

LRG 3150 pod 50  
File No. LRG 3150-E

TRN 792655 Tag 40C14

NEW MEXICO OFFICE OF THE STATE ENGINEER



APPLICATION FOR PERMIT TO CHANGE AN EXISTING WATER RIGHT

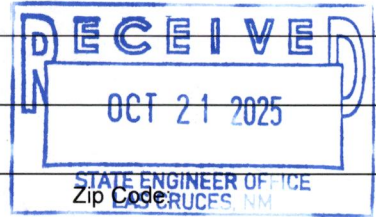
(Non 72-12-1) For fees, see State Engineer website: <http://www.ose.state.nm.us/>

(check applicable boxes):

<input type="checkbox"/> Check here if regionalizing pursuant to NMSA 1978, §§ 62-20-1 through 62-20-7 (Attach Articles of Incorporation and plats)		
<input type="checkbox"/> Change Purpose of Use <input type="checkbox"/> Ground water <input type="checkbox"/> Surface Water <input type="checkbox"/> Change Place of Use <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water	<input checked="" type="checkbox"/> Change Point of Diversion (POD): From: <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water To: <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water	<input type="checkbox"/> Additional Groundwater Point of Diversion (POD) <input type="checkbox"/> Additional Surface Water Point of Diversion (POD)
<input type="checkbox"/> Temporary Change, NMSA 1978, § 72-12-7(B) Requested Start Date: (Not to Exceed 3 ac-ft in One Year)	Requested End Date:	
<input type="checkbox"/> Water Use Lease, NMSA 1978, §§ 72-6-1 to-7 Requested Start Date:	Requested End Date:	
<input type="checkbox"/> Temporary Change (other) Requested Start Date:	Requested End Date:	
<input type="checkbox"/> Accounting Period Start Date:		

1. APPLICANT(S) (Required) Note: water-right owner must be listed as an applicant.

Name: SANTA TERESA CAPITAL, LLC.	Name:
Contact or Agent: <input type="checkbox"/> check here if Agent GILBERT G. MESA	Contact or Agent: <input type="checkbox"/> check here if Agent
Mailing Address: 829 Rosinante Road	Mailing Address:
City: El Paso	City:
State: TX Zip Code: 79922	State: LAS CRUCES, NM
Phone: 915-539-1800 <input type="checkbox"/> Home <input checked="" type="checkbox"/> Cell Phone (Work):	Phone: <input type="checkbox"/> Home <input type="checkbox"/> Cell Phone (Work):
E-mail (optional): gjilmesa777@gmail.com	E-mail (optional):



2. CURRENT OSE FILE INFORMATION (Required)

OSE File No(s): LRG-03150-E	Priority Date (if known): 9/13/1971	Subfile/Cause No. (if applicable):
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3. CURRENT PURPOSE OF USE AND AMOUNT OF WATER (Required)

<input type="checkbox"/> Domestic <input type="checkbox"/> Livestock <input checked="" type="checkbox"/> Irrigation <input checked="" type="checkbox"/> Municipal <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Other Use (specify): <u>Recreational</u>	Amount of Water (acre-feet per annum): <b>If more details are needed, type "See Comments" in "Other" field below, and explain in Additional Statements Section.</b> Diversion: <u>2,400</u> Consumptive Use: _____ Other (include units): _____
Describe a specific use If applicable (i.e. sand & gravel washing, dairy etc): _____	

FOR OSE INTERNAL USE

Application for Permit, Form wr-06, Rev 01/27/25

File No.:	Trn. No.:	Receipt No.: <u>4-27296</u>
Trans Description (optional):		Sub-Basin:
Well Tag ID No. (if applicable): <u>40C14</u>	PCW/LOG Due Date:	PBU Due Date:

**4. COUNTY WHERE WATER RIGHT IS CURRENTLY USED (Required)**

Dona Ana

COUNTY WHERE WATER RIGHT WILL BE MOVED (IF APPLICABLE)

**5. ADDITIONAL STATEMENTS CONCERNING THE CURRENT WATER RIGHT**

[Empty box for additional statements]

**6. CURRENT or MOVE-FROM POINT(S) OF DIVERSION (POD) (Required)**

"Present producing Aquifer":

Surface POD OR  Ground Water POD (Well) \*\*Roswell Artesian Basin (check all that apply):  Artesian  Shallow  "PPA"

Name of ditch, acequia, or spring:

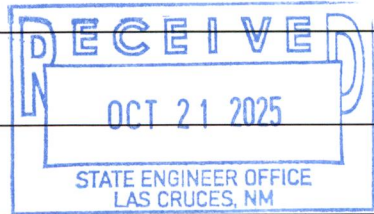
Stream or water course: Tributary of:

If application proposes a new point of diversion involving a diversion dam, storage dam, main canal, and/or pipeline, complete Attachment 2.  Check here if Attachment 2 is included in this application packet.

**POD Location Required: Coordinate location must be reported in NM State Plane (NAD 83), UTM (NAD 83), or Latitude/Longitude (Lat/Long - WGS84). District II (Roswell) & District VII (Cimarron) customers, provide a PLSS location in addition to above.**

- NM State Plane (NAD83) (Feet)
  - NM West Zone
  - NM East Zone
  - NM Central Zone
- UTM (NAD83) (Meters)
  - Zone 12N
  - Zone 13N
- Lat/Long (WGS84) (to the nearest 1/10<sup>th</sup> of second)

POD Number (if known):	X or Easting or Longitude:	Y or Northing or Latitude:	Provide if known: -Public Land Survey System (PLSS) (Quarters or Halves, Section, Township, Range) OR - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name
LRG-03150-POD 36	1,502,663	302,725	NE1/4 SE1/4 NW1/4 Sec 36 T28S R02E



**NOTE: If more PODS need to be described, complete form WR-08 (Attachment 1 – POD Descriptions)**  
 Additional point of diversion descriptions are attached:  Yes  No If yes, how many \_\_\_\_\_

Point of Diversion is on Land Owned by: PASEO DEL NORTE LLC (See attached easement Information)

Other description relating point of diversion to common landmarks, streets, or other:

FOR OSE INTERNAL USE Application for Permit, Form wr-06, Rev 01/27/25

File Number: \_\_\_\_\_ Trn Number: \_\_\_\_\_

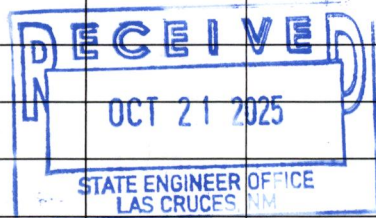
**7. CURRENT or MOVE-FROM PLACE(S) OF USE (Required)**

The land is legally described by (check all that apply):

- Public Land Survey System (PLSS) (quarters, section, township, range)
  Hydrographic Survey Report or Map
  Subdivision
  Grant
- Irrigation or Conservation District Map

**Complete the blocks below for all tracts of land (more than one description can be provided for a tract if available):**

PLSS Quarters or Halves, <u>and/or</u> Name of Hydrographic Survey, <u>and/or</u> Name of Irrigation or Conservation District, <u>and/or</u> Name and County of Subdivision <u>and/or</u> Grant	PLSS Section <u>and/or</u> Map No. <u>and/or</u> Lot No.	PLSS Township <u>and/or</u> Tract No. (Please list each tract individually) <u>and/or</u> Block No.	PLSS Range	Acres	Priority
Within 32,020.56 acres of land, as stated in the					
amended declarations, as shown on the attached					
maps					
<b>Total Acres:</b>					
Other description relating place of use to common landmarks, streets, or other:					
Place of use is on land owned by (required). If landowner differs from water right owner, written consent to sever the water right from the land temporarily.					
Various					
Are there other sources of water for these lands? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> describe by OSE file number:					



**\*Note: If on Federal or State Land, please provide copy of lease.**

**\*\*Note: Municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities wishing to hold these water rights unused between ten and forty years, must file a Water Development Plan pursuant to 72-1-9 NMSA with this application. Check here if one is already on file.**

FOR OSE INTERNAL USE

Application for Permit, Form wr-06, Rev 01/27/25

File Number:

Trn Number:

**8. MOVE-TO PURPOSE OF USE AND AMOUNT OF WATER**

<p>Check all that apply:</p> <p><input type="checkbox"/> Domestic    <input type="checkbox"/> Livestock    <input checked="" type="checkbox"/> Irrigation</p> <p><input checked="" type="checkbox"/> Municipal    <input checked="" type="checkbox"/> Industrial    <input checked="" type="checkbox"/> Commercial</p> <p><input checked="" type="checkbox"/> Other Use (specify): <u>Recreational</u></p> <p>Describe a specific use If applicable (i.e. sand &amp; gravel washing, dairy etc): _____</p>	<p>Amount of Water (acre-feet per annum): <b>If more details are needed, type "See Comments" in "Other" field below, and explain in Additional Statements Section.</b></p> <p style="text-align: right;">Diversions: <u>2,400</u></p> <p style="text-align: right;">Consumptive Use: _____</p> <p style="text-align: right;">Other (include units): _____</p>
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**9. MOVE-TO POINT(S) OF DIVERSION (POD) (Complete this section ONLY if adding or replacing a POD)**

Note: if there is known artesian conditions, contamination or high mineral content at the drilling location check box and attach form WD-09 to this form.

<input type="checkbox"/> <b>Surface POD</b> OR <input checked="" type="checkbox"/> <b>Ground Water POD (Well)</b> <b>**Roswell Artesian Basin</b> (check all that apply): <input type="checkbox"/> Artesian <input type="checkbox"/> Shallow <input type="checkbox"/> "PPA"			
Name of ditch, acequia, or spring: _____			
Stream or water course: _____		Tributary of: _____	
If application proposes a new point of diversion involving a diversion dam, storage dam, main canal, and/or pipeline, complete Attachment 2. <input type="checkbox"/> Check here if Attachment 2 is included in this application packet.			
<p><b>POD Location Required: Coordinate location must be reported in NM State Plane (NAD 83), UTM (NAD 83), or Latitude/Longitude (Lat/Long - WGS84).</b></p> <p><b>District II (Roswell) &amp; District VII (Cimarron) customers, provide a PLSS location in addition to above.</b></p>			
<input checked="" type="checkbox"/> NM State Plane (NAD83) (Feet)		<input type="checkbox"/> UTM (NAD83) (Meters)	
<input type="checkbox"/> NM West Zone		<input type="checkbox"/> Zone 12N	
<input type="checkbox"/> NM East Zone		<input type="checkbox"/> Zone 13N	
<input checked="" type="checkbox"/> NM Central Zone		<input type="checkbox"/> Lat/Long (WGS84) (to the nearest 1/10 <sup>th</sup> of second)	
POD Number (if known):	X or Easting or Longitude:	Y or Northing or Latitude:	<b>Provide if known:</b> -Public Land Survey System (PLSS) (Quarters or Halves , Section, Township, Range) OR - Hydrographic Survey Map & Tract; OR - Lot, Block & Subdivision; OR - Land Grant Name
LRG-03150-POD50	1,502,653	302,673	NE1/4 SE1/4 NW1/4 Sec 36 T28S R02E
LRG-7279	1,500,545	487,453	SW1/4 NW1/4 NW1/4 Sec 13 T29S R02E
LRG-3150	1,520,564	308,005	NE1/4 SW1/4 SW1/4 Sec 13 T28S R02E
LRG-3150-S-2	1,507,032	307,777	NW1/4 SE1/4 NW1/4 Sec 30 T28S R03E
<p><b>NOTE: If more PODS need to be described, complete form WR-08 (Attachment 1 – POD Descriptions)</b></p> <p>Additional POD descriptions are attached: <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No    If yes, how many _____</p>			
Other description relating point(s) of diversion to common landmarks, streets, or other: _____			
Point of Diversion is on Land Owned by: Various			
<p><b>Note: The following information is for wells only. If more than one (1) well needs to be described, provide attachment.</b></p>			
Approximate depth of well (feet): 700		Outside diameter of well casing (inches): 16	
Driller Name: RnM Water Solutions		Driller License Number: 1828	
If replacing the current well, is the current well to be plugged? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable If No, state for what use it is retained: _____			

FOR OSE INTERNAL USE

Application for Permit, Form wr-06, Rev 01/27/25

File Number:	Trn Number:
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**11. ACEQUIA OR COMMUNITY DITCH REQUIREMENTS**

A. The water right is not within a Community Ditch or Acequia

B. The water right is within a Community Ditch or Acequia. **If you checked box B you must:**

- 1) Attach documentary evidence provided by commissioners of the Community Ditch or Acequia confirming applicant's compliance with any applicable requirement for the change adopted by the Community Ditch or Acequia **or**
- 2) Attach an affidavit from the commissioners of the Community Ditch or Acequia stating that no such requirement has been adopted by the relevant association bylaws.

*This documentation is required pursuant to NMSA 1978 § 72-5-24.1.*

**12. ADDITIONAL STATEMENTS OR EXPLANATIONS**

This application is filed in conjunction with an emergency request to drill and use the replacement well within 100' of the original well, under the authority of NMSA 72-12-22.



FOR OSE INTERNAL USE

Application for Permit, Form wr-06, Rev 01/27/25

File Number:

Trn Number:





# NEW MEXICO OFFICE OF THE STATE ENGINEER



## ATTACHMENT 1 POINT OF DIVERSION DESCRIPTIONS

This Attachment is to be completed if more than one (1) point of diversion is described on an Application or Declaration.

<b>a. Is this a:</b> <input type="checkbox"/> Move-From Point of Diversion(s) <b>OR</b> <input checked="" type="checkbox"/> Move-To/New Point of Diversion(s)			<b>b. Information on Attachment(s):</b> Number of points of diversion involved in the application: <u>28</u> Total number of pages attached to the application: <u>3</u>		
<input type="checkbox"/> <b>Surface Point of Diversion</b> <b>OR</b> <input type="checkbox"/> <b>Well</b>					
Name of ditch, acequia, or spring:					
Stream or water course:					
Tributary of:					
<b>c. Location (Required):</b> <b>Required: Move to/New POD location coordinate(s) must be either New Mexico State Plane (NAD 83), UTM (NAD 83), or Lat/Long (WGS84)</b>					
NM State Plane (NAD83) (feet) NM West Zone <input type="checkbox"/> NM Central Zone <input checked="" type="checkbox"/> NM East Zone <input type="checkbox"/>	UTM (NAD83) (meters) Zone 13N <input type="checkbox"/> Zone 12N <input type="checkbox"/>	Lat/Long— (WGS84) 1/10 <sup>th</sup> of second	OTHER (allowable only for move-from descriptions - see application form for format) <input checked="" type="checkbox"/> PLSS (quarters, section, township, range) <input type="checkbox"/> Hydrographic Survey, Map & Tract <input type="checkbox"/> Lot, Block & Subdivision <input type="checkbox"/> Grant	Well Depth (in feet) *Required on new wells	Casing outside diameter (in inches) *Required on new wells
POD Number: LRG-3150-S-3	X or Longitude 1,514,249	Y or Latitude 311,101	Other Location Description: SE1/4 NW1/4 SE1/4 Sec 20 T28S R03E		
POD Number: LRG-3150-S-4	X or Longitude 1,501,699	Y or Latitude 310,883	Other Location Description: NW1/4 SE1/4 SW1/4 Sec 24 T28S R02E		
POD Number: LRG-3150-S-6	X or Longitude 1,518,422	Y or Latitude 312,622	Other Location Description: SE1/4 SE1/4 NW1/4 Sec 21 T28S R03E		
POD Number: LRG-3150-S-11	X or Longitude 1,514,159	Y or Latitude 319,950	Other Location Description: NE1/4 NW1/4 NE1/4 Sec 17 T28S R03E		
POD Number: LRG-3150-S-12	X or Longitude 1,511,311	Y or Latitude 310,191	Other Location Description: SW1/4 SW1/4 SW1/4 Sec 20 T28S R03E		
POD Number: LRG-3150-S-13	X or Longitude 1,497,303	Y or Latitude 311,229	Other Location Description: SE1/4 NE1/4 SW1/4 Sec 23 T28S R02E		
POD Number: LRG-3150-S-14	X or Longitude 1,514,946	Y or Latitude 315,933	Other Location Description: NW1/4 SE1/4 SE1/4 Sec 17 T28S R03E		
POD Number: LRG-3150-S-15	X or Longitude 1,523,398	Y or Latitude 305,833	Other Location Description: SE1/4 NE1/4 SW1/4 Sec 27 T28S R03E		
POD Number: LRG-3150-S-16	X or Longitude 1,516,016	Y or Latitude 305,526	Other Location Description: NE1/4 SE1/4 SE1/4 Sec 29 T28S R03E		



FOR OSE INTERNAL USE

Form WR-08 Version 07/16/2024  
POD DESCRIPTIONS - ATTACHMENT 1

File Number:	Trn Number:
Trans Description (optional):	



# NEW MEXICO OFFICE OF THE STATE ENGINEER



## ATTACHMENT 1 POINT OF DIVERSION DESCRIPTIONS

This Attachment is to be completed if more than one (1) point of diversion is described on an Application or Declaration.

<b>a. Is this a:</b> <input type="checkbox"/> Move-From Point of Diversion(s) <b>OR</b> <input checked="" type="checkbox"/> Move-To/New Point of Diversion(s)			<b>b. Information on Attachment(s):</b> Number of points of diversion involved in the application: <u>28</u> Total number of pages attached to the application: <u>3</u>		
<input type="checkbox"/> <b>Surface Point of Diversion</b> <b>OR</b> <input type="checkbox"/> <b>Well</b>					
Name of ditch, acequia, or spring:					
Stream or water course:					
Tributary of:					
<b>c. Location (Required):</b> <b>Required: Move to/New POD location coordinate(s) must be either New Mexico State Plane (NAD 83), UTM (NAD 83), or Lat/Long (WGS84)</b>					
NM State Plane (NAD83) (feet) NM West Zone <input type="checkbox"/> NM Central Zone <input checked="" type="checkbox"/> NM East Zone <input type="checkbox"/>	UTM (NAD83) (meters) Zone 13N <input type="checkbox"/> Zone 12N <input type="checkbox"/>	Lat/Long- (WGS84) 1/10 <sup>th</sup> of second	OTHER (allowable only for move-from descriptions - see application form for format) <input checked="" type="checkbox"/> PLSS (quarters, section, township, range) <input type="checkbox"/> Hydrographic Survey, Map & Tract <input type="checkbox"/> Lot, Block & Subdivision <input type="checkbox"/> Grant	Well Depth (in feet) *Required on new wells	Casing outside diameter (in inches) *Required on new wells
POD Number: LRG-3150-S-17	X or Longitude 1,503,459	Y or Latitude 299,619	Other Location Description: SW1/4 SW1/4 SE1/4 Sec 36 T28S R02E		
POD Number: LRG-3150-S-19	X or Longitude 1,517,196	Y or Latitude 308,638	Other Location Description: SE1/4 NW1/4 NW1/4 Sec 28 T28S R03E		
POD Number: LRG-3150-S-20	X or Longitude 1,525,201	Y or Latitude 304,493	Other Location Description: SE1/4 SW1/4 SE1/4 Sec 27 T28S R03E		
POD Number: LRG-3150-S-22	X or Longitude 1,527,513	Y or Latitude 303,912	Other Location Description: NE1/4 NW1/4 NW1/4 Sec 35 T28S R03E		
POD Number: LRG-3150-S-24	X or Longitude 1,501,621	Y or Latitude 316,013	Other Location Description: NW1/4 SE1/4 NE1/4 Sec 28 T28S R03E		
POD Number: LRG-3150-S-25	X or Longitude 1,499,400	Y or Latitude 317,247	Other Location Description: NW1/4 NE1/4 SE1/4 Sec 14 T28S R02E		
POD Number: LRG-3150-S-26	X or Longitude 1,506,097	Y or Latitude 312,481	Other Location Description: SW1/4 SW1/4 NW1/4 Sec 19 T28S R03E		
POD Number: LRG-3150-S-27	X or Longitude 1,512,245	Y or Latitude 314,095	Other Location Description: SW1/4 NE1/4 NW1/4 Sec 20 T28S R03E		
POD Number: LRG-3150-S-28	X or Longitude 1,505,074	Y or Latitude 309,902	Other Location Description: SE1/4 SE1/4 SE1/4 Sec 24 T28S R02E		



FOR OSE INTERNAL USE

Form WR-08 Version 07/16/2024  
POD DESCRIPTIONS - ATTACHMENT 1

File Number:	Trn Number:
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# NEW MEXICO OFFICE OF THE STATE ENGINEER



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<b>a. Is this a:</b> <input type="checkbox"/> Move-From Point of Diversion(s) <b>OR</b> <input checked="" type="checkbox"/> Move-To/New Point of Diversion(s)			<b>b. Information on Attachment(s):</b> Number of points of diversion involved in the application: <u>28</u> Total number of pages attached to the application: <u>3</u>		
<input type="checkbox"/> <b>Surface Point of Diversion</b> <b>OR</b> <input checked="" type="checkbox"/> <b>Well</b>					
Name of ditch, acequia, or spring:					
Stream or water course:					
Tributary of:					
<b>c. Location (Required):</b> <b>Required: Move to/New POD location coordinate(s) must be either New Mexico State Plane (NAD 83), UTM (NAD 83), or Lat/Long (WGS84)</b>					
NM State Plane (NAD83) (feet) NM West Zone <input type="checkbox"/> NM Central Zone <input checked="" type="checkbox"/> NM East Zone <input type="checkbox"/>	UTM (NAD83) (meters) Zone 13N <input type="checkbox"/> Zone 12N <input type="checkbox"/>	Lat/Long— (WGS84) 1/10 <sup>th</sup> of second	<b>OTHER (allowable only for move-from descriptions - see application form for format)</b> <input type="checkbox"/> PLSS (quarters, section, township, range) <input type="checkbox"/> Hydrographic Survey, Map & Tract <input type="checkbox"/> Lot, Block & Subdivision <input type="checkbox"/> Grant	<b>Well Depth (in feet)</b> <b>*Required on new wells</b>	<b>Casing outside diameter (in inches)</b> <b>*Required on new wells</b>
POD Number: LRG-3150-S-31	X or Longitude 1,520,649	Y or Latitude 305,144	Other Location Description: NW1/4 SE1/4 SE 1/4 Sec 28 T28S R03E		
POD Number: LRG-3150-S-32	X or Longitude 1,510,962	Y or Latitude 310,604	Other Location Description: NW1/4 SW1/4 SW1/4 Sec 20 T28S R03E		
POD Number: LRG-3150 POD41	X or Longitude 1,505,736	Y or Latitude 286,985	Other Location Description: NW1/4 Sec 18 T29S R03E		
POD Number: LRG-3150 POD42	X or Longitude 1,502,922	Y or Latitude 307,623	Other Location Description: SW1/4 SW1/4 NE1/4 Sec 25 T28S R02E		
POD Number: LRG-3150 POD45	X or Longitude 1,504,958	Y or Latitude 309,848	Other Location Description: SE1/4 SE1/4 SE1/4 Sec 24 T28S R02E		
POD Number: LRG-3150 POD46	X or Longitude 31 ° 51' 44	Y or Latitude 106° 42' 44	Other Location Description: NW1/4 Sec 23 T28S R02E		
POD Number:	X or Longitude	Y or Latitude	Other Location Description:		
POD Number:	X or Longitude	Y or Latitude	Other Location Description:		
POD Number:	X or Longitude	Y or Latitude	Other Location Description:		



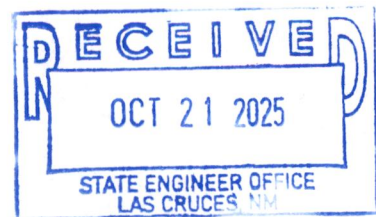
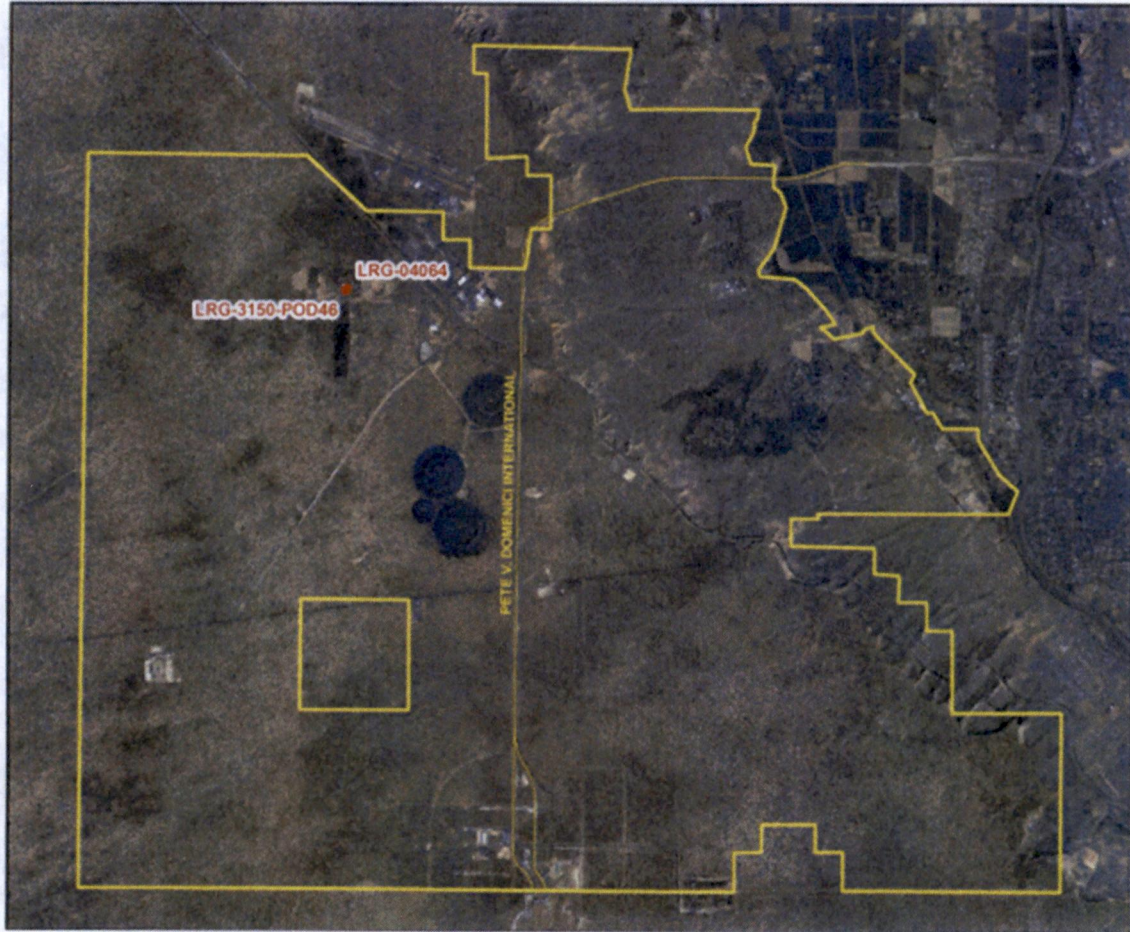
FOR OSE INTERNAL USE

Form WR-08 Version 07/16/2024  
POD DESCRIPTIONS - ATTACHMENT 1

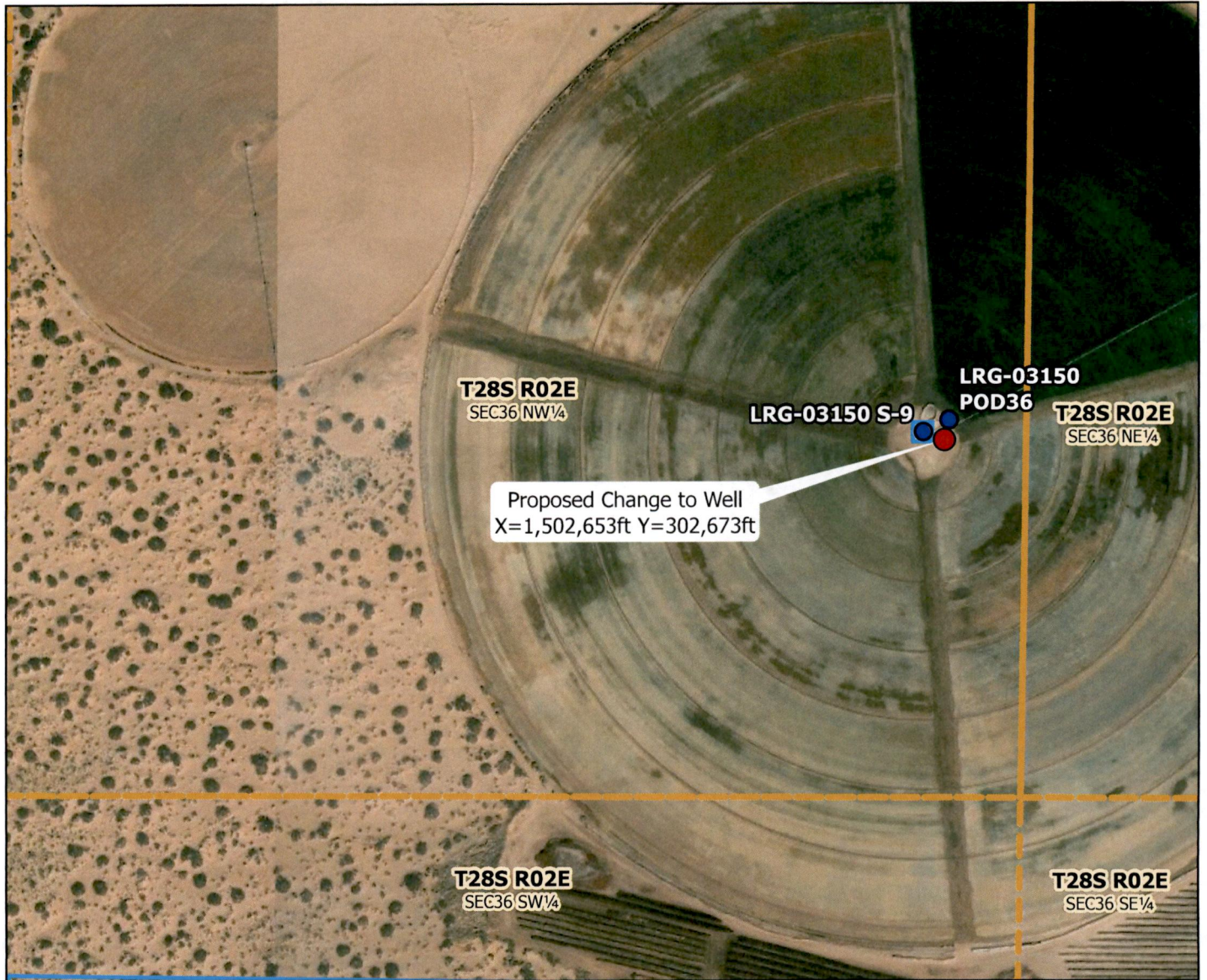
File Number:	Trn Number:
Trans Description (optional):	

**Place and Purpose of Use:**

Irrigation, municipal, industrial, commercial, recreational, and related purposes within 32,020.56 acres of land, owned by various entities, as described in the Amended Declarations and as shown on maps on file with the State Engineer.



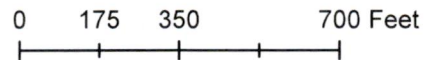
# Location Map



LRG-03150-E

## Application to Change Location of Well LRG-03150-POD36

- Point of Diversion
- Change-To Well
- County Parcel
- NM PLSS



October 21, 2025

State of New Mexico  
Office of the State Engineer  
1680 Hickory Loop, Suite J  
Las Cruces, New Mexico 88005



Attn: Mr. JR Hennessey  
Deputy District IV Supervisor

Re.: LRG-3150-E  
NMSA 72-12-22 Replacement Well Within One Hundred Feet  
Emergency Replacement of LRG-3150 POD36

Dear Mr. Hennessey:

Santa Teresa Capital, LLC, is the owner of groundwater rights recorded and on file with the Office of the State Engineer under file **LRG-3150-E**. These water rights are permitted for irrigation, municipal, industrial, commercial and recreational uses within land in Doña Ana County (as shown on maps on file with the Office of the State Engineer); and LRG-3150 POD36 is a permitted point of diversion for these water rights. In accordance with NMSA 72-12-22, **Santa Teresa Capital, LLC, respectfully requests emergency action from the Office of the State Engineer for permission to drill a replacement well for LRG-3150 POD 36.**

Santa Teresa Capital, LLC, requests this emergency action for the following reasons:

1. The existing well LRG-3150 POD 36 (fka LRG-3150 S-9) has historically been used for commercial purposes to irrigate a commercial sod farm, together with LRG-3150 S-2; S-8 (kna LRG-3150 POD 42); S-13 (kna LRG-3150 POD 49); S-28 (kna LRG-3150 POD 45); and S-17 (kna S-17 Repl.).
2. Production from Well LRG-3150 POD 36 has declined drastically and was recently taken out of service due to well screen and casing failure.
3. Wells LRG-3150 S-2 and LRG-3150 POD 42 have also failed and are currently out of service and beyond repair.
4. The remaining, functional Wells LRG-3150 S-17 Repl. and LRG-3150 POD 45 are currently being used for commercial purposes to irrigate a commercial sod farm and to provide construction water for a large-scale industrial project; the water requirement combined for these two uses cannot be sufficiently supplied from these two remaining, functional wells.
5. Without replacing Well LRG-3150 POD 36, the commercial sod farm will suffer serious economic loss due to reduced or eliminated turf production at the only

Mr. JR Hennessey  
October 21, 2025  
Page 2 of 2

commercial sod production facility in the region. This would materially hurt regional parks and recreation facilities in Doña Ana and El Paso counties and in the cities of Las Cruces and El Paso, including at football, soccer, and baseball fields; and at public and private golf courses.

6. Without replacing Well LRG-3150 POD 36, the large-scale industrial project (which is a priority project for the State of New Mexico and Doña Ana County), will suffer serious economic loss due to delayed construction schedule and related impacts.
7. The proposed replacement well will be drilled within 100-feet of the existing Well LRG-3150 POD 36.
8. The proposed replacement well will be completed in the same underground bolson as the existing well.
9. The proposed replacement well for Well LRG-3150 POD 36 will not increase the appropriation of water to an amount above the existing permitted water rights allowed in the existing well.

Thank you for your consideration of this emergency action request. If you require any additional information, please contact me at 915/539-1800.

Very truly yours,



Gilbert G. Mesa  
Agent for Santa Teresa Capital, LLC

cc: Lane Gaddy, Managing Partner, Santa Teresa Capital, LLC



## Hennessey, Joseph, OSE

---

**From:** Gilbert G. Mesa <gilmesa777@gmail.com>  
**Sent:** Tuesday, October 21, 2025 11:31 AM  
**To:** Hennessey, Joseph, OSE  
**Subject:** [EXTERNAL] Easement document for well site LRG 3150-POD36  
**Attachments:** 4.a. 1330941 (Well and Water Distribution Easement Agreement - 2013-12-23)v-pdf.pdf

You don't often get email from gilmesa777@gmail.com. [Learn why this is important](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

JR,

Here's the complete easement document that includes the 100'x100' well easement for Well LRG-3150 POD36 (see page 78 of 79 of the attachment).

The new well will be drilled within the southeast quadrant of this well easement.

Please let me know if you have any questions.

Thank you.

-Gilbert

**Gilbert G. Mesa**  
**gilmesa777@gmail.com**  
**(915) 539-1800 cell**



COUNTY OF DONA ANA ) EASEMENT  
STATE OF NEW MEXICO ) ss PAGES: 79

I Hereby Certify That This Instrument Was Filed for  
Record On DEC 23, 2013 03:08:32 PM  
And Was Duly Recorded as Instrument # 1330941  
Of The Records Of Dona Ana County



Witness My Hand And Seal Of Office,  
Lynn J. Ellins, County Clerk, Dona Ana, NM

Deputy Renee Torres



8.

DATE 10/25/24/mtg

WELL AND WATER DISTRIBUTION EASEMENT AGREEMENT

This Well and Water Distribution Easement Agreement ("Agreement") is made effective as of Dec. 23, 2013 by and among Paseo Del Norte, LLC, a New Mexico limited liability company ("PDN") and Santa Teresa Land, LLC, a New Mexico limited liability company ("STL") and Verde Realty Operating Partnership, L.P., a Delaware limited partnership f/k/a Verde Realty Master Limited Partnership ("VROP"), Verde Santa Teresa LLC, a Delaware limited liability company ("VST") and Verde Border Industrial Park LLC, a Delaware limited liability company ("VBI") with reference to the following facts and circumstances:

A. Contemporaneously with the execution of this Agreement, PDN and STL acquired the land described on Exhibit A ("PDN and STL Land") from VST and VBI, both of which are affiliates of VROP. VST, VBI and VROP are referred to herein collectively as the "Verde Parties" and individually as a "Verde Party".

B. In the deeds conveying the PDN Land to PDN, VST and VBI reserved and established easements on the PDN and STL Land for the benefit of themselves, VROP and their respective affiliates, successors and assigns (collectively, "Easement Holders") related to the wells included in New Mexico State Engineer File No. LRG-3150, *et al* ("Wells"), as more particularly described in those certain Special Warranty Deeds recorded 12/23, 2013 as Instrument Nos. 1330893, 1330894, 1330895, 1330896 and 1330897 records of Dona Ana County, New Mexico ("Reserved Easements").

C. The Reserved Easements are blanket easements. The parties desire to fix the locations of the Reserved Easements that are currently in use or are planned to be improved with easement improvements in the near future.

D. The parties also desire to provide a process for fixing the future locations of Reserved Easements on the PDN Land, from time to time, in a manner that will allow for both the reasonable and orderly development of the PDN Land and the exercise of the easement rights under the Reserved Easements.

NOW THEREFORE, the parties agree as follows:

1. Located Easements.

1.1 Well Site Easements. The parties hereby establish the location of the certain Reserved Easements for the maintenance, repair and replacement of existing Wells and related equipment and site improvements as described on Exhibits B1, B2 and B3 ("Well Site Easements"), together with rights of ingress and egress to and from the easement areas.

1.2 Utility Easements Easements. The parties hereby establish the location of certain Reserved Easements for the installation, maintenance, repair and replacement of

water distribution lines for the transmission of water from the Wells, either above ground or underground at the Easement Holder's election and the installation, maintenance, repair and replacement of electrical lines for electrical service to the well and water distribution equipment, either above ground or underground at the Easement Holder's election and shown as Private Utility Easements on that certain plat entitled BOUNDARY SURVEY PLAT OF TWO PRIVATE ROAD AND UTILITY EASEMENTS, AND FOUR PRIVATE UTILITY EASEMENTS LYING WITHIN SECTIONS 24, 25, 26 AND 35, T.28S., R.2E., N.M.P.M. AND ONE PRIVATE ROAD AND UTILITY EASEMENT LYING WITHIN SECTION 13, T.29S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS, SANTA TERESA INDUSTRIAL AREA, DONA ANA COUNTY, NEW MEXICO", recorded December 19, 2013, # 30639 Plat Book 23 page 555, a unrecorded copy of which is attached as Exhibit C. Plat # 5277

1.3 Road And Utility Easements. The parties hereby establish the location of certain Reserved Easements for the installation, maintenance, repair and replacement of electrical lines for electrical service to the well and water distribution equipment, either above ground or underground at the Easement Holder's election and for access and shown as Private Road and Utility Easements on that certain plat entitled BOUNDARY SURVEY PLAT OF TWO PRIVATE ROAD AND UTILITY EASEMENTS, AND FOUR PRIVATE UTILITY EASEMENTS LYING WITHIN SECTIONS 24, 25, 26 AND 35, T.28S., R.2E., N.M.P.M. AND ONE PRIVATE ROAD AND UTILITY EASEMENT LYING WITHIN SECTION 13, T.29S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS, SANTA TERESA INDUSTRIAL AREA, DONA ANA COUNTY, NEW MEXICO", recorded December 19, 2013, # 30639 Plat Book 23 page 555, a unrecorded copy of which is attached as Exhibit C. Plat # 5277

1.4 Access to Easement Areas. Easement Holders shall utilize then existing streets, roads or drives to access the easement areas for the Reserved Easements, including those described above or located in the future, to the extent available.

2. Procedures for Locating Easements in the Future. As the need arises for the relocation of the Wells from the locations described in New Mexico State Engineer File No. LRG-3150, *et al*, or for drilling supplemental Wells outside of any existing Well Site Easement, or for the installation or relocation of water distribution lines or electrical lines to serve any Wells, as they may have been relocated, the affected Easement Holder shall give written notice to PDN that it intends to exercise its Reserved Easement rights ("Easement Notice"). The Easement Notice shall include (i) a description of the planned easement improvements (e.g., well and well site improvements, well equipment, water distribution line and equipment and/or electrical line and equipment) and (ii) a description of its preferred fixed location for the subject easement. The Easement Holder shall provide such additional information as may be reasonably requested by PDN. If PDN objects to the fixed location of the subject easement as described in the Easement Notice, PDN shall deliver notice to the Easement Holder that sent the Easement Notice within twenty (20) days after the date of the Easement Notice ("Objection Notice") stating the reason for its objection and proposing an alternative location for the easement. If PDN fails to deliver

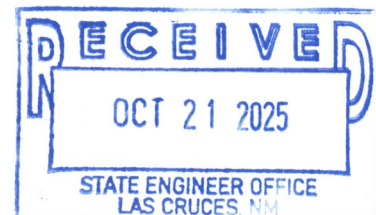


an Objection Notice to the Easement Holder issuing an Easement Notice within such 20-day period, PDN will be deemed to have consented to the easement location as described in the Easement Notice. Within ten (10) days after receipt of the Objection Notice, senior management personnel for the Easement Holder and PDN shall meet to address PDN's objections either in person or by telephone (or video conferencing) and the parties shall endeavor to agree on the location of the subject easement.

2.1 Criteria for Easement Locations. The parties agree that the following criteria shall be used to determine the appropriateness of an easement location and applied in the event of any disputes between the parties regarding the location or relocation of any easements subject to this Agreement.

2.1.1 Easements for Wells and Related Equipment and Site Improvements. Locations for Well Site Easements pursuant to the Reserved Easements for the installation, maintenance, repair and replacement of supplemental or replacement Wells, and related equipment and site improvements, shall be determined based on the following: (i) New Mexico Office of the State Engineer permitting considerations, (ii) availability of water, (iii) distribution needs and (iv) the relative costs of installation of the well and connecting water distribution lines, in a manner that takes into consideration, and seeks to minimize, known adverse impacts on existing improvements on the PDN Land and those improvements contemplated by any subdivision plat, site plan or master plan that have been approved for the PDN Land by the applicable governmental authority or submitted to the applicable governmental authority for approval (each, a "Development Plan") or adverse impact on future development of the PDN Land based on apparent restraints on development resulting from the location of the Well (e.g., location of a well adjacent to an existing road that would have to be significantly widened to accommodate any future development). If a Development Plan exists for the affected portion of the PDN Land, Well Sites shall be located in or adjacent to the set-back areas, common areas or utility easement areas shown on Development Plans, to the extent reasonably practicable and approved by the Office of the New Mexico State Engineer. All Well Site Easements shall have dimensions of at least 100 feet by 100 feet, unless otherwise agreed by the parties.

(a) Undeveloped Land with Existing Development Plan. If the affected portion of the PDN Land is undeveloped (i.e., unimproved) but a Development Plan exists for the affected portion of the PDN Land and the parties do not agree on the location within ten (10) days after the meeting described in Section 2, then the affected Easement Holder shall have the option of choosing the location of the Well Site Easement in accordance with the criteria set forth in Section 2.1.1 and the applicable Development Plan; provided that the location would not prohibit or significantly limit construction of buildings and other improvements on the affected parcel(s) in accordance with the Development Plan. In any event, the location of the Well Site Easement, whether determined by mutual agreement or chosen by the affected Easement Holder, shall be subject to PDN's rights under Section 3 below to relocate the easement, well, well site improvements and well equipment to accommodate future development of the PDN Land.



(b) Undeveloped Land with No Development Plan. If the affected portion of the PDN Land is undeveloped and no Development Plan exists for the affected portion of the PDN Land, the affected Easement Holder shall confer with PDN regarding any pending development plans (i.e., written development plans that are in process, but not yet finalized and ready for submittal to governmental authorities). Easement Holders agree to endeavor to accommodate pending development plans, provided that such pending development plans are sufficiently detailed to provide determinable locations of roads, utility easements and improvements. However, if no Development Plan exists for the affected portion of the PDN Land and PDN and the Easement Holder do not mutually agree on the location of the Well Site Easement within ten (10) days after the meeting described in Section 2, the Easement Holder shall have the option of choosing the location of the Well Site Easement in its reasonable discretion, subject to PDN's rights under Section 3 below to relocate the easement, well, well site improvements and well equipment to accommodate future development of the PDN Land.

(c) Developed Land. If the affected portion of the PDN Land is developed (i.e., improved) and PDN and effected Easement Holder fail to agree on the location of the Well Site Easement within ten (10) days after the meeting described in Section 2, then the affected Easement Holder shall have the option of choosing the easement location in accordance with Development Plan and the criteria set forth in Section 2.1.1, in its reasonable discretion, provided that the location would not interfere with the use and enjoyment of the buildings and other improvements located on the affected parcel(s) in any material respect. In any event, the location of the Well Site Easement, whether determined by mutual agreement or chosen by the affected Easement Holder, shall be subject to shall be subject to PDN's rights under Section 3 below to relocate the easement, well, well site improvements and well equipment to accommodate future development of the PDN Land.

2.1.2 Water Distribution Easements and Electrical Line Easements. Whether developed or undeveloped, if the affected portion of the PDN Land is subject to a Development Plan, then locations for Water Line Easements and Electrical Line Easements pursuant to the Reserved Easements for future water distribution lines and electrical lines shall be located along the road rights of way or parcel boundaries or in designated utility easements as shown on the Development Plan, to the extent reasonably possible. If the affected portion of the PDN Land is undeveloped and no Development Plan exists, the applicable Easement Holder shall confer with PDN regarding future development plans, but the Easement Holder shall have the option of choosing the easement locations in its reasonable discretion, subject to PDN's rights under Section 3 below to relocate the easements and the water distribution lines, electrical lines and related equipment therein to accommodate future development of the PDN Land. Water Line Easements and Electrical Line Easements not located in existing utility easements shall be a minimum of twenty (20) feet wide, unless otherwise agreed by the parties.



2.2 Amendment. The locations of Reserved Easements established pursuant to this Section 2 shall be included in an amendment to this Agreement executed by PDN and the Easement Holders, recorded in the official records of Doña Ana County, New Mexico. The affected Easement Holder(s) shall cause the amendment to be prepared and recorded, after execution by PDN and the Easement Holder(s), at the Easement Holder(s)' cost. Any such amendment shall be effective only to provide for the easement location(s) then being established and shall not limit or extinguish the blanket Reserved Easements.

3. Relocation of Easements and Facilities by PDN.

3.1 Relocation of Wells and Appurtenant Water Distribution and Electrical Lines. Subject to the terms and conditions of this Section 3, PDN shall have the right to relocate Wells, well site improvements, and appurtenant water distribution lines and electrical lines, and related equipment, to a location elsewhere on the PDN Land in order to accommodate development or redevelopment of the PDN Land provided that the following conditions ("Conditions") are satisfied: (i) water distribution is not interrupted, (ii) the design of any replacement well and appurtenances equals or exceeds that of the well it is replacing, (iii) any replacement well equals or exceeds the water production capacity of the well it is replacing, (iv) the water produced from any replacement well meets applicable New Mexico Environment Department and federal EPA standards, and is of a quality that is equal to or better than the quality of the water produced by the well it is replacing, (v) PDN pays all of the costs to design and drill the replacement well (including environmental review, if any), to purchase and install the well pump, water meters and other equipment, to relocate water distribution lines and related equipment, and to relocate electrical lines and appurtenant equipment, to remove abandoned water distribution lines and electrical lines, and to plug and abandon the Well, as applicable, (vi) PDN obtains a well relocation permit from the New Mexico Office of the State Engineer and all other governmental approvals required for the relocation (including plugging and abandonment of the existing Well), as well as, approvals required by any utility providers with an interest in the subject Well, water distribution lines or electrical lines and (vii) PDN pays the costs to prepare and record an amendment to this Agreement reflecting the relocated easements. Wells cannot be relocated without (i) the prior written consent of the Easement Holders, which consent shall not be unreasonably conditioned or withheld and (ii) the approval of the New Mexico Office of the State Engineer. Easement Holders agree that any aboveground water distribution lines or electric lines relocated by PDN in accordance with this Section 3 may be installed underground, at PDN's cost. Without limiting the foregoing, it is the parties' intent that PDN shall have the right to relocate a Well when all the Conditions have been satisfied (or waived as provided in Section 3.1.1 below) and the New Mexico Office of the State Engineer has approved the relocation, absent unforeseen events and circumstances not contemplated by this Agreement.

3.1.1 Waiver or Modification of Conditions; Notice of Relocation. PDN and the affected Easement Holder(s) may agree in writing, each in their sole discretion, to waive or modify any of the Conditions other than the Condition described in subsection

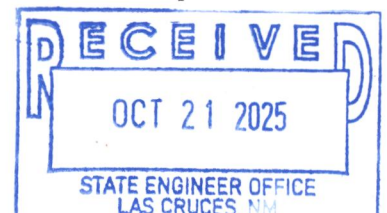


3(vi) above. If PDN desires to have a Well, and its appurtenant water distribution lines and electrical lines, relocated PDN shall give written notice to the affected Easement Holder(s) requesting consent to the relocation, together with a description of the proposed relocated well site and appurtenant water distribution and electrical lines and documentation substantiating its satisfaction of all of the Conditions not waived in writing by the parties or its plan for satisfaction of Conditions not yet satisfied ("Well Relocation Notice"). PDN shall provide such additional information as may be reasonably requested by the Easement Holder(s).

**3.1.2 Notice; Meeting if Consent Denied.** If the affected Easement Holder(s) do not deliver notice to PDN granting or denying consent to the requested relocation within twenty (20) days after the date of the Well Relocation Notice, the Easement Holder(s) shall be deemed to have denied consent. If an Easement Holder denies consent to the relocation of a Well (or is deemed to have denied consent), then such Easement Holder shall (i) explain to PDN the basis for its denial and provide PDN an opportunity to address the Easement Holder's concerns and (ii) within ten (10) days after such denial or deemed denial, senior management personnel for the Easement Holder(s) and PDN shall meet, either in person, by telephone or by video conferencing, to endeavor to come to an agreement concerning the relocation. If the parties mutually agree, the parties may participate in non-binding mediation regarding the requested relocation.

**3.1.3 Relocation at PDN's Cost.** If the affected Easement Holder(s) consent to the relocation of a Well, then the consenting Easement Holder(s) shall promptly undertake the relocation of the Well at PDN's cost (the drilling of the relocated Well and the installation of well site improvements and well equipment for the relocated Well, the plugging and abandonment of the existing Well, and all design work and permitting for the foregoing). Upon the abandonment and plugging of an existing Well in accordance with NMAC Section 19.27.4.30(C), (i) the plugged Well shall be property, and sole responsibility, of PDN or its successor in interest to the land on which the plugged Well is located and (ii) the affected Easement Holder(s) shall have no liability for the plugged Well from and after the date such Well is plugged other than any liability arising from the work performed by the Easement Holder(s) to plug the Well.

**3.2 Relocation of Water Distribution or Electrical Lines Only.** Subject to the terms and conditions of this Section 3, PDN shall have the right to relocate water distribution lines and electrical lines serving a Well to a location elsewhere on the PDN Land (including undergrounding such existing water distribution lines and electrical lines), without relocating the Well served by such water distribution lines or electrical lines, at PDN's sole cost, in order to accommodate development of the PDN Land provided that (i) water distribution is not interrupted and (ii) PDN has obtained all required approvals from applicable governmental authorities and any utility providers with an interest in the subject water distribution lines and electrical lines with the consent of the affected Easement Holder(s). The affected Easement Holder(s) shall not unreasonably condition or withhold consent for the relocation of any water distribution lines and electrical lines when these conditions have been satisfied, the parties' intent being that PDN shall have the right to relocate a water distribution lines and electrical lines upon



satisfaction of the conditions, absent unforeseen events and circumstances not contemplated by this Agreement.

**3.2.1 Notice; Meeting if Consent Denied.** If PDN desires to relocate water distribution lines and/or electrical lines serving a Well, PDN shall give Easement Holders written notice requesting consent to the relocation together with a description of the proposed location of the relocated water distribution lines and/or electrical lines and copies of the required approvals for the relocation granted by the applicable governmental authorities and utility providers ("Line Relocation Notice"). PDN shall provide such additional information as may be reasonably requested by the Easement Holder(s). If the affected Easement Holder(s) do not deliver notice to PDN granting or denying consent to the requested relocation within twenty (20) days after the date of the Line Relocation Notice, the Easement Holder(s) shall be deemed to have denied consent. If an Easement Holder denies consent to the relocation of a water distribution line or electrical line (or is deemed to have denied consent), then such Easement Holder shall (i) explain to PDN the basis for its denial and provide PDN an opportunity to address the Easement Holder's concerns and (ii) within ten (10) days after such denial or deemed denial, senior management personnel for the Easement Holder(s) and PDN shall meet either in person or by telephone (or video conferencing), to endeavor to come to an agreement concerning the relocation. If the parties mutually agree, the parties may participate in non-binding mediation regarding the requested relocation.

**3.2.2 Relocation at PDN's Cost.** If the affected Easement Holder(s) consent to the relocation of a water distribution lines and/or electrical lines, then the consenting Easement Holder(s) shall promptly undertake the relocation at PDN's cost, including the removal of the existing water distribution lines and/or electrical lines.

**3.3 Reimbursement of Costs.** PDN shall reimburse Easement Holder(s) for such costs incurred under Sections 3.1.3 and 3.2.2 ("Relocation Costs") as the work progresses, within thirty (30) days after receipt of a request for reimbursement together with copies of contracts, invoices and other with documentation reasonably substantiating the amount of the amount of the reimbursement requested. Relocation Costs shall be billed to PDN at cost, without any mark-up for overhead or profit.

**3.4** Amounts not paid when due shall bear interest at the rate of twelve percent (12%) per annum from the date due until paid.

**3.5 Security.** Without limiting the foregoing in any respect, Easement Holders may condition consent to any relocation described in Sections 3.1 or 3.2 above upon provision of adequate security for payment of the costs to be incurred by the Easement Holder to relocate the Well, plug and abandon the existing Well and relocate water distribution lines and/or electrical lines. Such security may be in the form of a payment bond, irrevocable letter of credit, or other form of security reasonably acceptable to the affected Easement Holder(s).

**3.6 Amendment.** When a Well is relocated in accordance with this Section 3 and the existing Well it is replacing is plugged and abandoned in accordance with the applicable legal



requirements, then the Well Site Easement may be abandoned. When the water distribution lines and electrical lines serving the plugged Well have been removed, then the affected Water Line Easement and Electrical Line Easement may be abandoned. The location and dimensions of the easements established pursuant to this Section 3 and the abandonment of easements pursuant to this Section 3 shall be included in an amendment to this Agreement executed by PDN and the affected Easement Holder, and recorded in the official records of Doña Ana County, New Mexico. PDN shall cause the amendment to be prepared and recorded at its cost.

3.7 Relocation Not Applicable to Monitoring Wells. PDN acknowledges and agrees that this Section 3 does not apply to any monitoring well, and electrical lines serving such wells, if any, maintained on the PDN Land by or under the control of the New Mexico Environment Department or any other governmental entity.

4. Insurance. The Verde Parties agree to maintain commercial general liability insurance in an amount not less than Two Million Dollars (\$2,000,000) per occurrence and in the annual aggregate, under any combination of primary and excess policies, and to provide PDN and, if requested by PDN, its lender(s) holding a mortgage lien or deed of trust on the PDN Land, with a certificate of insurance evidencing such coverage prior to entry onto any of the easement areas established under this Agreement. Such policies shall provide that the insurer will endeavor to give PDN thirty (30) days prior notice (10 days for non-payment of premiums) of the cancellation or the expiration and non-renewal of the insurance policy(ies).

5. Notice. All notices, demands or requests required or permitted to be made under this Agreement must be in writing and sent (a) by U.S. Mail, postage prepaid and by certified or registered mail, return receipt requested, (b) by Federal Express or other reputable independent overnight delivery service providing written evidence of delivery, (c) by hand delivery by a reputable independent courier providing written evidence of delivery, or (d) by e-mail transmission, provided that such notice is concurrently sent by one of the methods set forth in clauses (a) through (c) above, addressed as follows:

If to Verde Parties: c/o IDI  
Attn. General Counsel  
David Laibstain  
1100 Peachtree Street, Suite 1100  
Atlanta, GA 30309  
Fax: (404) 479.4115  
Email: dlaibstain@idi.com

If to PDN: Paseo Del Norte, LLC  
c/o Blank Rome LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, New York 10174-0208  
Attn: Jeffrey N. Siegel, Esq.  
E-Mail: jsiegel@blankrome.com



Such notices, demands or requests shall be deemed to have been given and delivered on the date of actual receipt thereof (or refusal of delivery). A party may change the address to which such notices, demands or requests shall be mailed hereunder by written notice of such new address mailed to the other party(ies) hereto in accordance with the provisions of this Paragraph. Notice given by legal counsel on behalf of any party shall be deemed to be given by such party.

6. Prior Easements. The PDN Land is also subject to the easements granted to VROP by that certain Correction Deed, Assignment of Easements and Grant of Access Easement dated May 20, 2005 and recorded June 16, 2005 as Reception No.19452, Book 617, Pages 225-227, records of Doña Ana County, New Mexico ("Prior Granted Easements"). An undivided fifty percent (50%) interest in the Prior Granted Easements was conveyed by VROP to Doña Ana County by Quitclaim Deed, Assignment of Easements and Grant of Access Easements recorded June 16, 2005, #19451, records of Doña Ana County, New Mexico, and conveyed by Doña Ana County to Camino Real Regional Utility Authority ("CRRUA") by Quitclaim Deed, Assignment of Easements and Grant of Access Easements to LRG-3150 Well Sites recorded February 1, 2012, #1202818, records of Doña Ana County, New Mexico. Nothing herein shall constitute a termination or modification of the Prior Granted Easements, which shall remain in effect, or the rights of CRRUA thereunder.

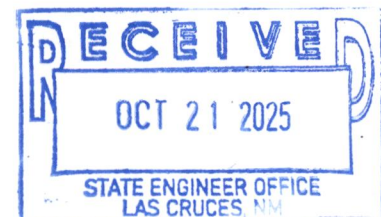
7. Assignment. This Agreement and the Reserved Easements may be assigned by any of the Easement Holders by a written assignment recorded in the records of Doña Ana County New Mexico ("Assignment"), which shall be effective as of the date the Assignment is recorded. Any such Assignment shall include the name and address of the assignee for the purposes of delivering and receiving notice under this Agreement. Further, if an Assignment affects less than all of the Wells, the Assignment shall reasonably identify the Wells affected by the Assignment.

8. Covenant Running With the Land. All provisions of this Agreement, including the benefits and burdens, shall run with the land and are binding upon and inure to the benefit of the successors and assigns of the parties hereto.

9. Governing Law. The parties hereto agree that all matters of construction and interpretation with regard to this Agreement shall be governed by the laws of the State of New Mexico.

10. Counterparts. This Agreement may be executed in counterparts that together will be one instrument.

(signature page follows)



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date set forth above.

Verde Realty Operating Partnership, L.P.,  
a Delaware limited partnership

Paseo Del Norte, LLC, a New Mexico limited  
liability company

By: *David Birdwell*  
Name: David Birdwell  
Title: Chief Operating Officer

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Verde Santa Teresa LLC, a Delaware  
limited liability company

Santa Teresa Land, LLC, a New Mexico limited  
liability company

By: Verde Realty Operating  
Partnership, L.P., a Delaware limited  
partnership, its sole member

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: *David Birdwell*  
Name: David Birdwell  
Title: Chief Operating Officer

Verde Border Industrial Park LLC, a  
Delaware limited liability company

By: Verde Realty Operating  
Partnership, L.P., a Delaware limited  
partnership, its sole member

By: *David Birdwell*  
Name: David Birdwell  
Title: Chief Operating Officer



ACKNOWLEDGMENTS

STATE OF Georgia

COUNTY OF Fulton

This instrument was acknowledged before me this 19<sup>th</sup> day of December, 2013 by David R. Birdwell, the Chief Operating Officer of Verde Realty Operating Partnership, L.P., on behalf of said limited partnership.

Mona L Hand  
Notary Public

Mona L. Hand  
Notary Public, Gwinnett County, Georgia  
My Commission Expires Feb. 10, 2017



STATE OF Georgia

COUNTY OF Fulton

This instrument was acknowledged before me this 19<sup>th</sup> day of December, 2013 by David R. Birdwell, the Chief Operating Officer of Verde Realty Operating Partnership, L.P., the sole member of Verde Santa Teresa LLC, on behalf of said company.

Mona L Hand  
Notary Public

Mona L. Hand  
Notary Public, Gwinnett County, Georgia  
My Commission Expires Feb. 10, 2017



STATE OF Georgia

COUNTY OF Fulton

This instrument was acknowledged before me this 19<sup>th</sup> day of December, 2013 by David R. Birdwell, the Chief Operating Officer of Verde Realty Operating Partnership, L.P., the sole member of Verde Border Industrial Park LLC, on behalf of said company.

Mona L Hand  
Notary Public

Mona L. Hand  
Notary Public, Gwinnett County, Georgia  
My Commission Expires Feb. 10, 2017



STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by \_\_\_\_\_, the \_\_\_\_\_ of Paseo Del Norte, LLC, on behalf of said company.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

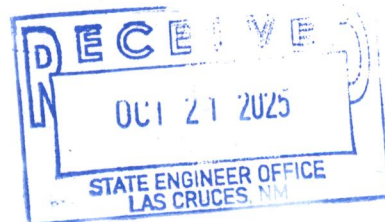
STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by \_\_\_\_\_, the \_\_\_\_\_ of Santa Teresa Land, LLC, on behalf of said company.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date set forth above.

Verde Realty Operating Partnership, L.P.,  
a Delaware limited partnership

By: \_\_\_\_\_  
Name: David Birdwell  
Title: Chief Operating Officer

Paseo Del Norte, LLC, a New Mexico limited  
liability company

By: *[Signature]*  
Name: CHRISTOPHER D. LYONS  
Title: PRESIDENT

Verde Santa Teresa LLC, a Delaware  
limited liability company

By: Verde Realty Operating  
Partnership, L.P., a Delaware limited  
partnership, its sole member

Santa Teresa Land, LLC, a New Mexico limited  
liability company

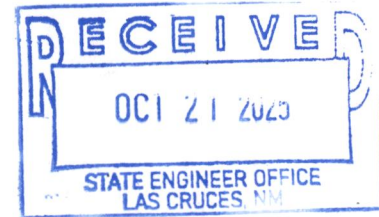
By: *[Signature]*  
Name: CHRISTOPHER D. LYONS  
Title: PRESIDENT

By: \_\_\_\_\_  
Name: David Birdwell  
Title: Chief Operating Officer

Verde Border Industrial Park LLC, a  
Delaware limited liability company


By: Verde Realty Operating  
Partnership, L.P., a Delaware limited  
partnership, its sole member

By: \_\_\_\_\_  
Name: David Birdwell  
Title: Chief Operating Officer



STATE OF New York  
COUNTY OF New York

This instrument was acknowledged before me this 19 day of December, 2013  
by Christopher Lyons, the President of Paseo Del Norte, LLC, on behalf of said  
company.




Notary Public

**MARJORIE A. ROSEN**  
Notary Public, State of New York  
No. 4654195  
Qualified in New York County  
Commission Expires May 31, 2015

My Commission Expires: 5/31/15

STATE OF New York  
COUNTY OF New York

This instrument was acknowledged before me this 19 day of December, 2013  
by Christopher Lyons, the President of Santa Teresa Land, LLC, on behalf of said  
company.



Notary Public

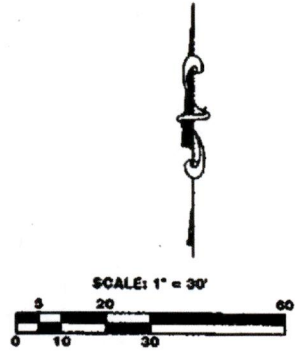
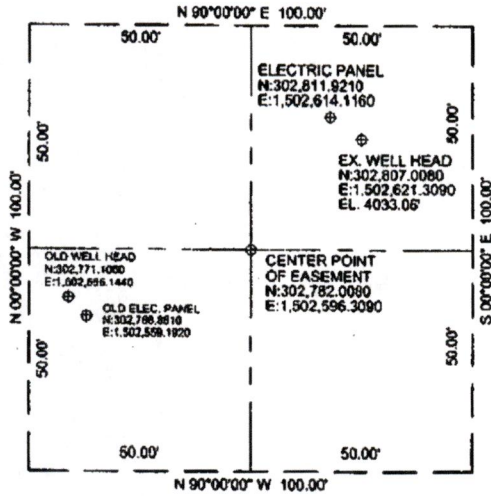
**MARJORIE A. ROSEN**  
Notary Public, State of New York  
No. 4654195  
Qualified in New York County  
Commission Expires May 31, 2015

My Commission Expires: 5/31/15

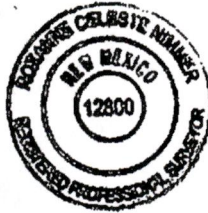


EXHIBIT B-3

PLAT OF SURVEY OF A 10,000 SQ. FT. WELL EASEMENT  
 N.M.O.S.E. WELL NO. LRG-3150 POD 36  
 LOCATED IN SECTION 36, T.28S., R.2E.,  
 N.M.P.M. OF THE U.S.G.L.O. SURVEYS  
 IN THE SANTA TERESA INDUSTRIAL PARK AREA,  
 SANTA TERESA, DONA ANA COUNTY, NEW MEXICO  
 AUGUST 06, 2013



NORTHING	EASTING	LATITUDE	LONGITUDE	DESCRIPTION
302,782.0080	1,502,596.3090	31°49'54.0\"N	106°41'37.7\"W	EASEMENT CENTER POINT
302,807.0080	1,502,621.3090	31°50'43.7\"N	106°41'37.6\"W	EXISTING WELL HEAD



SURVEYOR'S CERTIFICATION

I, ROXANNE C. NIMMER, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO.

*Roxanne C. Nimmer*  
 ROXANNE C. NIMMER, PS 12800

8/06/13  
 DATE OF SURVEY

NOTES:

- 1) BASIS OF BEARING : NM STATE PLANE COORDINATES, MODIFIED AS PER BOHANNON HUSTON INC. REPORT DATED 8/21/2007, REVISED 5/7/2009, BHI PROJECT NO. 070336.001.01 SRVABQ.
- 2) PURPOSE OF SURVEY: TO CREATE EASEMENT AROUND WELL SITE.
- 3) CONVERSION OF COORDINATES TO LAT/LONG PER CORPSCON SOFTWARE.
- 4) COORDINATES AS SHOWN IN NM STATE PLANE-CENTRAL ZONE (FEET, NAD83), AS PER NOTE 1. DISTANCES AS SHOWN IN GROUND. ELEVATIONS SHOWN IN FEET (NGVD 88).



**DEL SUR SURVEYING, LLC**  
 HC 30, Box 61  
 9120 SNOW ROAD  
 MESILLA PARK, NM 88047  
 575.496.7042

DRAWING: 13010 W02 WELL STRES.DWG/POD 36





Elizabeth K. Anderson, P.E.  
State Engineer



1680 Hickory Loop, Suite J  
Las Cruces, New Mexico 88005-6598  
Phone: (575) 524-6161  
FAX: (575) 524-6160

**STATE OF NEW MEXICO**  
**OFFICE OF THE STATE ENGINEER**  
*District 4 Office*

October 23, 2025

Santa Teresa Capital, LLC  
Attn: Gilbert Mesa  
829 Rosinante Road  
El Paso, TX 79922

Re: Emergency Authorization  
File No.: LRG-03150-E

Greetings:

In recognition of an emergency situation and pursuant to the authority of NMSA 1978 §72-12-22, the State Engineer authorizes the drilling and use of well LRG-03150-POD 50, subject to the attached Order.

Enclosed, please find the following:

- Meter report form, which must be properly completed and submitted to this office for well LRG-03150-POD 50
- Well identification tag, which must be firmly affixed by the well driller to well casing or cap with a steel band upon completion of drilling of well LRG-03150-POD 50
- Plugging record form, which must be properly completed and submitted to this office for the plugging of old well LRG-03150-POD 36.

You are required to email [nm.driller@ose.nm.gov](mailto:nm.driller@ose.nm.gov) with the following information when the driller is enroute to the drilling site: OSE Permit number, POD number, physical address, drilling company and license number, and date/time driller is to be on site.

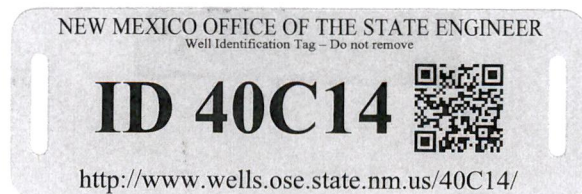
Please keep in mind that issuance of this Order does not obligate the State Engineer to approve your pending application and any aggrievial of the final permit will prohibit use of the well until the aggrievial hearing process is resolved.

Please call me at 575-888-3945 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J.R. Hennessey".

J.R. Hennessey  
Deputy District Manager  
District IV WRAP



**BEFORE THE NEW MEXICO STATE ENGINEER**

IN THE MATTER OF THE REQUEST )  
OF SANTA TERESA CAPITAL, LLC FOR )  
EMERGENCY AUTHORIZATION TO ) OSE File No.: LRG-03150-E  
DRILL AND USE REPLACEMENT )  
WELL LRG-03150-POD 50 IN THE LOWER )  
RIO GRANDE UNDERGROUND WATER )  
BASIN )

**EMERGENCY AUTHORIZATION TO DRILL AND USE REPLACEMENT WELL**

Pursuant to the request on October 21, 2025, seeking emergency authorization to commence drilling and use of replacement well LRG-03150-POD 50 prior to publication and hearing, and pursuant to the authority of NMSA 1978 § 72-12-22, the State Engineer finds the following:

- 1) The State Engineer has jurisdiction of the applicant and the subject matter.
- 2) On October 21, 2025, Santa Teresa Capital, LLC. filed proper application number LRG-03150-POD 50 for Permit to Change an Existing Water Right and accordingly filed with a request for emergency authorization to drill and use replacement well LRG-03150-POD 50 within 100 feet of existing well LRG-03150-POD 36. The request disclosed that an emergency situation exists in which the delay caused by publication and hearing would result in serious economic loss.
- 3) Records on file in this office identify the applicant as the owner of groundwater right exercised from the subject well.
- 4) The new well will be drilled into the same and only the same underground stream as the original well.
- 5) The appropriation will be the same amount of water allowed by the water right from the original well.

- 6) Preliminary investigation indicates that the replacement well will not result in depleting the Rio Grande greater than effects incurred historically by the original well.
- 7) Preliminary investigation indicates that the replacement well will not result in the impairment to other wells of other ownership in the area greater than effects incurred historically by the original well.
- 8) An emergency situation exists in which delays caused by publication and hearing may result in economic loss.

**Therefore**, emergency authorization to drill and use replacement well LRG-03150-POD 50 is approved subject to the following conditions:

- 1) The appropriation of water from replacement well LRG-03150-POD 50 shall be from the same underground source or stream as the original well and shall be limited to the same amount of water, place and purpose of use allowed by the water rights from the original well as permitted previously.
- 2) The new well shall be drilled by a well driller licensed in the State of New Mexico. The well driller shall file a complete well record and log with the Office of the State Engineer in Las Cruces, and with the Permittee, no later than 30 days after completion of the drilling project, Subsection N of 19.27.4.29 NMAC. It is the Permittee's responsibility to ensure that the well driller files the well record and log with the Office of the State Engineer. The well driller may obtain the well record and log form from any district office or from the Office of the State Engineer website.
- 3) Construction of a water well by anyone without a valid New Mexico Well Driller License is illegal, and the well owner shall bear the cost of plugging the well by a licensed New Mexico

well driller. This does not apply to driven wells, the casing of which does not exceed two and three-eighths outside diameter.

- 4) The exercise of this authorization shall not be to the detriment of valid existing water rights, shall not be contrary to conservation of water and shall not be detrimental to the public welfare of the state of New Mexico.
- 5) Replacement well LRG-03150-POD 50 shall be located within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 36, Township 28 South, Range 02 East NMPM, and more specifically at or near where Latitude and Longitude intersect at 31° 49' 52.9"N 106° 41' 37.0W (WGS84).
- 6) Replacement well LRG-03150-POD 50 shall be equipped with a totalizing meter of a type and at a location approved by and installed in a manner acceptable to the State Engineer. The permittee shall provide in writing the make, model, serial number, date of installation, initial reading, units, and dates of recalibration of each meter, and any replacement meter used to measure the diversion of water. No water shall be diverted from any well unless equipped with a functional totalizing meter.
- 7) Written records of the amount of water pumped from well LRG-03150-POD 50 and existing wells LRG-7279, LRG-3150, LRG-3150-S-2, LRG-3150-S-3, LRG-3150-S-4, LRG-3150-S-6, LRG-3150-S-11 through LRG-3150-S-17, LRG-3150-S-19, LRG-3150-S-20, LRG-3150-S-22, LRG-3150-S-24 through LRG-3150-S-28, LRG-3150-S-31, LRG-3150-S-32, , LRG-3150 POD41, LRG-3150 POD42, LRG-3150 POD45 and LRG-3150 POD46, if equipped and operational, shall be submitted in writing to the Office of the State Engineer in Las Cruces on or before the tenth day of each month for the preceding calendar month.
- 8) Well LRG-03150-POD 36 shall be plugged completely using the following method per Rules and Regulations Governing Well Driller Licensing, Construction, Repair and Plugging of

Wells; Subsection C of 19.27.4.30 NMAC unless an alternative plugging method is proposed by the well owner and approved by the State Engineer.

All pumping appurtenance shall be removed from the well prior to plugging. To plug a well, the entire well shall be filled from the bottom upwards to ground surface using a tremie pipe. The bottom of the tremie shall remain submerged in the sealant throughout the entire sealing process; other placement methods may be acceptable and approved by the State Engineer.

The well shall be plugged with an Office of the State Engineer approved sealant for use in the plugging of non-artesian wells.

The well driller shall cut the casing off at least four (4) feet below ground surface and fill the open hole with at least two (2) vertical feet of approved sealant.

Wells that do not encounter a water bearing stratum shall at a minimum be plugged by filling the well with drill cuttings or clean native fill to within 10 feet of land surface and by plugging the remaining 10 feet of the well to ground surface with a plug of the office of the state engineer approved sealant.

The driller must fill or cover any open annulus with sealant. Once the sealant has cured, the well driller or well owner may cover the seal with soil.


- 9) 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 ditch or acequia to measure flow and also to the well for meter reading and water level measurement.
- 10) The State Engineer supplied well identification tag shall be firmly affixed by the well driller to the well casing or cap with a steel band upon completion in accordance with Subsection M of

19.27.4.29 NMAC. The permit holder is responsible for maintaining the well identification tag.

- 11) You, the applicant, are required to email nm.driller@ose.nm.gov with the following information when the driller is enroute to the drilling site: OSE Permit number, POD number, physical address, drilling company and license number, and date/time driller is to be on site.
- 12) The issuance of this authorization does not obligate favorable consideration by the State Engineer on the pending application.
- 13) This authorization expires upon final action of the State Engineer.

Dated this 23<sup>rd</sup> day of October A.D. 2025

Elizabeth K. Anderson, P.E.  
State Engineer

By:   
J.R. Hennessey  
Deputy District Manager  
District IV WRAP





**STATE OF NEW MEXICO**  
**OFFICE OF THE STATE ENGINEER**  
*District 4 Office, Las Cruces, NM*

Elizabeth K. Anderson, P.E.  
State Engineer

1680 Hickory Loop, Suite J  
Las Cruces, New Mexico 88005-6598  
PHONE: (575) 524-6161  
FAX: (575) 524-6160

Date: 11/3/2025

Santa Teresa Capital, LLC  
Attn: Gilbert Mesa  
829 Rosinante Road  
El Paso, TX 79922

**Re: Notice for Publication for Application LRG-03150-POD50 for Permit to Change  
Location of Well within the Lower Rio Grande Underground Water Basin**

Tracking ID No.: 30409

Greetings:

Enclosed is the Notice for Publication (Notice) for the above-referenced application. In accordance with applicable law, and because the point of diversion and places of use are located within Doña Ana County, please have the Notice published in the Las Cruces Bulletin in the section designated by the newspaper for public and legal notices, and submit an Affidavit of Publication (Affidavit) to this office according to the following instructions.

**Publication of Notice**

It is your responsibility, as the Applicant, to arrange and pay for the enclosed Notice to be published in the section designated by the Las Cruces Bulletin for public and legal notices, at the applicant's expense, once a week for three (3) consecutive weeks. Publication should begin as soon as possible after receipt of this Notice to ensure completion of publication within sixty (60) days of October 31, 2025, the date this Notice was posted to the Office of the State Engineer website.

**Late Publication**

If the last of the three consecutive weekly publications takes place after December 30, 2025, you must request that the Office of the State Engineer ("OSE") prepare a new notice, which must then be published and posted again for a new three-week period. If you fail to request a new notice or fail to publish the new notice in a timely manner, the application may be deemed to have been voluntarily withdrawn. If this letter is the result of a reissuance, and you fail to publish the new notice in the manner described above, the application may be deemed to have been voluntarily withdrawn.

### **Affidavit of Publication (Publisher's Affidavit)**

If the Notice has been published within the prescribed timeline, the Publisher's Affidavit must then be received by the OSE district office within twenty (20) days after the date of the last publication. If the publishing newspaper provides this service, the publisher may submit the Publisher's Affidavit to the OSE directly. If the newspaper does not perform this step for you, you must submit the affidavit once you receive it from the newspaper. In either case, it is your responsibility to ensure that the OSE timely receives the Publisher's Affidavit. You may contact this district office or check the OSE website at <https://www.ose.nm.gov/NFP/nfp.php> to confirm receipt of the affidavit from the publisher.

### **Late Submission of Publisher's Affidavit**

- If the OSE does not timely receive the Publisher's Affidavit, this district office may deem the application to have been voluntarily withdrawn.

### **Content and Effect of Notice**

The accuracy of the content of this Notice is the responsibility of the applicant, and the State Engineer is not liable for any additional expense incurred as a result of defects of the notice content, including the necessity of re-advertisement. If an error is found in the enclosed Notice, or if you disagree with the content, please notify this office before presenting it to the newspaper. It is also your responsibility to ensure that the legal advertisement in the newspaper is accurate, conforms to the requirements in this letter, and that it contains all the information set forth in the enclosed Notice. You should check the first publication and advise the newspaper of any necessary corrections.

This Notice is not a permit, and neither issuance of this Notice nor lack of protest thereto in any way indicates favorable action by the State Engineer, or approval of the application as requested.

Sincerely,



Shannon Rees  
Senior Water Resources Professional  
District IV WRAP

**NOTICE** is hereby given that on October 21, 2025, Santa Teresa Capital, LLC, filed with the **STATE ENGINEER** Application No.: LRG-03150-POD50, OSE File No.: LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico by discontinuing the use of well LRG-03150-POD36 located within the NE¼ SE¼ NW¼ of Section 36, Township 28S, Range 02E, NMPM, and more specifically described where Latitude and Longitude intersect at 31° 49' 53.4" N, 106° 41' 36.9" W (WGS84), on land owned by Paseo Del Norte LLC, and drilling well LRG-03150-POD50 to a depth of 700 feet for 16-inch casing, to be located within the NE¼ SE¼ NW¼ of said Section 36, and more specifically described where Latitude and Longitude intersect at 31° 49' 52.9" N, 106° 41' 37" W (WGS84), on land owned by Paseo Del Norte LLC, to be used in conjunction with existing wells LRG-03150, LRG-03150-S-2, LRG-03150-S-3, LRG-03150-S-4, LRG-03150-S-6, LRG-03150-S-11, LRG-03150-S-12, LRG-03150-S-13, LRG-03150-S-14, LRG-03150-S-15, LRG-03150-S-16, LRG-03150-S-17, LRG-03150-S-19, LRG-03150-S-20, LRG-03150-S-22, LRG-03150-S-24, LRG-03150-S-25, LRG-03150-S-26, LRG-03150-S-27, LRG-03150-S-28, LRG-03150-S-31, LRG-03150-S-32, LRG-03150-POD41, LRG-03150-POD42, LRG-03150-POD45, LRG-03150-POD46, LRG-07279 for the continued diversion of 2,400 acre-ft per annum for irrigation, municipal, industrial, commercial, and recreational purposes within 32,020.56 acres of land, owned by various entities, as described in the LRG-03150 et al. amended declarations and shown on maps on file with the State Engineer. Old well LRG-03150-POD36 will be plugged. The site for new well LRG-03150-POD50 is located southwest of Santa Teresa, NM and is approximately 0.74 miles northwest of the intersection of State Highway 9 and Pete Domenici Blvd (NM-136).

The applicant has requested emergency authorization to drill the proposed well under NMSA, 1978, Section 72-12-22.

Doña Ana is the County affected by the diversion and in which the water has been or will be put to beneficial use. This notice is ordered to be published in the Las Cruces Bulletin.

To view the application and supporting documentation contact the State Engineer District Office to arrange a date and time for an appointment located at 1680 Hickory Loop, Suite J, Las Cruces, NM 88005.

Any person, firm or corporation or other entity asserting standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number, email address, and mailing address). If the protest does not include the complete name, phone number, email address, and mailing address, it may be deemed invalid and not accepted for filing unless Protester provides with the protest an affidavit stating that it does not have one of the above-listed elements/requirements (phone number, mailing address, email address, etc.). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005 on or before **January 9, 2026**. Facsimiles (faxes) will be accepted as a valid protest if the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, at 575-524-6160. If no valid protest or objection is filed, the

State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

---

**NOTE TO PUBLISHER:** Immediately after last publication, publisher is requested to file affidavit of such publication with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005.

# Legal Advertising Affidavit


Kurt Johnson, who being duly sworn as the Editor of the Las Cruces Bulletin, a weekly newspaper of general distribution published in the City of Las Cruces, County of Doña Ana, State of New Mexico, disposes and states that the legal advertising for

## **SANTA TERESA CAPITAL, LLC**

In the matter of:

**STATE ENGINEER Application No. LRG-03150-POD50,  
OSE File No. LRG-03150-E**

In accordance with the laws of the State of New Mexico, the attached was published in its entirety **3** time(s) in the Las Cruces BULLETIN, the first publication date being 11/21/2025, and subsequent publications being, 11/28/2025, 12/05/2025.

  
Kurt Johnson

Sworn to and subscribed before  
me this day 12/05/2025 in the  
CITY OF LAS CRUCES  
COUNTY OF DOÑA ANA  
STATE OF NEW MEXICO

  
Notary Public

MARGARET ANN ADAMS  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
COMMISSION # 1138740  
COMMISSION EXPIRES: 09-09-2026

Advertising Costs: \$528.40

STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

2025 DEC 10 PM 4:10

RECEIVED

**NOTICE** is hereby given that on October 21, 2025, Santa Teresa Capital, LLC, filed with the **STATE ENGINEER** Application No. LRG-03150-POD50, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico by discontinuing the use of well LRG-03150-POD36 located within the NE¼ SE¼ NW¼ of Section 36, Township 28S, Range 02E, NMPM, and more specifically described where Latitude and Longitude intersect at 31° 49' 53.4" N, 106° 41' 36.9" W (WGS84), on land owned by Paseo Del Norte LLC, and drilling well LRG-03150-POD50 to a depth of 700 feet for 16-inch casing, to be located within the NE¼ SE¼ NW¼ of said Section 36, and more specifically described where Latitude and Longitude intersect at 31° 49' 52.9" N, 106° 41' 37" W (WGS84), on land owned by Paseo Del Norte LLC, to be used in conjunction with existing wells LRG-03150, LRG-03150-S-2, LRG-03150-S-3, LRG-03150-S-4, LRG-03150-S-6, LRG-03150-S-11, LRG-03150-S-12, LRG-03150-S-13, LRG-03150-S-14, LRG-03150-S-15, LRG-03150-S-16, LRG-03150-S-17, LRG-03150-S-19, LRG-03150-S-20, LRG-03150-S-22, LRG-03150-S-24, LRG-03150-S-25, LRG-03150-S-26, LRG-03150-S-27, LRG-03150-S-28, LRG-03150-S-31, LRG-03150-S-32, LRG-03150-POD41, LRG-03150-POD42, LRG-03150-POD45, LRG-03150-POD46, LRG-07279 for the continued diversion of 2,400 acre-ft per annum for irrigation, municipal, industrial, commercial, and recreational purposes within 32,020.56 acres of land, owned by various entities, as described

in the LRG-03150 et al. amended declarations and shown on maps on file with the State Engineer. Old well LRG-03150-POD36 will be plugged. The site for new well LRG-03150-POD50 is located southwest of Santa Teresa, NM and is approximately 0.74 miles northwest of the intersection of State Highway 9 and Pete Domenici Blvd (NM-136). The applicant has requested emergency authorization to drill the proposed well under NMSA, 1978, Section 72-12-22. Dona Ana is the County affected by the diversion and in which the water has been or will be put to beneficial use. This notice is ordered to be published in the Las Cruces Bulletin. To view the application and supporting documentation contact the State Engineer District Office to arrange a date and time for an appointment located at 1680 Hickory Loop, Suite J, Las Cruces, NM 88005. Any person, firm or corporation or other entity asserting standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number, email address, and mailing address). If the protest does not include the complete name, phone number, email address, and mailing address, it may be deemed invalid and not accepted for filing unless Protestant provides with the protest an affidavit stating that it does not have one of the above-listed elements/requirements (phone number, mailing address, email address, etc.). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or

conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005 on or before **January 9, 2026**. Facsimiles (faxes) will be accepted as a valid protest if the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, at 575-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

**Dates: 11/21, 11/28, 12/05 2025**

RECEIVED

2025 DEC 10 PM 4: 10

STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

**FOR  
INFORMATIONAL  
PURPOSES ONLY**

Kenneth Berba

1116 Desierto Seco Dr

El Paso, TX 79912

Jan 9, 2026

RECEIVED

2026 JAN 12 PM 3: 25

STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

Dear New Mexico State Engineer, et. al.

I'm writing to oppose other corporations, specifically data centers, using the ground water. As you are aware, water is a precious resource. The unprecedented data center use of water may lead to unknown deleterious consequences against our specific desert environment. Purported data centers claim to have water-saving technology. However, there are numerous articles across the media documenting the degrading effects in their surrounding areas. And some of them are in temperate areas with adequate water resources.

Even though I reside in Texas, I would still be affected with these negative changes. My neighbors would be affected, We would all be affected with these negative changes.

Tucson, Arizona, in their desert climate, was able to vote down building the data center. With that, there can be a change to withhold water rights to build data centers in our region. Thank you for your consideration,

Sincerely,

Kenneth Berba

420 Villa Sol Ct  
Socorro, TX 79927

Monday, January 5, 2026

New Mexico State Engineer  
1680 Hickory Loop, Suite J  
Las Cruces, NM 88005

RE: Proposed well under NMSA, 1978, Section 72-12-22

Dear Office of the State Engineer,

I am writing to oppose the change of location and change of purpose of water rights for a new well for Project Jupiter. I am a resident of Socorro, TX, outside El Paso. I do not support the use of our limited water resources – which the El Paso area shares with Santa Teresa, Las Cruces, Juarez, and more – for Project Jupiter. According to El Paso Matters, Project Jupiter is predicted to consume 10 million gallons of water initially, plus an additional 7.2 million gallons each year. The choices made in New Mexico about water use affect my community directly. As we continue to experience more severe drought in a rapidly changing climate, I believe that our water is too precious to spare for new industries that do not directly benefit our communities. I believe the economic benefits purported to come from Project Jupiter are limited, and that once Project Jupiter is complete, it will be nothing but a parasite on the region's finite water supply, not to mention natural gas and air quality. I strongly urge you not to grant the change of location and change of purpose of water rights for a new well for Project Jupiter. Thank you for your time and attention to this matter.

Sincerely,

Abigail Minor

RECEIVED

2026 JAN -8 PM 2: 35

STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

**Re: Protest of Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico**

RECEIVED  
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STATE ENGINEER OFFICE  
LAS CRUCES, NM / MEXICO

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I hereby protest the above-referenced application filed by Santa Teresa Capital, LLC to change the point of diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico by discontinuing the use of well LRG-03150-POD36 and drilling well LRG-03150-POD50 for the diversion of 2,400 acre-ft per annum for irrigation, municipal, industrial, commercial, and recreational purposes within 32,020.56 acres of land, owned by various entities.

Granting this application would be contrary to the conservation of water and detrimental to the public welfare of the state.

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4. Granting this application would set a dangerous precedent, encouraging similar large-scale appropriation applications in an already over-appropriated basin, further threatening the public welfare.

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Sincerely,

Adrian Robles, 11584 Bunky Henry Ln, (915)433-9047, adrianrobles85@yahoo.com

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

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Sincerely,

Sylvia Contreras, 9325 Aquarius Ln, (915)726-1272, sylvalerie11@gmail.com

RECEIVED  
2026 JAN -9 PM 4:38  
STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

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Sincerely,

Melanie Marines-Aguirre, 11551 Ellen Dr Socorro TX, 915-887-4902, [melliemarines@gmail.com](mailto:melliemarines@gmail.com)

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

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2026 JAN -9 PM 4:36  
STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

"I am an Engineer. In my profession, I take deep pride. To it, I owe solemn obligations.

As an engineer, I pledge to practice integrity and fair dealing, tolerance and respect, and to uphold devotion to the standards and dignity of my profession. I will always be conscious that my skill carries with it the obligation to serve humanity by making the best use of the Earth's precious wealth.

As an engineer, I shall participate in none but honest enterprises. When needed, my skill and knowledge shall be given, without reservation, for the public good. In the performance of duty, and in fidelity to my profession, I shall give the utmost."

-"Obligation of an Engineer"

May the oath of the Obligation of an Engineer be a reminder of the engineer you are and continually strive to be.

Sincerely,

Jared Giner, B.S. Chemical Engineering  
6360 Calle Placido, El Paso, Texas  
(915)-319-0530  
ginerjared4@gmail.com

 1/9/26

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RECEIVED  
2026 JAN -9 PM 4:36  
STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

January 9, 2026  
Office of the State Engineer  
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Sincerely,  
Alina Rayas  
3526 McKinley Ave  
El Paso, TX 79930  
[alinarayas@gmail.com](mailto:alinarayas@gmail.com)

RECEIVED  
2025 JAN -9 PM 4:37  
STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

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Sincerely,

Melody Lopez, 11847 Urbici Soler Dr. El Paso TX 79936 , (915)979-8932, melodychao98@gmail.com

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STATE ENGINEER OFFICE  
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Sincerely,

Melissa Harcrow, 1529 Snowy Plover, El Paso, TX 79928  
915-867-6979, melissaharcrow@yahoo.com

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STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

January 9, 2026

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Sincerely,  
Catherine Cort  
1532 Upson Dr., El Paso TX 79902  
(585) 309-5722  
cort.catherine@gmail.com

RECEIVED  
2026 JAN -9 PM 4:38  
STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

January 9, 2026

Office of the State Engineer  
District 4  
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Sincerely,

Jacqueline Carreon  
3287 Sal Berroteran Dr, El Paso, TX 79936  
(915) 276-5979  
[Carreonjacqueline11@gmail.com](mailto:Carreonjacqueline11@gmail.com)

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

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Sincerely,  
Janelle Sanchez  
8105 Dempsey Ave, El Paso, Texas 79925  
915-471-2603  
janemsanc@gmail.com

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

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Sincerely,



Noelle M. Molinar  
5848 Sturgeon Dr.  
El Paso, Texas  
915.240.3580  
noelle\_michelle@outlook.com

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
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Sincerely,  
Samantha C. Rodriguez,  
1428 Lost Pines Ln, El Paso, TX, 79936,  
srodriguez0461@gmail.com

RECEIVED  
2026 JAN -9 PM 4:39  
STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

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For the reasons stated above, Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC must be denied. Granting this application would also increase depletions in the Lower Rio Grande, threaten New Mexico's compliance with the Rio Grande Compact, and harm the Lower Rio Grande economy and environment and the welfare of its residents.

Sincerely,  
Christopher Pedroza 10912 sagebrush way El Paso TX 79936, 915-478-2646  
Chrissthestig126@gmail.com

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

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STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

*Hand-delivered in triplicate*

**Re: Protest of Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico**

Dear District 4 Office,

I hereby protest the above-referenced application filed by Santa Teresa Capital, LLC to change the point of diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico by discontinuing the use of well LRG-03150-POD36 and drilling well LRG-03150-POD50 for the diversion of 2,400 acre-ft per annum for irrigation, municipal, industrial, commercial, and recreational purposes within 32,020.56 acres of land, owned by various entities.

Granting this application would be contrary to the conservation of water and detrimental to the public welfare of the state.

1. The Lower Rio Grande Basin is already over-appropriated. Granting the 2,400 acre-feet per annum appropriation will exacerbate the existing water shortage and undermine conservation efforts throughout the basin.
2. Granting this application far in excess of actual demonstrated need encourages speculation and hoarding of water rights rather than conservation and efficient use. Authorizing this massive appropriation in the face of these conditions is fundamentally contrary to water conservation principles.
3. Granting this application would undermine the State's 50-Year Water Plan and regional water planning efforts that seek to balance competing demands and ensure sustainable use of limited water resources. Approving large speculative appropriations contradicts these public welfare objectives.
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Sincerely,  
Marco Avila  
3205 Pershing, El Paso, TX 79903  
(915) 202-2005  
Marco.arturo.avila@gmail.com



January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate and submitted via fax and mail.*

**Re: Protest of Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico**

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Dear District 4 Office,

The Center for Biological Diversity hereby protests the above-referenced application filed by Santa Teresa Capital, LLC to change the point of diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico by discontinuing the use of well LRG-03150-POD36 and drilling well LRG-03150-POD50 for the diversion of 2,400 acre-ft per annum for irrigation, municipal, industrial, commercial, and recreational purposes within 32,020.56 acres of land, owned by various entities (the “Application”).

Granting the Application would increase depletions of the Rio Grande, place the state of New Mexico at greater risk of violating the Rio Grande Compact and related Groundwater Settlement Agreement, and imperil endangered and threatened species in the Rio Grande basin. The Application is therefore contrary to the conservation of water and detrimental to the public welfare of the state. With over 1550 members in New Mexico—including many members in Doña Ana County—who would be substantially and specifically harmed by this proposal, the Center for Biological Diversity has standing to file this protest. NMSA 1978, §72-12-3(D).

### **I. Legal Standard**

The State Engineer must not grant applications that impair existing rights, are contrary to the conservation of water within the state or are detrimental to the public welfare of the state. NMSA 1978, § 72-12-3(E).

Further, “[a]ny person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests.” NMSA 1978, § 72-12-3(D).

According to Nat Chakeres, the General Counsel for the Office of the State Engineer, and Director of the Litigation and Adjudication Program, “Public Welfare [of the State]” as used in New Mexico water law, includes some “floors or some basic across the State core principles,... basically the statewide objectives [such as] Compact Compliance, compliance with the Endangered Species Act, compliance with Regional Water Settlements, and the most common of those are Indian Water Rights Settlements. They also include things like the Pecos Settlement, and hopefully coming up soon, the Lower Rio Grande Comprehensive Regional Settlement. Those, as well as Shortage Hearing Agreements under the State's Active Water Resource Management Program... We can't have Applications undermine any of those important State initiatives... Those statewide objectives are our determination of ... baseline principles of Public Welfare. They don't represent the entire universe of Public Welfare considerations, but they do represent core Public Welfare considerations that we need to make sure are not violated with any Application that comes in.”<sup>1</sup>

## **II. Granting this application will exacerbate New Mexico’s debt to Texas under the Rio Grande Compact.**

The Rio Grande Compact apportions the Rio Grande’s surface water between Colorado, Texas, and New Mexico. In 2013, Texas sued New Mexico for failure to meet our compact obligations. The United States joined the lawsuit on Texas’ side, and together they alleged that New Mexico’s groundwater pumping was taking surface water apportioned to Texas and impairing the Rio Grande Project. After almost a decade and a half of litigation and the U. S. Supreme Court’s initial refusal to accept a settlement between the three states, all parties to the litigation including the U. S. Department of Justice and the New Mexico and Texas irrigation districts endorsed a comprehensive settlement submitted to the Court on August 29, 2025. New Mexico state officials’ testimony presented September 12, November 18, and November 20, 2025, to the Water and Natural Resources Committee and the Water Subcommittee of the Legislative Finance Committee anticipated U.S. Supreme Court approval of the settlement and the four associated agreements in 2026.

This settlement places an enormous burden on the State of New Mexico and its taxpayers. Effective immediately after Court approval, the settlement requires detailed new annual accounting for compliance with a new Rio Grande Compact delivery obligation called the Effective El Paso Index. New Mexico’s requirements include decreasing total groundwater pumping in Dona Ana County so that New Mexico is able to deliver Texas’ share of Caballo Dam releases to the river gage at El Paso.<sup>2</sup>

New Mexico is required to use public funds to purchase and retire 9,100 acre-feet of actively used groundwater rights from willing sellers within five years and a total of 18,200 acre-feet within ten years.

---

<sup>1</sup> Testimony of Nat Chakeres, General Counsel for the Office of the State Engineer, NMISC No. 25-01(R), 10/16/25, Official Transcript, pp 543 – 545.

<sup>2</sup> *Groundwater Settlement Agreement* between United States and the State of New Mexico, executed 8/28/2025, awaiting entry by the court, available at <https://nm DOJ.gov/wp-content/uploads/Groundwater-Settlement-Agreement-w-appendices.pdf>

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Unfortunately, that will still be insufficient to meet New Mexico’s obligations under the Compact. Water scarcity in the Rio Grande basins is dire, and as surface waters have disappeared, the region has increasingly relied on groundwater pumping to meet its needs. Since 2003, the Elephant Butte Irrigation District (“EBID”) farmers’ adjudicated rights—with a senior 1903 priority date—for a full surface and groundwater water supply have been met with more groundwater than surface water. In 2025, the entire Caballo Dam release was less than the EBID senior demand. This year’s forecast is worse.

In years when EBID’s share of the Caballo Dam release is insufficient, EBID farmers have a senior 1903 water right to pump groundwater for a full supply. Essentially all other water uses in the Lower Rio Grande are supplied by groundwater under rights that are junior to 1903. The physical laws of hydrology, state water law, and the Rio Grande Compact and pending settlement will cause full EBID and municipal pumping to be incompatible with compliance with the Effective El Paso Index. Therefore, either the state will pay farmers to use much less or the state must administer rights by seniority in accordance with state water law. That administration will cut off all junior users in order to reduce EBID groundwater pumping, which will be required to comply with the Effective El Paso Index. Junior users — including several municipalities serving thousands of New Mexicans — will have to buy their water from EBID farmers in such years.

This application is associated with very junior 1970s water rights. This application seeks to enlarge historical metered diversions with a new well. Granting this application is detrimental to the public welfare of the state and will be costly to taxpayers. It is contrary to the conservation of water within the state because it seeks to increase uses from a very junior water right at a time when the Lower Rio Grande’s public drinking water supply purveyors are exposed to having no water rights that are in priority.

Groundwater pumping from Rio Grande tributary aquifers is legally recognized to deplete river flows. Here, the proposed well will result in increased depletions from the Lower Rio Grande at a time when New Mexico is legally required to reduce depletions. The consequences for failure to reduce depletions are established by the pending settlement. They include large penalties that must be paid in wet water, with deadlines.

Granting this application will worsen the exposure and danger New Mexico residents of the Lower Rio Grande now face.

**III. Rio Grande Compact and Groundwater Settlement Agreement violations are contrary to the conservation of water and detrimental to public welfare of the state.**

New Mexico’s compact violations substantially affect all New Mexicans, including the Center’s New Mexico members. The New Mexico Legislature has spoken repeatedly on the great public importance of water conservation and of compliance with interstate compact. New Mexico law clearly states that “compliance with interstate water compacts is imperative...” NMSA 1978, § 72-2-9.1(A). Regarding a similar compact with Texas, the Pecos River Compact, the Legislature has found:

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The legislature hereby finds and declares that this shortage of water and the state's obligation to Texas pursuant to the compact and the decree is a statewide problem affecting all the citizens of the state. The state is obligated under the terms of the decree to fulfill an obligation to repay Texas in water for any shortages of water owed to Texas by the state of New Mexico. 72-1-2.2(B).

The Legislature has further recognized the dangers of violating that compact:

The legislature hereby finds and declares that the state's obligations extend not only to Texas but also to the citizens of New Mexico and their future generations to ensure adequate water supply. If unfulfilled, the obligations of the state to Texas could cost the state millions of dollars in lost revenues, employment and economic productivity. 72-1-2.2(C).

While these findings were for the Pecos River compact, New Mexico's violations of the Rio Grande Compact are even more serious and more pressing. The legislature made these findings when the annual and total water debts to Texas under the Pecos River Compact were far lower than the current annual and total debts to Texas under the Rio Grande Compact.

As with the Pecos River, excessive depletion of the Rio Grande basin and the resulting violations of the Rio Grande Compact and Groundwater Settlement Agreement are "statewide problems affecting all citizens of the state." Failure to abide by these agreements "could cost the state millions of dollars in lost revenues, employment and economic productivity." This is undoubtedly detrimental to the public welfare of the state, and, as the legislature recognizes, will substantially harm all New Mexicans, including the Center's New Mexico members.

Failure to abide by these agreements has already resulted in years of expensive litigation with Texas. Continued failure will doubtless result in further litigation and ultimately the ceding of state authority over our waters to the U.S. Supreme Court.

**IV. Granting this application will threaten endangered and at-risk species and their habitats.**

The New Mexico Environmental Review Tool, administered by the New Mexico Department of Game and Fish, anticipates that the area within 2000 meters of Project Jupiter, the industrial project that surrounds the proposed well to the east, south, and west, contains at least 17 animal species designated by Department of Game and Fish to be Species of Greatest Conservation Need. This list also includes multiple species designated as Threatened under New Mexico's Wildlife Conservation Act, such as the Peregrine Falcon and the Bell's Vireo; multiple species designated as Sensitive by the Bureau of Land Management and U.S. Fish and Wildlife Service, such as the Western Burrowing Owl and the Spotted Bat; and multiple species under watch regarding a potential Sensitive designation by the Bureau of Land Management, including the Black-Chinned Sparrow and the Black-Throated Gray Warbler. This area has also been

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identified as an important Plant Area by the New Mexico Rare Plant Conservation Strategy,<sup>3</sup> and is likely home to the Sand Prickly-Pear, which New Mexico has listed by endangered.<sup>4</sup>

The proposed well will also threaten multiple plant and animal species formally designated as Endangered under the federal Endangered Species Act—the Mexican Wolfe, the Northern Aplomado Falcon, the Rio Grande Silvery Minnow, the Sneed Pincushion Cactus, the Prostrate Milkweed, and the Southwestern Willow Flycatcher—in addition to multiple other species designated as Proposed Endangered, Threatened or Proposed Threatened under the Act.<sup>5</sup> Each of these species occupy habitat ranges downstream of the proposed well site that will be harmed by increased depletion of the Rio Grande.

Given the extreme water scarcity in the area, the water use requested by the proposed well will impact the water supplies that sustain each of these at-risk plant and animal species, as well as their wider habitats. This poses particular harm to the Center for Biological Diversity and its New Mexican members. The Center is a national, non-profit conservation organization that works through science, law, and policy to protect imperiled wildlife and their habitat. The Center and its members include individuals with scientific, professional, educational, recreational, aesthetic, moral, and spiritual interests in these at-risk species, and who visit and use the habitat of these species for a broad range of reasons. By diverting and utilizing massive quantities of water not currently under beneficial use, the proposed well will adversely impact at-risk species surrounding the well site, as well as endangered species downstream of the well. This, in turn, will impact the ability of the Center and its members to study and enjoy these species in their current habitats.

V. The Application is invalid.

The Application is deficient for multiple reasons. First the proposed water right for construction of a large-scale industrial project is invalid because this right has not actually used 2,400 acre feet per year in any year since metering began. From publicly accessible data gathered in the following table, it appears that the average annual use of this water right for the past 10 years is 1,528 acre-feet per year. The highest ever use was in 2019, at 2,089 acre-feet. The use has declined over time – the average annual use for the past 5 years is only 1,222 acre-feet, half of the use anticipated in the Application.

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<sup>3</sup> *N.M. Rare Plant Conservation Strategy*, Energy Mineral and Natl. Resources Dept., <https://www.emnrd.nm.gov/sfd/new-mexico-rare-plant-conservation-strategy/> (last visited Jan. 9, 2026).

<sup>4</sup> *Opuntia arenaria (Sand Prickly-Pear)*, N.M. Rare Plants (Jan. 9, 2026), <https://nmrareplants.unm.edu/node/122>.

<sup>5</sup> *Screening Options for Ranges and Critical Habitats*, U.S. Env't'l Protection Agency, <https://experience.arcgis.com/experience/304f1a918dd44b008333dce7ce73d912> (last visited Jan. 9, 2026).

POD YTD Meter Amounts AF	2025	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	Drill Date	Casing size	Depth
LRG 03150 POD 36	42	15	122	257	309	34	111	73	67	209	45.6	NI	NI	NI
LRG 03150 POD S-2 (no written record on Water Rights database)												NI	NI	NI
LRG 03150 POD S-8 (kna LRG-3 150 POD 42)	0	0	0	0	0	0	0	3	67	177	185	NI	NI	NI
LRG 03150 POD S-13 (kna LRG-3150 POD 49)	0	0	0	0	0	0	0	0	0	0	0	1972	12.5	552
LRG 03150 POD S28 (kna LRG-3150 POD 45)	244	69	220	102	132	273	733	713	733	714	673	2010	12.5	524
LRG 03150 POD S-17	856	469	1339	764	1172	503	1245	1178	1066	977	913	2010	15.25	690
<b>Totals</b>	<b>1142</b>	<b>553</b>	<b>1681</b>	<b>1123</b>	<b>1613</b>	<b>810</b>	<b>2089</b>	<b>1967</b>	<b>1933</b>	<b>2077</b>	<b>1816.6</b>			

Second, the well that is supposedly being replaced, LRG-03150 POD36, reports much lower use than what would be possible from the proposed replacement. The average annual use of this well for the past 10 years is only 117 acre-feet, less than 5% of the 2,400 acre-feet discussed in the Application. The Application states that the replacement well will be drilled into the same underground bolson as POD36, but we are unable to verify this because the Application is incomplete and includes no information regarding the depth or diameter of POD36. Additionally, there are other blank sections in the application.

Finally, this right has historically been used for surface irrigation for sod farming. Surface irrigation use is typically limited to the approximately seven-month irrigation season, and depletes groundwater only during that time. Long-term industrial construction use, by contrast, will result in year-round depletion, which will increase further diminish water flows, threaten compact and settlement compliance, and imperil endangered and threatened species.

## VI. Conclusion

For the reasons stated above, application LRG-03150-POD50 by Santa Teresa Capital, LLC must be denied. Because the application is contrary to water conservation and detrimental to public welfare of the state, and invalid on its face, and because the Center's members would be substantially and specifically affected, the Center files this protest and requests a hearing on the application.

Respectfully,

Colin Cox  
 Gail Evans  
 CENTER FOR BIOLOGICAL DIVERSITY  
 1025 ½ Lomas NW  
 Albuquerque, NM 87102  
 (832) 316-0580  
 ccox@biologicaldiversity.org  
 gevans@biologicaldiversity.org

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 STATE ENGINEER OFFICE  
 LAS CRUCES, NEW MEXICO

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

**Re: Protest of Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico**

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Granting this application would be contrary to the conservation of water and detrimental to the public welfare of the state.

1. The Lower Rio Grande Basin is already over-appropriated. Granting the 2,400 acre-feet per annum appropriation will exacerbate the existing water shortage and undermine conservation efforts throughout the basin.
2. Granting this application far in excess of actual demonstrated need encourages speculation and hoarding of water rights rather than conservation and efficient use. Authorizing this massive appropriation in the face of these conditions is fundamentally contrary to water conservation principles.
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Sincerely,  
Ariel Amendola  
2871 Buena Vida Ct. Las Cruces, New Mexico 88011  
[arielmarie13@gmail.com](mailto:arielmarie13@gmail.com)  
575-639-0954

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January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

**Re: Protest of Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico**

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Sincerely,

*Chris Preciado Shelton* - 434 Keathley, Las Cruces, NM 88005 - cshelton63@gmail.com

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

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Sincerely,



Erik Yukl; email: [etyukl@nmsu.edu](mailto:etyukl@nmsu.edu); phone: 208-816-6113  
449 El Prado Ave.  
Las Cruces, NM 88005

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January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

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Sincerely,

*Blas Budlong*

*224 Princeton Dr., Las Cruces, NM 88005*

*575-670-1118*

*blas.budlong@gmail.com*

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LAS CRUCES, NEW MEXICO

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January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

**Re: Protest of Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico**

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Sincerely,

Lucretia Jones  
441 Linda Vista Road  
Las Cruces, NM 88005  
Lucretia.jones@gmail.com

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

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LAS CRUCES, NEW MEXICO

*Hand-delivered in triplicate*

**Re: Protest of Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico**

Dear District 4 Office,

I hereby protest the above-referenced application filed by Santa Teresa Capital, LLC to change the point of diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico by discontinuing the use of well LRG-03150-POD36 and drilling well LRG-03150-POD50 for the diversion of 2,400 acre-ft per annum for irrigation, municipal, industrial, commercial, and recreational purposes within 32,020.56 acres of land, owned by various entities.

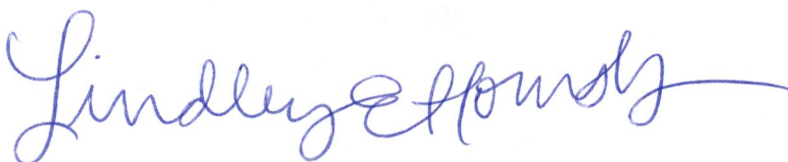
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For the reasons stated above, Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC must be denied. Granting this application would also increase depletions in the Lower Rio Grande, threaten New Mexico's compliance with the Rio Grande Compact, and harm the Lower Rio Grande economy and environment and the welfare of its residents.

Sincerely,

Lindley Hornsby | [Hornsby.lindley@gmail.com](mailto:Hornsby.lindley@gmail.com) | 706-587-4856  
334 Van Patten Ave Las Cruces, NM 88005



January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

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I live at 4445 El Faro St Las Cruces, NM 88005. My well is LRG 13090 1. As the owner of this well and a property owner within the Lower Rio Grande, I would be substantially and specifically affected by granting this application, which would impair my water rights, increase depletions of the Rio Grande, and place the State of New Mexico at heightened risk of violating the Rio Grande Compact at great public cost. Granting this application would be contrary to the conservation of water within the state and detrimental to the public welfare of the state.

The water resources available to us in Southern New Mexico are known to be quickly depleting. The state already cannot meet the demands for water flow and water availability is anticipated to be further at risk. All forms of water are increasingly valuable, whether it is groundwater, potable water, water from the aquifer, saline water, or water coming from snow melt from northern parts of the state and Colorado.

Available water is of utmost importance to me and was an integral part of my decision to purchase the property I have in this county that I love. If a mega AI data center taps into the water available to me and my community, it will extract a horrifyingly large amount of water. In every data AI center erected in the United States, the amount of anticipated water use in comparison to actual water use is always underestimated and misrepresented. This data center will be the largest of its kind to date and we cannot reasonably expect their water use to be minimal. I will not stand aside and allow my community to be detrimentally affected by their desire for any form of available water.

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LAS CRUCES, NEW MEXICO

I am a restoration ecologist and in our fast changing climate, I use the water from my well to revive the desert on my one acre property. I water native plants and trees to provide habitat for local and migratory birds and animals. I use the water to increase native plants on my property to provide food for pollinators which ultimately increase the value of natural habitat in my neighborhood. Maintaining populations of pollinators also increases productivity of nearby agricultural fields as well as pecan orchards. I bring the community and children onto my property to learn about native plants and our local ecology. I also use the water from the well to feed my chickens and water my garden. Both of which sustain my household and my neighbors and friends. I use the water from my well to increase vegetation on my property which decreases aeolian dust from polluting our airs, decreasing visibility, and decreasing allergens.

Water is life. Water is a precious resource in our region and we must do everything to ensure that it stays within our community. We cannot grow water. We cannot truck water in to meet the needs of our county. The economic, cultural, and ecological value of the water available to me on my small property, all established households, and all agricultural purposes in our county far exceeds the harm that will be caused by a mega data AI center extracting from the very same source.

For the reasons stated above, Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC must be denied. Granting this application would impair my water rights and harm my property. It would also increase depletions in the Lower Rio Grande, threaten New Mexico's compliance with the Rio Grande Compact, and harm the Lower Rio Grande economy and environment and the welfare of its residents.

Sincerely,

Neeshia Macanowicz  
4445 El Faro St  
Las Cruces, NM 88005

575-915-7771

neeshia44@gmail.com

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2026 JAN -9 PM 4:33  
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LAS CRUCES, NEW MEXICO

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STATE ENGINEER OFFICE  
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January 9, 2026

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District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

**Re: Protest of Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico**

Dear District 4 Office,

We the undersigned hereby protest the above-referenced application filed by Santa Teresa Capital, LLC to change the point of diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico by discontinuing the use of well LRG-03150-POD36 and drilling well LRG-03150-POD50 for the diversion of 2,400 acre-ft per annum for irrigation, municipal, industrial, commercial, and recreational purposes within 32,020.56 acres of land, owned by various entities.

We live at 625 Loomis Rd. Our well number is LRG 16477. As the owners of this well and a property owner within the Lower Rio Grande, we would be substantially and specifically affected by granting this application, which would impair my water rights, increase depletions of the Rio Grande, and place the State of New Mexico at heightened risk of violating the Rio Grande Compact at great public cost. Granting this application would be contrary to the conservation of water within the state and detrimental to the public welfare of the state.

As you are well aware our water table has dropped in recent years and will continue to do so at an increased rate if **Application No. LRG-03150-POD50** is approved. Landowners like us will be responsible for redrilling our wells deeper and deeper at great personal cost. What good does having water rights do us when we cannot afford to drill deep enough to reach it. Our family goes to great lengths to conserve water and manage our resources sustainably. We participate in research with NMSU on water usage. How is it that the State is asking farmers to use less, fallow their fields, and telling people to take shorter showers, but there is an extra 2,400 acre feet for an AI data center? We do not have enough water to maintain our agriculture and growing population, approving this application will only exacerbate these problems.

For the reasons stated above, Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC must be denied. Granting this application would impair my water rights and harm my property. It would also increase depletions in the Lower Rio Grande, threaten New Mexico's compliance with the Rio Grande Compact, and harm the Lower Rio Grande economy and environment and the welfare of its residents.

Sincerely,  
Shelly Richard, Carl Richard, and Sara White  
625 Loomis, Las Cruces NM 88007  
575-805-9046  
Patavivafarm@gmail.com

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

**Re: Protest of Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC, OSE File No. LRG-03150-E, for Permit to Change Point of Diversion within the Lower Rio Grande Underground Water Basin of the State of New Mexico**

Dear District 4 Office,

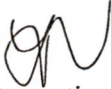
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I live at 3800 N Valley DR APT 4, Las Cruces NM 88007. My well number is LRG-00848-POD2. As the owner of this well and a property owner within the Lower Rio Grande, I would be substantially and specifically affected by granting this application, which would impair my water rights, increase depletions of the Rio Grande, and place the State of New Mexico at heightened risk of violating the Rio Grande Compact at great public cost. Granting this application would be contrary to the conservation of water within the state and detrimental to the public welfare of the state.

In 1998, due to petroleum contamination on our property our ground water was evaluated by the NM Environment Department. Initially, the water level was 19 feet deep. It has been trending downward since then and when last tested it was at 31 feet in 2023. Due the already dropping ground water levels we have had to have our pump lowered once and was told we cannot have it lowered again. We are very small farmers and farm four acres of pecans. If our ground water drops more, we will have to drill a deeper well. Deep wells are very expensive and could be cost prohibitive endangering our financial solvency and ability to farm. The highest use for water in the desert Southwest is for food and people. We cannot afford to for our water table to drop more.

For the reasons stated above, Application No. LRG-03150-POD50 by Santa Teresa Capital, LLC must be denied. Granting this application would impair my water rights and harm my farm. It would also increase depletions in the Lower Rio Grande, threaten New Mexico's compliance with the Rio Grande Compact, and harm the Lower Rio Grande economy and environment and the welfare of its residents.

Sincerely,



Orchard Properties LLC  
LeeAnn Meadows, Manager/Member  
3800 N Valley DR APT 4  
Las Cruces NM 88007  
575-650-7009  
V4LLEYHOME@gmail.com

STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO  
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RECEIVED

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

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1. The Lower Rio Grande Basin is already over-appropriated. Granting the 2,400 acre-feet per annum appropriation will exacerbate the existing water shortage and undermine conservation efforts throughout the basin.
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*KIKI*

Kiki Garden  
224 W Mountain Ave  
Las Cruces NM, 88005  
(818) 205-3952

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STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

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Sincerely,  
Dr. Alina Corcoran  
502 W. Hadley Ave.  
Las Cruces NM 88005  
(207) 465-6116

RECEIVED  
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STATE ENGINEER OFFICE  
LAS CRUCES, NEW MEXICO

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Sincerely,

Valerie Amendola, 2730 Boldt St, 575-639-0925, [valerieamendola@gmail.com](mailto:valerieamendola@gmail.com)

January 9, 2026

Office of the State Engineer  
District 4  
1680 Hickory Loop, Suite J,  
Las Cruces, NM 88005

*Hand-delivered in triplicate*

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Sincerely,

Daniela Salgado | 201 Pinnacle Dr SE, Rio Rancho, NM 87124 | +1 251 225 3014 |  
salgadodavila@outlook.com

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Sincerely,

Elizabeth Bennett, 1855 Amis Ave, Las Cruces NM, 88005; 575-513-7052; lizben@nmsu.edu

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STATE ENGINEER OFFICE  
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Sincerely,

Keenan Lloyd Flynn, Ph.D  
2713 Fairway Drive, Las Cruces, NM 88011  
575-308-4231 [Klflynn.hbar@gmail.com](mailto:Klflynn.hbar@gmail.com)