§ 72-12-26 and 27. If incomplete or noncompliant the NOI will not be accepted for filing and it will be returned with a statement of deficiencies.
- d. A completed and compliant NOI shall be filed in triplicate at the appropriate OSE District Office with a \$25 filing fee. A separate NOI must be submitted for each proposed well.
- e. Upon filing of an NOI with the state engineer, the filer shall cause the NOI to be published in the county in which the proposed well is to be located once a week for three consecutive weeks as required by § 72-12-26. The published notice shall also include: *Any person may bring an action in the district court of the county in which any such well is situated for damages or for injunctive relief with respect to any claimed impairment of existing water rights due to an appropriation of nonpotable water under 72-12-25 to 72-12-28 NMSA 1978. Applications to appropriate nonpotable water under § 72-12-28 are not subject to protest or hearing before the State Engineer.*
- f. Pursuant to § 72-12-26, drilling of a well may not commence prior to the tenth day after the last date the notice was published. Affidavit of publication shall be filed with the Office of the State Engineer within 10 days of publication.
- g. The well shall be drilled in accordance with 19.27.4 NMAC by a driller licensed in the State of New Mexico from surface through an appreciable portion of the first confining unit overlying the deep artesian aquifer.
- h. The well shall be set back a minimum of 50 feet from an existing well of other ownership unless a variance has been granted by the state engineer. The well shall be set back from potential sources of contamination in accordance with rules and regulations of the New Mexico Environment Department.
- i. The Office of the State Engineer requires that the well be drilled under a valid state engineer permit. An exploratory permit may be used for this purpose and will be issued by the state engineer for drilling a well only upon proof that the foregoing conditions have been satisfied.
- j. A state engineer approved artesian well plan of operations for well construction must be adhered to during drilling and shall specify construction of the interval from ground surface down through an appreciable portion of the first confining layer that is found below a depth of 2500 feet. This shall be a condition to the state engineer permit required to drill the well.

LINE BY LINE INSTRUCTIONS

1. Required; name, contact, phone, and address required for the person proposing to drill wells or recomplete existing wells to appropriate nonpotable deep water.
2. Required;
3. Required; access agreements are required for all public and private lands listed as the drill site not owned by the filer or appropriator and shall be submitted with the NOI and are required for the NOI to be complete and accepted for filing.
4. A, B, or C required specifying point location; and D and E are required if known.
5. Required; describe well location by county in which it is to be drilled and by commonly known landmarks.
6. Required; An artesian well plan of operations for well construction must be submitted for approval as "Attachment C" to this form for this form to be complete and the NOI accepted for filing by the state engineer. The proposed well shall be drilled by an NM OSE licensed well driller.
7. Required; state assumptions made regarding well pumping schedule.
8. Required; estimate the number of years that water will be diverted and placed to beneficial use; estimate the volume of groundwater that this is based upon.
9. Required; specify all proposed purpose(s) of use.
10. Required; attach additional pages if necessary.
11. Required; describe place of use by county and using commonly known landmarks.
12. Required;
13. Required; describe when the application of water to beneficial use will begin.
14. Use this space and attach additional pages for additional information related to the proposed appropriation.

File Number: _____
Trn Number: _____

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Form: wr-30
Version: Jan 12, 2010

Assistance in preparing the notice for publication is available. This Notice of Intention form should be addressed to the **Office of the State Engineer** at the district office determined by the proposed well location:

District No. 1. 5550 San Antonio Dr. NE, Albuquerque, NM 87109; Phone # 505-383-4000

District No. 2. 1900 West Second St., Roswell, NM 88201; Phone # 575-622-6521

District No. 3. P.O. Box 844, Deming, NM 88031; Phone # 575-546-2851

District No. 4. 1680 Hickory Loop, Suite J, Las Cruces, NM 88005; Phone # 575-524-6161

District No. 5. 100 Gossett Drive, Suite A, Aztec, NM 87410; Phone # 505-334-4571

District No. 6. P.O. Box 25102, Santa Fe, NM 87504-5102; Phone # 505-827-6120

District No. 7. P.O. Box 481, Cimarron, NM 87714; Phone # 575-376-2918

