

Exhibit B

Broderick Application

Hel-43819
\$12500
S.I.F.

File Number: G-2744
Sub Basin: _____

NEW MEXICO OFFICE OF THE STATE ENGINEER
APPLICATION FOR PERMIT TO USE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTIONS 72-12-1.1, 72-12-1.2, or 72-12-1.3 NEW MEXICO STATUTES

1. APPLICANT

Name: THEODORE M. BRODERICK Name: _____
Address: PO Box 219 Address: _____
City: RAMAH City: _____
State: N.M. Zip: 87321 State: _____ Zip: _____
Phone: 505-783-4000 Phone: _____
Contact: TEA

2. LOCATION OF WELL (A or B required, C required, if applicable, D required)

A. NAD 83 (Select Appropriate Coordinate System and Zone) →

NOTE: State Plane units - feet, UTM units - meters
X = 2533513, Y = 1519957

State Plane	<input checked="" type="checkbox"/>	NM West Zone
	<input type="checkbox"/>	NM Central Zone
	<input type="checkbox"/>	NM East Zone
UTM	<input checked="" type="checkbox"/>	UTM Zone 13N
	<input type="checkbox"/>	UTM Zone 12N

B. Latitude: N 35° d 10' m 33.4"
Longitude: W 108° d 28' m 03.2"
(Enter Lat/Long to at least 1/10th of a second)

Grant (If Applicable) None

C. Subdivision Ranch House Recorded in County of LIBOLA
Lot No. N/A Block No. N/A Tract 1A

D. On land owned by: THEODORE BRODERICK

#1

E. Tract No. _____ Map No. _____ of the _____ Hydrographic Survey

F. Is this well within a municipality? NO if yes, where? _____

G. Give State Engineer File Number if existing well: _____

H. NW ¼ NW ¼ NW ¼ Section 19 Township 11N Range 15W

I. Other _____

3. USE OF WATER (check use applied for)

- Domestic use for one household
- Livestock watering
- Domestic well to accompany a house or other dwelling unit constructed for sale.
- Domestic use to serve _____ households
- Drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or non-profit facility
- Prospecting, mining or drilling operations to discover or develop natural resources
- Construction of public works, highways and roads

Trn Desc: G-2744 P001 File Number: G-2744
Log Due Date: 2/25/2009 Trn Number: 415382
Form: wr-01

2009 SEP 21 10:11:56
STATE ENGINEER

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4. WELL INFORMATION

Name of well driller and driller license number:
COFFEY DRILLING Co. WD#: 1035

Approximate depth 300 feet; Outside diameter of casing 5 inches.

___ Replacement well

___ Repair or Deepen:

___ Clean out well to original depth

___ Deepen well from _____ to _____ feet

___ Other _____

___ Supplemental well

5. ADDITIONAL STATEMENTS OR EXPLANATIONS:

ACKNOWLEDGEMENT

(I, We) X THEODORE M. BRODERICK affirm that the
(Please Print)
foregoing statements are true to the best of (my, our) knowledge and belief.

X Theodore M. Broderick Applicant Signature
_____ Applicant Signature

ACTION OF THE STATE ENGINEER

This application is approved subject to the attached general and specific conditions of approval.

Witness my hand and seal this 25th day of September, 2008.

John R. D'Antonio, Jr. P.E., State Engineer

By: Sue Coffey

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Form: wr-01

**NEW MEXICO STATE ENGINEER OFFICE
APPLICATION FOR PERMIT TO USE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES**

GENERAL CONDITIONS OF APPROVAL (A thru O)

- 06-A The maximum amount of water that may be appropriated under this permit is 1.000 acre-feet in any year.
- 06-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).
- 06-C Driller's well record must be filed with the State Engineer within 20 days after the well is drilled or driven. Well record forms will be provided by the State Engineer upon request.
- 06-D The casing shall not exceed 7 inches outside diameter except under specific conditions in which reasons satisfactory to the State Engineer are shown.
- 06-E To request a change to the use of water authorized under this permit, the permittee shall file an application with the State Engineer.
- 06-F An application for a new 72-12-1.1 domestic well permit where the proposed point of diversion is to be located on the same legal lot of record as an operational 72-12-1.1 domestic well shall be treated as an application for a supplemental well.
- 06-G If artesian water is encountered, all rules and regulations pertaining to the drilling and casing of artesian wells shall be complied with.
- 06-H The drilling of the well and amount and uses of water permitted are subject to such limitations as may be imposed by a court or by lawful municipal or county ordinance which are more restrictive than the conditions of this permit and applicable State Engineer regulations.
- 06-I The permittee shall utilize the highest and best technology available to ensure conservation of water to the maximum extent practical.

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**NEW MEXICO STATE ENGINEER OFFICE
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GENERAL CONDITIONS OF APPROVAL (Continued)

- 06-J The well shall be set back a minimum of 50 ft. from an existing well of other ownership unless a variance has been granted by the State Engineer. The State Engineer may grant a variance for a replacement well or to allow for maximum spacing of the well from a source of groundwater contamination. The well shall be set back from potential sources of contamination in accordance with rules and regulations of the NM Environment Department.
- 06-K Pursuant to section 72-8-1 NMSA, the permittee shall allow the State Engineer and his representatives entry upon private property for the performance of their respective duties, including access to the well for meter reading and water level measurement.
- 06-L The permit is subject to cancellation for non-compliance with the conditions of approval or if otherwise not exercised in accordance with the terms of the permit.
- 06-M The right to divert water under this permit is subject to curtailment by priority administration as implemented by the State Engineer or a court.
- 06-N In the event of any change of ownership to this permit the new owner shall file a change of ownership form with the State Engineer in accordance with Section 72-1-2.1 NMSA.
- 06-O This well permit shall automatically expire unless the well is completed and the well record is filed with the State Engineer within one year of the date of issuance of the permit. It is the responsibility of the permit holder to ensure that the well record has been properly filed with the State Engineer.

SPECIFIC CONDITIONS OF APPROVAL

- 06-16 This permit authorizes the drilling of a well to accompany a house or other dwelling being constructed for sale. Water may only be diverted for activities directly related to the construction of the dwelling that the well will serve. Upon sale of the house or dwelling, the permit holder shall provide the new owner notice in writing of the requirement to file a change of ownership with the State Engineer for the domestic well permit. A copy of the notice shall be filed at the Office of the State Engineer along with a copy of the deed or other instrument of conveyance which conveyed the land upon which the domestic well is located.

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SPECIFIC CONDITIONS OF APPROVAL (Continued)

- 06-16A Condition 16 shall automatically expire when the Office of the State Engineer accepts a change of ownership for filing in the name of the new owner intending to divert water from the well. No water may be diverted from the 72-12-1.1 domestic well by the new owner until a change of ownership has been recorded at the Office of the State Engineer and a 72-12-1.1 domestic well permit has been issued in the name of the new owner.
- 06-10 Total diversion from all wells under this permit number shall not exceed 1.000 acre-feet per annum.
- 06-9B This well will require a meter when new permit is issued to owner for multiple household purposes or for commercial use.
- 06-18 Any diversion of water made in excess of the authorized maximum diversion amount shall be repaid with twice the amount of the over-diversion during the following calendar year. Repayment shall be made by either: (a) reducing the diversion from the well that is the source of the over-diversion; or (b) acquiring or leasing a valid, existing consumptive use water right in an amount equal to the repayment amount and submitting to the State Engineer for his approval a plan for the proposed repayment.
- LOG This permit will automatically expire unless the well G 02744 POD1 is completed and the well record filed on or before 09/25/2009.

SEE GENERAL CONDITIONS OF APPROVAL.

ACTION OF STATE ENGINEER

This application is approved for the use indicated, subject to all general conditions and to specific conditions listed above.

Witness my hand and seal this 25 day of Sep A.D., 2008

John R. D Antonio, Jr., P.E., State Engineer

By: *Sue Raffay*
SUE RAFFAY

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