



**NEW MEXICO STATE LAND OFFICE**  
**Commissioner of Public Lands**  
**Stephanie Garcia Richard**  
**New Mexico State Land Office Building**  
**P.O. Box 1148, Santa Fe, NM 87504-1148**

**RIGHT OF ENTRY PERMIT**  
**CONTRACT NO. RE - 6531**

**1. RIGHT OF ENTRY PERMIT**

This permit is issued under the authority of NMSA 1978, Section 19-1-2. Therefore, and in consideration of and subject to the terms, covenants, conditions, agreements, obligations and reservations contained in the permit and all other existing rights, the Commissioner of Public Lands, New Mexico State Land Office, State Of New Mexico, hereinafter called "COMMISSIONER," grants to Robert Consoni, State of Incorporation, Arizona, whose address is 29638 N. 46th Street, Cave Creek, AZ 85331 called "PERMITTEE," authorized use of a specific tract(s) of State Trust Land only for the term, and only for the permitted use, described in this permit.

**2. TERM AND LAND DESCRIPTION**

Right of entry is granted for a term of **180 days**, commencing on the execution date of this document by the Commissioner of Public Lands, to the following State Trust Lands.

<b>Section</b>	<b>Township</b>	<b>Range</b>	<b>Subdivision</b>	<b>County</b>
<b>12</b>	<b>23S</b>	<b>21W</b>	<b>NE4SE4, NE4SW4, NW4SE4, NW4SW4, SE4SE4, SE4SW4, SW4SE4, SW4SW4</b>	<b>Hidalgo</b>
<b>13</b>	<b>23S</b>	<b>21W</b>	<b>NE4NE4, NE4NW4, NW4NE4, NW4NW4, SE4NE4, SE4NW4, SW4NE4, SW4NW4</b>	<b>Hidalgo</b>

**3. APPLICATION and PROCESSING FEE**

**\$ 50.00 Application Fee**

**\$ 500.00 Permit Fee**

**\$ 550.00 Total Fee**

#### **4. PERMITTED USE, PERSONNEL, EQUIPMENT AND MATERIALS**

Permitted use is for the purpose of: **Temporary Road access across State Trust Land to gain entry to BLM land to obtain rock samples.**

Personnel present on State Trust Land: **Robert Consoni and sampling crew.**

Equipment & Materials present on State Trust Land: **Vehicles, water truck, and sampling tools.**

***Prior to execution of project company must contact the Surface Lessees.***

***Only fresh water lines (less than 10,000 ppm tds) will be allowed.***

***The granting of this permit does not allow access across private lands.***

#### **5. IMPROVEMENTS**

No improvements shall be placed on the premises without the prior written consent of the Commissioner.

#### **6. RESERVATIONS**

Commissioner reserves the right to execute leases, rights of way, easements, permits, exchange agreements, sale agreements, permits and other lawful rights on or across the land covered by this permit, including but not limited to any such rights for mining purposes and for the extraction of oil, gas, salt, geothermal resources, and other mineral deposits there from and the right to go upon, explore for, mine, remove and sell same.

#### **7. COMPLIANCE WITH LAWS**

Permittee shall at its own expense comply fully with and be subject to all applicable regulations, rules, ordinances, and requirements of law or of the Commissioner, including but not limited to the regulations of the State Land Office; Chapter 19 NMSA governing State Trust Lands; federal and state environmental laws and regulations; and the New Mexico Cultural Properties Act, NMSA 1978 Sections 18-6-1 through 18-6-23. It is illegal for any person or the person's agent to appropriate, excavate, injure, or destroy any historic, or prehistoric ruin or monument, or any object of historical, archaeological, architectural, or scientific value situated on lands owned or controlled by the State Land Office without a valid permit issued by the Cultural Properties Review Committee and approved by the Commissioner of Public Lands.

## **8. HOLD HARMLESS AND INDEMNIFICATION**

Permittee shall save, hold harmless, indemnify and defend Commissioner, the State Land Office, the State of New Mexico, and any of their officers, employees or agents, in their official and individual capacities, of and from any and all liability, claims, losses, damages, costs, and fees arising out of or alleged to arise out of, or directly or indirectly connected with, the operations of Permittee under this permit on or off State Trust Lands or arising out of the presence on State Trust Lands of any equipment, material, agent, invitee, contractor or subcontractor of Permittee. This Hold Harmless and Indemnification clause covers any claim, including any brought in any court or before any administrative agency, of any loss or alleged loss, and any damages or alleged damages asserted with respect to any violation or alleged violation of any state, federal or local law or regulation, including but not limited to any environmental law or regulation, any cultural properties law (including the New Mexico Cultural Properties Act, cited above) or regulation, and any alleged damage to the property, rights or interests of any State Land Office lessee, right-of-way holder, or other permittee.

## **9. AMENDMENT**

This permit shall not be altered, changed, or amended except by an instrument in writing executed by Commissioner and Permittee.

## **10. WITHDRAWAL**

Commissioner reserves the right to withdraw any or all of the land authorized for use under this permit. If applicable, Permittee shall vacate the acreage specified within 30 days after receipt of written notification of withdrawal from the Commissioner.

## **11. CANCELLATION**

The violation by Permittee of any of the terms, conditions, or covenants of this permit or the nonpayment by Permittee of the fees due under this permit shall at the option of the Commissioner be considered a default and shall cause the cancellation of this permit 30 days after Permittee has been sent written notice of such.

## **12. PRESERVE AND PROTECT**

The Permittee agrees to preserve and protect the natural environmental conditions of the land encompassed in this permit, and to take those reclamation or corrective actions that are accepted soil and water conservation practices and that are deemed necessary by the Commissioner to protect the land from pollution, erosion, or other environmental degradation. The Permittee further agrees not to injure the property of, or interfere with the operations or rights of, any State Land Office lessee, right-of-way holder, easement holder or other permittee who has rights to use the State Trust Land subject to this permit.

### **13. PIPELINE IDENTIFICATION AND SPACING REQUIREMENTS**

The Permittee shall label each aboveground pipeline crossing State Trust Lands with the Permittee's name, and contact information. Such information shall be placed at both the inlet and outlet of the pipeline, and every 2,500 feet between the two points. Pipelines must be spaced a minimum of 12" apart from existing surface pipelines to allow for livestock to cross. If the minimum line spacing cannot be met to allow livestock to cross, berms 3 feet in width must be placed in areas where established cattle trails exist, but no less than every tenth of a mile.

### **14. RECLAMATION, REMOVAL OF EQUIPMENT, MATERIALS, AND WASTE**

The Permittee agrees to reclaim those areas that may be damaged by activities conducted thereon.

The Permittee agrees to remove from the State Trust Lands, no later than the end of the term of this permit, all equipment, and materials it has placed or brought upon the land and to clean up and remove from the land any trash, waste, effluent, or other products used or brought upon the land in connection with this permit.

### **15. SPECIAL INSTRUCTIONS AND/OR RESTRICTIONS**

1. No off road traffic allowed.
2. No wood collection or tree cutting allowed.
3. Disturbing, dislodging, damaging, defacing, destroying or removing historical, archaeological, paleontological or cultural sites or artifacts in a manner inconsistent with the provisions of the granted permit is prohibited.
4. Disturbing, dislodging, damaging, defacing, destroying any improvement, fixture, item, object or thing placed or located in, under or upon the land is prohibited.
5. This permit does not grant a right to enter State Trust Lands to which there is no public access.
6. Any uses or activities not within the scope of this permit are not allowed unless prior written approval from the Commissioner of Public Lands is granted.
7. Line pressure not to exceed 125 psi.

WITNESS the hands of PERMITTEE and COMMISSIONER on the day(s) and year entered below.

\_\_\_\_\_

DATE: \_\_\_\_\_

PERMITTEE SIGNATURE

\_\_\_\_\_

\_\_\_\_\_

PERMITTEE NAME AND TITLE (PRINT)

SEAL:

BY: \_\_\_\_\_

Stephanie Garcia Richard  
Commissioner of Public Lands

DATE: \_\_\_\_\_