

HC-1-00279 -- \$5.00

READ INSTRUCTIONS ON BACK

Revised June 1991

APPLICATION TO APPROPRIATE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES

1. Name and mailing address of applicant:

File No. RG-57821

BRIGHT & COMPANY

10100 Reunion Place, Suite 735

San Antonio, Texas 78216

RECEIVED
NOV 8 1993
OIL CON. DIV.,
DIST. 3

2. Describe well location under one of the following subheadings:

a. 800FSL N 910 FWL 1/2 of Sec. 35 T21N R2W W4E
In SANDOVAL County.

b. X = 270,840 feet, Y = 1,820,470 feet, New Mexico Coordinate System
Central Zone in the South & North / East

3. Approximate depth (if known) UNKNOWN feet; outside diameter of casing _____ inches.

Name of driller (if known) TO BE DETERMINED

4. Use of water (check use applied for):

- ☐ One household, non-commercial trees, lawn and garden not to exceed one acre.
- ☐ Livestock watering.
- ☐ More than one household, non-commercial trees, lawn and gardens not to exceed a total of one acre.
- ☐ Drill and test a well intended to be used for domestic, drinking and sanitary or stock water purposes in conjunction with the building or dwelling unit.
- ☐ Drinking and sanitary purposes and the irrigation of non-commercial trees, shrubs and plants in conjunction with a commercial operation.
- ☒ Prospecting, mining or drilling operations to discover or develop natural resources.
- ☐ Construction of public works, highways and roads.

If any of the last three items were marked, give name and nature of business under Remarks (Item 5).

5. Remarks: DEVELOPMENT OF NATURAL RESOURCES; WATER OBTAINED FROM WATER WELL WILL BE USED FOR THE DRILLING OF AN OIL WELL.

I, JOE WILBANKS, affirm that the foregoing statements are true to the best of my knowledge and belief and that development shall not commence until approval of the permit has been obtained.

BRIGHT & COMPANY

Applicant

By: [Signature]

Date: 7-15-93

ACTION OF STATE ENGINEER

This application is approved for the use indicated, subject to all general conditions and to specific conditions numbered 5(a) and * on the reverse side hereof. This permit will automatically expire unless this well is drilled or driven and the well record filed on or before July 15, 1994.

*State Engineer Rules & Regulations
Article 1-15.6.4 (attached).

By: [Signature] State Engineer

By: [Signature] District I

Date: July 28, 1993

METER REQUIRED

SEE CONDITION OF
APPROVAL #

File No. RG-57821

5(a)

GENERAL CONDITIONS OF APPROVAL

- A. The maximum amount of water that may be appropriated under this permit is 3 acre-feet in any year.
- B. The well shall be drilled by a driller licensed in the State of New Mexico in accordance with Section 72-12-12 New Mexico Statutes Annotated. A licensed driller shall not be required for the construction of a driven well; provided, that the casing shall not exceed two and three-eighths (2 3/8) inches outside diameter (Section 72-12-12).
- C. Driller's well record must be filed with the State Engineer within 30 days after the well is drilled or driven. Failure to file the well record within that time shall result in automatic cancellation of the permit. Well record forms will be provided by the State Engineer upon request.
- D. The casing shall not exceed 7 inches outside diameter except under specific conditions in which reasons satisfactory to the State Engineer are shown.
- E. If the well under this permit is used at any time to serve more than one household or livestock in a commercial feed lot operation, or for drinking and sanitation purposes in conjunction with a commercial operation, the permittee shall comply with Specific Conditions of Approval number 5(b).
- F. In the event this well is combined with other wells permitted under Section 72-12-1 New Mexico Statutes Annotated, the total outdoor use shall not exceed the irrigation of one acre of non-commercial trees, lawn, and garden, or the equivalent outside consumptive use, and the total appropriation for household and outdoor use from the entire water distribution system shall not exceed 3 acre-feet in any year.
- G. If artesian water is encountered, all rules and regulations pertaining to the drilling and casing of artesian wells shall be complied with.

SPECIFIC CONDITIONS OF APPROVAL

(Applicable only when so indicated on the other side of this form.)

1. Depth of the well shall not exceed the thickness of the (a) valley fill or (b) Ogallala formation.
2. The well shall be constructed to artesian well specifications and the State Engineer shall be notified before casing is landed or cemented.
3. Appropriation and use of water under this permit shall not exceed a period of one year from the date of approval.
4. Use shall be limited to household, non-commercial trees, lawn and garden not to exceed one acre and/or stock use.
5. A totalizing meter shall be installed before the first branch of the discharge line from the well and the installation shall be acceptable to the State Engineer; the Engineer shall be advised of the make, model, serial number, date of installation, and initial reading of the meter prior to appropriation of water; pumping records shall be submitted to the District Supervisors (a) for each calendar month, on or before the 10th day of the following month (b) on or before the 10th of January, April, July and October of each year for the three preceding calendar months (c) for each calendar year on or before the 10th day of January of the following year.
6. The well shall be plugged upon completion of the permitted use, and a plugging report shall be filed with the State Engineer within 10 days.
7. Final approval for the use of the well shall be dependent upon a leakage test made by the State Engineer.
8. Use shall be limited strictly to household, drinking and sanitary purposes; water shall be conveyed from the well to the place of use in closed conduit and the effluent returned to the underground so that it will not appear on the surface. No irrigation of lawns, gardens, trees or use in any type of pool or pond is authorized under this permit.
9. No water shall be used from this well unless and until a permit has been issued to an applicant who intends to use the water for any of the purposes described in § 72-12-1.

INSTRUCTIONS

The application shall be made in the name of the actual user of the well for the purpose specified in the application.

The application shall be filed in triplicate and forwarded with a \$2.00 filing fee to the State Engineer. A separate application must be filed for each well to be drilled or used.

If well to be used is an existing well, an explanation (and the file number, if possible) should be given under Remarks (Item 5).

Applications for appropriation, well records and requests for information in the following basins should be addressed to the State Engineer at the location indicated.

Bluewater, Estancia, Rio Grande, Sandia, Gallup and San Juan Basins
District No. 1, 3311 Cordoba, NE, Suite A, Albuquerque, NM 87107

Capitan, Carlsbad, Curry County, Fort Sumner, Honda, Jala, Lea County, Pecos, Pecos, Roswell, Tucuman and Upper Pecos Basins District No. 2, 1900 West Second Street, Roswell, NM 88201

Anima, Olla-San Francisco, Lordsburg, Mimbres, Nutt-Hockett, Playas, San Simon and Virden Valley Basins
District No. 3, P.O. Box 244, Deming, NM 88021

Lower Rio Grande, Tularosa, Hueco, Los Animas Creek and Hot Springs Basins
District No. 4, 1000 North 1st Street, El Paso, NM 79901

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NEW MEXICO STATE ENGINEER OFFICE
GLOVER BALMER ANALYTICAL MODEL
Written by Charles Braden

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Well to stream distance

stream

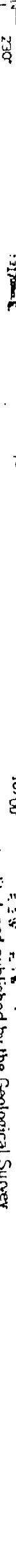
This program calculates the net effect on a stream for a one year period

ENTER DISTANCE FROM WELL TO STREAM (FT)? 12000
ENTER TRANSMISSIVITY (GPD/FT)? 5000
ENTER STORATIVITY? .1

EFFECT ON STREAM IN PERCENT (based on 3 AF/AN) = 0.0003
AF/AN EFFECT ON STREAM= 0.0000 af/an

LESS THAN .1 AF/AN EFFECT ON STREAM

C:\GW>



- b. rental units constructed on land owned by the applicant;
- c. drinking and sanitary purposes and the irrigation of noncommercial trees, shrubs and lawn that are incidental to a commercial enterprise, such as a motel, restaurant, trailer park or service station; provided that water diverted from the well may not be used for any commercial purpose, such as a car wash, greenhouse, laundry, concrete batching or the manufacture of a product;
- d. livestock water.

1-15.4. MULTIPLE RESIDENTIAL USE. If more than one residence receives water from a well permitted for the purpose of use in Article 1-15.3 (a) or (b), the total amount of water diverted and the total amount of water consumptively used from the well are limited by Article 1-15.2 and the well is subject to the metering requirement of Article 1-15.7.

1-15.5. WELLS TO BE DRILLED FOR BUILDINGS OR DWELLING UNITS CONSTRUCTED FOR SALE. Any person, firm or corporation intending to construct and sell a building or dwelling unit may apply for a conditional permit from the State Engineer to drill and test a well intended to be used for domestic, drinking, sanitary and stock watering purposes in conjunction with the building or dwelling unit; provided that no water shall be used from the well unless and until a permit has been issued to an applicant who intends to use the water for any of the purposes set forth in Article 1-15.3.

1-15.6. USES FOR PERIODS NOT TO EXCEED ONE YEAR--AMOUNT. Permits may be granted in an amount not to exceed three acre-feet of water for a definite period not to exceed one year for the following uses under paragraph three of Section 72-12-1 if the State Engineer finds that the proposed use will not permanently impair any existing water right:

- a. prospecting;
- b. mining;
- c. construction of public works;
- d. construction of highways and roads;
- e. drilling operations designed to discover or develop the natural mineral resources.

1-15.6.1. One permit may be granted in any year to the same applicant for each proposed use set forth above.

1-15.6.2. More than one applicant may take water from a well for each proposed use set forth above.

1-15.6.3. An applicant may apply in successive years for a new one-year duration permit in an existing well or a new well for each proposed use set forth above.

having water rights appurtenant thereto shall be constructed only after a permit is obtained from the State Engineer.

1-13. REQUIREMENTS AFTER COMPLETION OF WELL. As soon as practicable after completing the well and the application of water to the intended use pursuant to the permit, the applicant shall have prepared and file a "Final Inspection and Report" in triplicate on forms provided by the State Engineer. The final report shall be accompanied by a plat prepared in accordance with Article 5. The final inspection and report shall be prepared by a Registered Professional Engineer and Land Surveyor or by a Registered Land Surveyor as specified by the State Engineer.

1-14. CERTIFICATE AND LICENSE. Upon receipt of "Final Inspection and Report" together with attachments thereto required by Article 1-13, the State Engineer shall issue a "Certificate and License to Appropriate."

1-15. APPLICATIONS NOT REQUIRING PUBLICATION OF NOTICE. Section 72-12-1, N.M.S.A. 1978, accepts applications for permits to drill wells and use the ground waters within declared underground water basins, for those purposes set forth in Article 1-15.3, from the requirement of publication of notice and the State Engineer's determination whether the exercise of the permit will impair existing water rights and for those purposes set forth in Article 1-15.6 the application is excepted from publication of notice, if, after making an examination of the facts, the State Engineer finds that the proposed use will not permanently impair any existing water right. Applications to drill wells under this Article shall be prepared and filed in triplicate on forms provided by the State Engineer. Compliance with the provisions of Article 4 of these regulations is required in the completion of such wells.

1-15.1. QUALIFIED APPLICANT. The applicant must be the person, firm or corporation intending to divert and use the water appropriated from the well. The applicant may be the owner of real units constructed on land owned by the applicant.

1-15.2. AMOUNT OF WATER. The amount of water diverted under a permit issued pursuant to Section 72-12-1 shall not exceed three acre-feet (977,554 gallons) per annum. No more than a total of one acre of non-commercial trees, lawn or garden shall be irrigated from the well or, when irrigation is combined with exposed water surface areas such as ponds, swimming pools and sewage lagoons, the total consumptive use shall not exceed the consumptive use of water that would result from the irrigation of one acre of non-commercial trees, lawn or garden.

1-15.3. PURPOSE OF USE. Permits may be granted in an amount not to exceed three acre-feet per annum for the following uses under paragraph two of Section 72-12-1:

- a. household and other domestic use for one or more residences;

1-15.6.4. Applications to appropriate water will not be granted in declared underground water basins that are stream related, if the State Engineer finds that the appropriation will take 0.1 acre-foot or more from a fully appropriated stream within the year the permit may be exercised.

1-15.6.5. Subsequent applications to appropriate water from the same well will not be granted if the State Engineer finds that the accumulated effects of the proposed appropriation and prior appropriations will take 0.25 acre-foot or more from a stream within the year of the proposed appropriation.

1-15.7. PERMITS REQUIRING INSTALLATION OF A METER. All permits issued for uses of water under Article 1-15.3, except for a single household and stock watering in a grazing operation, shall be metered. If two or more wells are connected to the same distribution system, all water diverted from the wells shall be metered with one or more meters and the total diversion from all wells combined shall be limited to three acre-feet per annum. All wells permitted under Article 1-15.6 shall be metered and the total diversion of water under each permit shall be limited to three acre-feet.

1-15.8. LIMITATIONS UNDER COURT DECREES. The amount and uses of water permitted under Article 1-15 are subject to such limitations as may be imposed by the courts.

1-16. RETENTION OF OLD WELL FOR DOMESTIC USE--REQUIREMENTS. If water rights have been transferred from a well but the owner thereof desires to retain the well for the purposes of Article 1-15, an application must be filed as required by that article. Prior to approval, the State Engineer shall determine whether the subject well can be retained in use without causing waste.

1-17. APPLICATIONS FOR POLLUTION PLUME CONTROL WELLS AND POLLUTION RECOVERY WELLS.

1-17.1. FORM OF APPLICATION. Any person intending to drill or use existing wells for control or recovery of pollution from aquifers within the State of New Mexico shall file an application to do so, in triplicate, on a form provided by the State Engineer and accompanied by the appropriate filing fee as required for an application to appropriate ground water (Article 6). The application shall be complete and adequate to determine the need for the pollution control or recovery operation; the underground water source; the location of points of withdrawal and discharge; the maximum annual quantity of water intended to be withdrawn from such source; the amount, method and place of discharge of the water withdrawn from such wells and the estimated maximum period of time for completion of the pollution control or recovery operations.