

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 539 ERRDS, STATE LAND OFFICE

1.18.539.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives.
[1.18.539.1 NMAC - Rp, 1.18.539.1 NMAC, 01/01/2009]

1.18.539.2 SCOPE: state land office
[1.18.539.2 NMAC – Rp, 1.18.539.2 NMAC, 01/01/2009]

1.18.539.3 STATUTORY AUTHORITY: Section 14-3-1 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.539.3 NMAC - Rp, 1.18.539.3 NMAC, 01/01/2009]

1.18.539.4 DURATION: Permanent
[1.18.539.4 NMAC - Rp, 1.18.539.4 NMAC, 01/01/2009]

1.18.539.5 EFFECTIVE DATE: January 1, 2009 unless a later date is cited at the end of the section.
[1.18.539.5 NMAC - Rp, 1.18.539.5 NMAC, 01/01/2009]

1.18.539.6 OBJECTIVE: To establish a records retention schedule for the orderly management and retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.
[1.18.539.6 NMAC - Rp, 1.18.539.6 NMAC, 01/01/2009]

1.18.539.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
- B. "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C. "Archives"** means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico. The term also refers to the organizational unit of the SRCA storing these records.
- D. "Contest"** means the process of appealing a final decision of the commissioner of public lands.
- E. "Disposition"** means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- F. "Easement"** means a right or privilege granted by the commissioner of public lands, to use a defined area of trust lands for a prescribed purpose and time.
- G. "Non-record"** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- H. "Permitting"** means documentation granting temporary access to state trust lands for various activities.
- I. "Pooling"** means assemblage of resources.
- J. "Public record"** means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).
- K. "Records custodian"** means the statutory head of the agency using or maintaining the records or the custodian's designee.

L. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

M. "Records retention and disposition schedule" means rules adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

N. "Reservations" means the reserving of various resource rights of the state trust lands

O. "Retention" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

P. "Rights of way" means a right or privilege granted by the commissioner of public lands, to pass over, upon, through, or across, a defined area of trust lands for a prescribed purpose and time.

Q. "State trust lands" means those lands described in Article 13, Section 1 of the constitution of New Mexico.

R. "Underground storage unit" means underground caverns containing natural gas.

S. "Unit" means a group of oil and gas leases unitized under a unit agreement that is operated by one entity for all the leases.

[1.18.539.7 NMAC - N, 01/01/2009]

1.18.539.8 ABBREVIATIONS AND ACRONYMS:

A. "CFR" stands for code of federal regulations

B. "EMNRD" stands for energy minerals and natural resources.

C. "LURC" means land use restricted conditions.

D. "NMAC" stands for New Mexico administrative code.

E. "NMSA" stands for New Mexico statutes annotated.

F. "OCD" stands for oil conservation division.

G. "OGR" stands for oil and gas royalty.

H. "ONGARD" stands for oil and natural gas administration and revenue database.

I. "PUN" stands for production unit number.

J. "SLO" stands for state land office

K. "TRD" stands for taxation and revenue.

[1.18.539.8 NMAC - Rp, 1.18.539.9 NMAC, 01/01/2009]

1.18.539.9 INSTRUCTIONS:

A. For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.

C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.

D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. Access to confidential documents or confidential files shall be only by authorization of agency or attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies shall only be upon specific statutory authorization or court order.

I. Records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an

original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5, 14-1-6 NMSA 1978).

J. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.
[1.18.539.9 NMAC - N, 01/01/2009]

1.18.539.10 - 1.18.539.15 [RESERVED]

1.18.539.16 OIL AND NATURAL GAS ADMINISTRATION AND REVENUE DATABASE (ONGARD) SYSTEM:

A. Program: ONGARD
B. Maintenance system: numerical by primary key
C. Description: system used by SLO, TRD and ENMRD to assess, collect, process, report and distribute royalties from state trust land activities (i.e., leasing, sales, permits, etc.). Data may include TRD tax identification number; TRD tax receipts; TRD disbursements; cash receipts for royalty, rental and fee revenue; daily processing of fund transfers and payment allocation by account; billing for rental and revenue invoice by account; processing of refunds; corrections and reversals by account; cycle end processing for distribution by account, operating expenses and fund transfers; administration of funds; beneficiary and revenue codes; payment receipts and returns; calculating royalty for allocating payment, interest, assessments and credits; in-kind transactions and adjustments by account; ownership and beneficiary identification; oil and gas lease data; oil and natural gas production and volume data; right of way permit data; agricultural lease data; commercial lease data; mineral lease data; etc.

D. Retention:

- (1) **Leasing and sales data:** permanent
- (2) **Royalties data:** 10 years after close of fiscal year in which royalties collected
- (3) **Permitting data:** six years from date of permit expiration

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 7-1-8 NMSA 1978, Confidentiality of Returns and Other Information, Section 19-1-2.1 NMSA 1978, Confidential information, 5 USC Section 552a (i.e., social security number) and 20 CFR 402.90 (i.e., Trade secrets and confidential commercial or financial information).

F. Input: records used as input to the *ONGARD* system are filed in *business lease files*, 1.18.539.31 NMAC; *underground storage unit(natural gas) lease agreement files*, 1.18.539.32 NMAC; *billboard permit (lease) files*, 1.18.539.33 NMAC; *recreation permit(lease) files*, 1.18.539.34 NMAC; *land sales files*, 1.18.539.35 NMAC; *land exchange files*, 1.18.539.36 NMAC; *right of way temporary agreement files*, 1.18.539.56 NMAC; *outfitting and guide user agreement files*, 1.18.539.57 NMAC; *environment education permit files*, 1.18.539.58 NMAC; *water easement files*, 1.18.539.59 NMAC; *saltwater disposal lease files*, 1.18.539.60 NMAC; *rights of way easement files*, 1.18.539.61; *agricultural lease files*, 1.18.539.66 NMAC; *oil and gas lease files*, 1.18.539.73 NMAC; *marginal well program files*, 1.18.539.76 NMAC; *geophysical permit files*, 1.18.539.88 NMAC; *communitization (pooling) agreement files*, 1.18.539.89 NMAC; *commingling files*, 1.18.539.90 NMAC, *mineral lease files*; 1.18.539.97 NMAC, *special use agreement permit files*, 1.18.539.109 NMAC and *royalty refund files*, 1.18.539.115 NMAC.

G. Output: Because the *ONGARD* system is a data-based system, required and regularly scheduled reports are produced. Some of these reports include *weekly billing report*, *daily distribution report*, *cash application report*, *cash receipt report*, *leases without beneficiaries report*, *record fund activities report*, *daily beneficiary month to date totals report*, *pre-distribution royalty detail report*, *royalty monthly pre-distribution audit report*, *royalties return edit report*, *royalty returns received report*, *credit detail errors report*, *volumes, values and royalties report*, *royalty summary by sales month report*, etc.

[1.18.539.16 NMAC - Rp, 1.18.539.10 NMAC, 01/01/2009; A, 05/04/2009]

1.18.539.17 - 1.18.539.20 [RESERVED]

1.18.539.21 REVENUE DISTRIBUTION FILES:

- A. Program:** administrative services
- B. Maintenance system:** chronological by fiscal year

C. Description: reports of cash distributions made to state trust land beneficiaries. File is output from *ONGARD*, 1.18.539.16 NMAC. File may include daily disbursement report, daily cash report, cash receipt report, record fund activity report, leases without beneficiary report, daily beneficiary month to date totals report, etc.

D. Retention: three years after close of fiscal year in which created
[1.18.539.21 NMAC - Rp, 1.18.539.28, 29, 30, 31, 32, 33 & 54 NMAC, 01/01/2009]

1.18.539.22 - 1.18.539.25 [RESERVED]

1.18.539.26 CONTEST PROCEEDINGS FILES:

- A. Program:** general counsel
- B. Maintenance system:** chronological by date, then numerical by contest number
- C. Description:** records concerning administrative contest proceedings dealing with rights to state trust lands. Files may include pleadings, field report, appraisals, expert witness reports, attorney notes, hearing officer recommendations, commissioner's final decision, exhibits, district court documentation, correspondence, etc.
- D. Retention:** permanent, transfer to archives 10 years after final disposition of contest
- E. Confidentiality:** Portions of this file may contain confidential information pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information and 5 USC Section 552a (i.e., social security number).

[1.18.539.26 NMAC - Rp, 1.18.539.62 NMAC, 01/01/2009]

[The *department of interior land dispute file*; 1.18.539.106 NMAC are no longer being produced and will be transferred to archives upon imaging and microfilming.]

1.18.539.27 LAND USE RESTRICTED CONDITIONS (LURC) FILES:

- A. Program:** general counsel
- B. Maintenance system:** chronological by date, then numerical by LURC number
- C. Description:** records designating special restrictions or conditions regarding permissible uses of particular parcels of state trust lands. File may include LURC form (i.e., LURC number, LURC type, description, acreage, expiration or perpetual date, etc.), and requestors instructional posting form, etc.

D. Retention: permanent (active records will be maintained on-site)
[1.18.539.27 NMAC - N, 01/01/2009]

1.18.539.28 - 1.18.539.30 [RESERVED]

1.18.539.31 BUSINESS LEASE FILES:

- A. Program:** commercial resources
- B. Maintenance system:** chronological by date, then alphabetical by lease type, then numerical by lease number
- C. Description:** records concerning the granting of leases for business, commercial, residential, industrial, or real estate planning and development purposes, or for surface uses on state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include lease agreement, plats, field reports, biological surveys, assignments, collateral assignments, check copies, miscellaneous instruments (i.e., name change, power of attorney, certificates of amendment, certificate of incorporation, death certificate, merger documentation, divorce decree, etc.), copy of LURC forms, bid documents, correspondence, etc.

D. Retention:

- (1) **Approved:** permanent, transfer to archives 10 years after expiration or termination of lease
- (2) **Rejected:** one year after date of certified notice of rejection issued

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information, Section 24-14-27 NMSA 1978 (i.e., vital records), 5 USC Section 552a (i.e., social security number) and 20 CFR 402.90 (i.e., Trade secrets and confidential commercial or financial information).

[1.18.539.31 NMAC - Rp, 1.18.539.69 NMAC, 01/01/2009]

1.18.539.32 UNDERGROUND STORAGE UNIT (NATURAL GAS) LEASE AGREEMENT FILES:

- A. Program:** commercial resources

B. Maintenance system: chronological by date, then alphabetical by lease type, then numerical by lease number

C. Description: records concerning lease agreements granting permission to extract natural gas from existing underground caverns located on state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include application, lease agreement, field report, biological survey, survey or plat, validation of fees paid, proof of bond, correspondence, etc.

D. Retention:

(1) **Approved:** permanent transfer to archives 10 years after expiration or termination of lease

(2) **Rejected:** one year after date of certified notice of rejection issued

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information and 5 USC Section 552a (i.e., social security number).
[1.18.539.32 NMAC - Rp, 1.18.539.65 NMAC, 01/01/2009]

1.18.539.33 BILLBOARD PERMIT (LEASE) FILES:

A. Program: commercial resources

B. Maintenance system: chronological by date, then alphabetical by lease type, then numerical by lease number

C. Description: records concerning the granting of lease agreements for the placement of billboards on state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include lease agreement (i.e., name and address of lessee, NMDOT billboard number, location, approval, etc.), surveys, photos, field report, biological surveys, check copies, correspondence, etc.

D. Retention:

(1) **Approved:** permanent (active records will be maintained on-site)

(2) **Rejected:** one year after date of certified notice of rejection issued

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.
[1.18.539.33 NMAC - Rp, 1.18.539.70 NMAC, 01/01/2009]

1.18.539.34 RECREATION PERMIT (LEASE) FILES:

A. Program: commercial resources

B. Maintenance system: chronological by date, then alphabetical by lease type, then numerical by lease number

C. Description: records concerning permits granting access to state trust land for recreational purposes. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include lease application for permit, permit copy, validation of fees paid, correspondence, etc.

D. Retention: two years after date of expiration of permit or rejection of permit application

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.
[1.18.539.34 NMAC - Rp, 1.18.539.71 NMAC, 01/01/2009]

1.18.539.35 LAND SALES FILES:

A. Program: commercial resources

B. Maintenance system: chronological by date of sale, then numerical by land sale number

C. Description: records concerning the sale of state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include land survey, title report, appraisal, legal advertisement, field report, relinquishment or land withdrawal, attorney client communications, application for purchase, commissioner of public lands sale approval notice, purchase contract, reservations, copy of patent, copy of LURC form, check copies, correspondence, etc.

D. Retention: permanent, transfer to archives 10 years after sale is final

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.
[1.18.539.35 NMAC - Rp, 1.18.539.68 NMAC, 01/01/2009]

1.18.539.36 LAND EXCHANGE FILES:

A. Program: commercial resources

B. Maintenance system: chronological by date, then numerical by sequence number

C. Description: records concerning state trust land exchanged for non-trust lands owned by private, federal or governmental entities. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include application to sell or exchange land, reservations, plats, patents, warranty or quit claim deeds, copy of LURC form, correspondence, etc.

D. Retention: permanent, transfer to archives 10 years after exchange is final

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1NMSA 1978, Confidential information.

[1.18.539.36 NMAC - Rp, 1.18.539.67 NMAC, 01/01/2009]

1.18.539.37 - 1.18.539.40 [RESERVED]

1.18.539.41 RANGE STEWARDSHIP PROGRAM EVALUATION FILES:

A. Program: field operations

B. Maintenance system: chronological by date, then numerical by lease number

C. Description: records concerning the evaluation of the environmental conditions of leased state trust lands. File may include acreage computation worksheet, maps, raw vegetation information, analysis, photographs, acreage condition determination report, etc.

D. Retention: permanent, transfer to archives 15 years after expiration or termination of lease
[1.18.539.41 NMAC - Rp, 1.18.539.74 NMAC, 01/01/2009]

1.18.539.42 SPECIAL PROJECT FILES:

A. Program: field operations

B. Maintenance system: chronological by date, then alphabetical by project name

C. Description: records concerning special projects dealing with conservation, environmental quality and wildlife management of state trust lands. File may include field reports, biological surveys, analysis, photographs, correspondence, etc.

D. Retention: permanent, transfer to archives 10 years after project completion

E. Confidential: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.

[1.18.539.42 NMAC - N, 01/01/2009]

1.18.539.43 - 1.18.539.45 [RESERVED]

1.18.539.46 DEPARTMENTAL TRACT BOOKS (OIL AND GAS, MINERALS AND SURFACE):

A. Program: records management

B. Maintenance system: alphanumeric by township and range number

C. Description: tract books in which cumulative information related to oil, gas, minerals and surface leases is recorded. Books shows lease number, lessee name, city and state, legal description of transaction, date of issuance, date of expiration, status and date of transaction, section, township, range, county, information relative to specific section, ownership by beneficiary and acreage by township and range.

D. Retention: permanent (active records maintained on-site)
[1.18.805.46 NMAC - Rp, 1.18.539.95 NMAC, 01/01/2009]

1.18.539.47 MASTER TITLE TRACT BOOKS:

A. Program: records management

B. Maintenance system: alphanumeric by township and range number

C. Description: tract books in which information related to the sale or exchange of state trust lands is recorded. Book shows section, township, range, county, acquisition and disposition of state trust lands, information relative to specific section and ownership by beneficiary and acreage by township and range.

D. Retention: permanent (active records maintained on-site)
[1.18.539.47 NMAC - Rp, 1.18.539.96 NMAC, 01/01/2009]

1.18.539.48 PATENT FILES:

A. Program: records management

B. Maintenance system: chronological by date of patent, then numerical by patent number

C. Description: record of patents issued by the commissioner of public lands for state trust lands sold or exchanged. File may include patent (i.e., patent number, description of land conveyed, commissioner approval, section, township, range, payment amount, etc.) correspondence, etc.

D. Retention: permanent, transfer to archives 10 years after date of patent issued
[1.18.539.48 NMAC - Rp, 1.18.539.107 NMAC, 01/01/2009]

1.18.539.49 TRUST LAND WITHDRAWALS:

A. Program: records management
B. Maintenance system: chronological by year, then numerical by withdrawal number
C. Description: records concerning the withdrawal of state trust lands by the commissioner of public lands from certain types of leasing activities. File may include order of withdrawal, plat, correspondence, etc.
D. Retention: permanent (active records maintained on-site)
E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.
[1.18.539.49 NMAC - N, 01/01/2009]

1.18.539.50 CONDEMNATION OF STATE TRUST LAND FILES:

A. Program: records management
B. Maintenance system: chronological by date, then numerical by civil action number
C. Description: records concerning civil actions initiated by the federal government regarding state trust lands restricted from any type of activity (i.e., exchange, leasing, sale, etc.) for federal purposes (i.e., military base, missile range, highway, airport, etc.). File may include court proceedings, plats, reservations, final orders, correspondence, etc.
D. Retention: permanent, transfer to archives 10 years after date of final order
E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.
[1.18.539.50 NMAC - Rp, 1.18.539.109 NMAC, 01/01/2009]

1.18.539.51 - 1.18.539.55 [RESERVED]

1.18.539.56 RIGHTS OF ENTRY TEMPORARY AGREEMENT FILES:

A. Program: rights of way and water resources
B. Maintenance system: chronological by date, then numerical by agreement number
C. Description: records concerning temporary access to state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include right of entry requests, maps, plats, permit copies, agreements, validation of fees paid, correspondence, etc.
D. Retention:
(1) **Approved:** five years after expiration or termination of agreement
(2) **Rejected:** one year after date certified notice of rejection issued
[1.18.539.56 NMAC - Rp, 1.18.539.132 NMAC, 01/01/2009]

1.18.539.57 OUTFITTING AND GUIDE USER AGREEMENT FILES:

A. Program: rights of way and water resources
B. Maintenance system: chronological by date, then numerical by agreement number
C. Description: records concerning user agreements allowing individuals or companies to conduct outfitting and guiding services for hunting or fishing on state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include user agreement application, copy of game and fish outfitting and guiding license, user agreement, validation of fees paid, map, photographs, correspondence, etc.
D. Retention:
(1) **Approved:** five years after expiration or termination of agreement
(2) **Rejected:** one year after date certified notice of rejection issued
[1.18.539.57 NMAC - Rp, 1.18.539.133 NMAC, 01/01/2009]

1.18.539.58 ENVIRONMENTAL EDUCATION PERMIT FILES:

A. Program: rights of way and water resources
B. Maintenance system: chronological by date, then numerical by permit number

C. Description: records concerning permits issued to educational institutions to utilize state trust land for various studies (i.e., watershed, wildlife, plant life, etc.). File may include permit application copies, maps, study plans, field reports, photographs, applications for permit renewal, correspondence, etc.

D. Retention:

- (1) **Approved:** five years after expiration or termination of permit
- (2) **Rejected:** one year after date of certified notice of rejection issued

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.

[1.18.539.58 NMAC - Rp, 1.18.539.134 NMAC, 01/01/2009]

1.18.539.59 WATER EASEMENT FILES:

A. Program: rights of way and water resources

B. Maintenance system: chronological by date, then numerical by easement number

C. Description: records concerning lease agreements granting water easements on state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include agreement application, copy of water rights agreement assignment form, easement agreement, easement renewal, easement relinquishment, annual rental record, validation of fees, change of address card, filed assignment, rental payment sheet, meter reading, state engineer correspondence, etc.

D. Retention:

(1) **Approved:** permanent, transfer to archives 10 years after expiration or termination of easement agreement

- (2) **Rejected:** one year after date of certified notice of rejection issued

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.

[1.18.539.59 NMAC - Rp, 1.18.539.137 NMAC, 01/01/2009]

1.18.539.60 SALTWATER DISPOSAL LEASE FILES:

A. Program: rights of way and water resources

B. Maintenance system: chronological by date, then alphabetical by lease type, then numerical by lease number

C. Description: records concerning the granting of saltwater disposal site easements on state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include easement agreement, field report, biological survey, map, approval from OCD, miscellaneous instrument (i.e., powers of attorney, marriage certificates, death certificates, etc.), correspondence, etc.

D. Retention:

- (1) **Approved:** permanent, transfer to archives 10 years after expiration or termination of lease
- (2) **Rejected:** one year after date of certified notice of rejection issued

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information, Section 24-14-27 NMSA 1978 (i.e., vital records) and 5 USC Section 552a (i.e., social security number).

[1.18.539.60 NMAC - Rp, 1.18.539.72 NMAC, 01/01/2009]

1.18.539.61 RIGHTS OF WAY EASEMENT FILES:

A. Program: rights of way and water resources

B. Maintenance system: chronological by date, then numerical by easement number

C. Description: records concerning lease agreements for rights of way easements on state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include agreement application, plat, validation of fees paid, easement agreement, easement renewal, refund statement, partial or full assignment, change of address card, affidavit of completion, correspondence, etc.

D. Retention:

(1) **Approved:** permanent, transfer to archives 10 years after expiration or termination of easement agreement

- (2) **Rejected:** one year after date of certified notice of rejection issued

E. Confidential: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.

[1.18.539.61 NMAC - Rp, 1.18.539.135 NMAC, 01/01/2009]

1.18.539.62 RIGHTS OF WAY AND WATER EASEMENT MISCELLANEOUS INSTRUMENT FILES:

- A. Program:** rights of way and water resources
 - B. Maintenance system:** chronological by date then numerical by instrument number
 - C. Description:** records documenting changes made to existing state trust land rights of way and water easement agreements. File may include name change, power of attorney, bill of sale, certificate of amendment, certificate of incorporation, death certificate, merger documentation, divorce decree, etc.
 - D. Retention:** permanent (active record maintained on-site)
 - E. Confidentiality:** Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information, Section 24-14-27 NMSA 1978 (i.e., vital records) and 5 USC Section 552a (i.e., social security number).
- [1.18.539.62 NMAC - Rp, 1.18.539.140 NMAC, 01/01/2009]

1.18.539.63 RIGHTS OF WAY, WATER, AND SALTWATER DISPOSAL LEASE SINGLE AND BLANKET BOND FILES:

- A. Program:** rights of way and water resources
 - B. Maintenance system:** chronological by date, then alphabetical by company name
 - C. Description:** records of bonds filed with SLO by holders of water or rights of way easements to cover damages to state trust lands. File may include copy of bond, powers of attorney, signing authority from company, bond waiver, validation of fees, correspondence, etc.
 - D. Retention:** five years after date financial assurance is released by commissioner of public lands
- [1.18.539.63 NMAC - Rp, 1.18.539.138 NMAC, 01/01/2009]

1.18.539.64 - 1.18.539.65 [RESERVED]

[1.18.539.64 NMAC, *land purchase contract file* is no longer being produced and will be transferred to archives upon imaging and microfilm.]

1.18.539.66 AGRICULTURAL LEASE FILES:

- A. Program:** agricultural leasing
 - B. Maintenance system:** chronological by date, then alphabetical by lease type, then numerical by lease number
 - C. Description:** records concerning lease agreements granting permission for the use of state trust lands for agricultural purposes. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include application, lease agreement, sublease agreement, assignment, amendment, improvement application, field report, biological survey, survey or plat, validation of fees paid, proof of bond, correspondence, etc.
 - D. Retention:**
 - (1) **Approved:** permanent, transfer to archives 10 years after expiration or termination of lease
 - (2) **Rejected:** one year after date of certified notice of rejection issued
 - E. Confidentiality:** Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information and 5 USC Section 552a (i.e., social security number).
- [1.18.539.66 NMAC - Rp, 1.18.539.143 NMAC, 01/01/2009]

1.18.539.67 AGRICULTURAL MISCELLANEOUS INSTRUMENT FILES:

- A. Program:** agricultural leasing
 - B. Maintenance system:** chronological by date, then numerical by instrument number
 - C. Description:** records concerning changes made to existing agricultural lease agreements. File may include name change, power of attorney, certificates of amendment, certificate of incorporation, death certificate, merger documentation, divorce decree, etc.
 - D. Retention:** permanent (active records maintained on-site)
 - E. Confidentiality:** Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information, Section 24-14-27 NMSA 1978 (i.e., vital records) and 5 USC Section 552a (i.e., social security number).
- [1.18.539.67 NMAC - Rp, 1.18.539.145 NMAC, 01/01/2009]

1.18.539.68 COLLATERAL ASSIGNMENT FILES:

- A. **Program:** agricultural leasing
- B. **Maintenance system:** chronological by date, then numerical by collateral assignment number
- C. **Description:** records concerning lessee requests for approval to use agricultural leased state trust lands as collateral security. File may include collateral assignment form, release of collateral assignment, correspondence, etc.
- D. **Retention:** permanent, transfer to archives 10 years after date collateral assignment release
- E. **Confidentiality:** Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information and 5 USC Section 552a (i.e., social security number).
[1.18.539.68 NMAC - Rp, 1.18.539.147 & 148 NMAC, 01/01/2009]

1.18.539.69 - 1.18.539.72 [RESERVED]

1.18.539.73 OIL AND GAS LEASE FILES:

- A. **Program:** oil and gas
- B. **Maintenance system:** chronological by date, then alphanumerical by lease type and number
- C. **Description:** records concerning lease agreements granting permission for the use of state trust lands for oil and gas extraction and production. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include annual rental distribution record, bid application, assignment form, certification, commingling order, commingling request form, communization agreement posting, force pooling, general conveyance, lease agreement, lease plat, letter of partial release, refund statement, registered mail card (i.e., notice of cancellation or rejection), renewal, operations plan, field report, biological survey, reclamation plan, unit agreement posting, stipulation, shut-in royalty payment, extension permission, change of address card, letter of full release, copy of LURC form, correspondence, etc.
- D. **Retention:**
 - (1) **Approved:** permanent, transfer to archives 10 years after expiration or termination of lease
 - (2) **Rejected:** one year after date of certified notice of rejection issued
- E. **Confidentiality:** Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.
[1.18.539.73 NMAC - Rp, 1.18.539.158 NMAC, 01/01/2009]

1.18.539.74 OIL AND GAS MISCELLANEOUS INSTRUMENT FILES:

- A. **Program:** oil and gas
- B. **Maintenance system:** alphabetical by lessee or operator surname
- C. **Description:** records concerning changes made to existing oil and gas lease agreements. File may include name change, power of attorney, certificates of amendment, certificate of incorporation, death certificate, merger documentation, divorce decree, etc.
- D. **Retention:** permanent (active records maintained on-site)
- E. **Confidentiality:** Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information, Section 24-14-27 NMSA 1978 (i.e., vital records) and 5 USC Section 552a (i.e., social security number).
[1.18.539.74 NMAC - Rp, 1.18.539.152 NMAC, 01/01/2009]

1.18.539.75 OIL AND GAS BOND FILES:

- A. **Program:** oil and gas
- B. **Maintenance system:** alphabetical by lessee or operator surname
- C. **Description:** records of bonds for damages resulting from oil and gas activity on state trust lands. File may include surety bond form, assignment of cash collateral, irrevocable letter of credit, cash bond form, etc.
- D. **Retention:** permanent, transfer to archives 10 years after financial assurance is released by commissioner of public lands
[1.18.539.75 NMAC - Rp, 1.18.539.153 NMAC, 01/01/2009]

1.18.539.76 MARGINAL WELL PROGRAM FILES:

- A. **Program:** oil and gas
- B. **Maintenance system:** chronological by date, then numerical by approval number
- C. **Description:** records concerning oil and gas leases eligible for reduced royalty rates because of declining well production. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include application

for lower royalty rate, production data for previous years, affidavit of marginal production status, validation of fees paid, letter of approval, correspondence, etc.

D. Retention: permanent, transfer to archives 10 years after expiration or termination of lease

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.

[1.18.539.76 NMAC - N, 01/01/2009]

1.18.539.77 - 1.18.539.80 [RESERVED]

1.18.539.81 OIL AND GAS LEASE AND SALE ANALYSIS REPORTS:

A. Program: oil and gas

B. Maintenance system: chronological by date

C. Description: reports concerning the analysis data on all oil and gas leases and corresponding sales. Report may show sales notice, sale results, summary on sale results, etc.

D. Retention: two years after date created

[1.18.539.81 NMAC - Rp, 1.18.539.150 NMAC, 01/01/2009]

1.18.539.82 - 1.18.539.86 [RESERVED]

1.18.539.87 LOGICAL MINE RESERVES POTASH FILES:

A. Program: oil and gas

B. Maintenance system: chronological by date

C. Description: records concerning the location and estimated potash mine reserves on state trust lands. File may include report of estimated potash reserves and maps of potash mines located on state trust lands.

D. Retention: permanent, transfer to archives 10 years after mine closure

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information

[1.18.539.87 NMAC - Rp, 1.18.539.159 NMAC, 01/01/2009]

1.18.539.88 GEOPHYSICAL PERMIT FILES:

A. Program: oil and gas

B. Maintenance system: chronological by date, then numerical by permit number

C. Description: records concerning issuances of geophysical exploration permits on state trust lands on which there is no valid existing oil and gas lease. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include permit application, permit copy, fee worksheet, check copies, location maps, bind information, field report, biological survey, permit expiration notice, correspondence, etc.

D. Retention: five years after expiration or termination of permit

E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.

[1.18.539.88 NMAC - Rp, 1.18.539.157 NMAC, 01/01/2009]

1.18.539.89 COMMUNITIZATION (POOLING) AGREEMENT FILES:

A. Program: oil and gas

B. Maintenance system: chronological by date, then numerical by agreement number

C. Description: records concerning ownership of mineral rights for pooled lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. Files may include agreement between lessees, letter of approval, certificate of approval, legal description of land (pooled or communitized), well completion or re-completion report and log from energy minerals and natural resources department OCD, correspondence, etc.

D. Retention: permanent, transfer to archives one year after expiration or termination of agreement

[1.18.539.89 NMAC - Rp, 1.18.539.160 NMAC, 01/01/2009]

1.18.539.90 COMMINGLING FILES:

A. Program: oil and gas

B. Maintenance system: chronological by date, then alphabetical by company name

C. Description: records concerning the approval, rejection, or modification of commingling agreements by SLO and the oil conservation division of the EMNRD for oil and gas production. Portions of file are

input to *ONGARD*, 1.18.539.16 NMAC. File may include commingling application, maps, plats, well records, approval or rejection letter from SLO, OCD order, letter of modifications, filing fee documentation, correspondence, etc.

D. Retention: permanent (active records maintained on-site)
[1.18.539.90 NMAC - Rp, 1.18.539.164 NMAC, 01/01/2009]

1.18.539.91 UNIT AGREEMENT FILES:

A. Program: oil and gas
B. Maintenance system: chronological by date, then alphabetical by unit name
C. Description: record of unit agreements between SLO and lessee assuring equal extraction of resources (i.e., oil, gas, and minerals). File may include unit agreement, engineering reports, geological maps, operating agreements, well records, development plans, correspondence, etc.

D. Retention: permanent, transfer to archives five years after date agreement terminated
[1.18.539.91 NMAC - Rp, 1.18.539.163 NMAC, 01/01/2009]

1.18.539.92 - 1.18.539.96 [RESERVED]

1.18.539.97 MINERAL LEASE FILES:

A. Program: minerals
B. Maintenance system: chronological by date, then alphanumeric by lease type and number
C. Description: records concerning lease agreements granting permission for mineral mining of various mineral extractions and production on state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include lease application, lease, field report, biological survey, operation plan, reclamation plan, registered mail card notice, relinquishment letter, correspondence, etc.

D. Retention:
(1) **Approved:** permanent, transfer to archives 10 years after expiration or termination of lease
(2) **Rejected:** one year after date of certified notice of rejection issued
E. Confidentiality: Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.
[1.18.539.97 NMAC - 1.18.539.155 & 167 NMAC, 01/01/2009]

1.18.539.98 MINERALS BOND FILES:

A. Program: minerals
B. Maintenance system: chronological by date, then alphabetical by lessee or operator surname
C. Description: records of bonds filed with SLO to cover damages resulting from mineral mining activity on state trust lands. File may include surety bond form, assignment of cash collateral, irrevocable letter of credit, cash bond form, etc.

D. Retention: permanent, transfer to archives 10 years after financial assurance is released by commissioner of public lands
[1.18.539.98 NMAC - N, 01/01/2009]

1.18.539.99 CALICHE PERMIT FILES:

A. Program: minerals
B. Maintenance system: chronological by date, then numerical by permit number
C. Description: records concerning permits granting permission for the extraction of caliche from state trust lands. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include permit application, permit copy, royalty reports, caliche pit action correspondence, etc.

D. Retention: 10 years after date permit expires
[1.18.539.99 NMAC - Rp, 1.18.539.168 NMAC, 01/01/2009]

1.18.539.100 - 1.18.539.108 [RESERVED]

[Record series 1.18.539.100 NMAC, *institutional beneficiary file (territorial and state)*; 1.18.539.102 NMAC, *territorial deeds file*; 1.18.539.103 NMAC *indemnity file*; 1.18.539.105 NMAC, *department of interior land dispute file*; 1.18.539.106 NMAC, *common school confirming patents file*; 1.18.539.108 NMAC, *clear list (u.s. patents) file*; are no longer being produced and will be transferred to archives upon imaging and microfilming.]

1.18.539.109 SPECIAL USE AGREEMENT PERMIT FILES:

- A. Program:** minerals
- B. Maintenance system:** chronological by date, then alphabetical by lease type and numerical by agreement number
- C. Description:** records concerning lease agreements granting permission for access to state trust lands for the exploration of minerals and the reclamation of mined lands after production has ceased. Portions of file are input to *ONGARD*, 1.18.539.16 NMAC. File may include application, special use agreement, maps exploration plan, reclamation plan, registered mail card notice, annual rental distribution record, analysis report on findings, correspondence, etc.
- D. Retention:**
 - (1) **Approved:** permanent, transfer to archives 10 years after expiration or termination of permit
 - (2) **Rejected:** one year after date of certified notice of rejection issued
- E. Confidentiality:** Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 Confidential information.
[1.18.539.109 NMAC - Rp, 1.18.539.165 NMAC, 01/01/2009]

1.18.539.110 - 1.18.539.114 [RESERVED]

1.18.539.115 ROYALTY REFUND FILES:

- A. Program:** royalty management
- B. Maintenance system:** chronological by fiscal year
- C. Description:** records concerning refunds made to companies that request reimbursement of funds due to overpayment of royalties to the state in lieu of credits to accounts. Portions of file are input to *ONGARD system*, 1.18.539.16 NMAC. File may include refund application, refund application checklist, account reconciliation worksheets, approval or denial recommendation of funds from revenue processing, audit and compliance notification copy, correspondence, etc.
- D. Retention:** six fiscal years after final disposition of refund claim
- E. Confidentiality:** Portion of this file may be confidential pursuant, but not limited to 20 CFR 402.90 (i.e., Trade secrets and confidential commercial or financial information) and Section 7-1-8 NMSA 1978, Confidentiality of Returns and Other Information.
[1.18.539.115 NMAC - N, 05/04/2009]

1.18.539.116 OIL AND GAS ROYALTY CASH DEPOSIT FILES:

- A. Program:** royalty management
- B. Maintenance system:** chronological by date
- C. Description:** records concerning monthly cash deposits of oil and gas royalties made to SLO. Portions of file are output from *ONGARD*, 1.18.539.16 NMAC. File may include summary report, remittance documents, check copies, state treasury deposit slip copy, etc.
- D. Retention:** 10 years after close of fiscal year in which created
[1.18.539.116 NMAC - Rp, 1.18.539.174 NMAC, 01/01/2009]

1.18.539.117 OIL AND GAS ROYALTY REPORTING FILES:

- A. Program:** royalty management
- B. Maintenance system:** chronological by date, then alphabetical by company name, then identification number
- C. Description:** records concerning monthly oil and gas royalty reports generated by lessee and provided to SLO. Portions of file are output from *ONGARD*, 1.18.539.16 NMAC. File may include oil and gas royalty summary report, oil and gas royalty detail report, edit report, return reconciliation worksheet, company authorization for corrections, correspondence, etc.
- D. Retention:** 10 years after close of calendar year in which created
- E. Confidentiality:** Portion of this file may be confidential pursuant, but not limited to 20 CFR 402.90 (i.e., Trade secrets and confidential commercial or financial information) and Section 7-1-8 NMSA 1978, Confidentiality of Returns and Other Information.
[1.18.539.117 NMAC - Rp, 1.18.539.34, 35 & 177 NMAC, 01/01/2009]

1.18.539.118 MONTHLY ROYALTY PRE-DISTRIBUTION AUDIT REPORT:

- A. **Program:** royalty management
- B. **Maintenance system:** chronological by date
- C. **Description:** report of monthly pre-distribution totals of oil and gas royalties to beneficiaries.

Report may show beneficiary, year to date royalties paid, current month royalties paid, current month interest paid, input records count, input records amount, input records total, output records count, output records amount, output records total, rounded royalty amount, rounded interest amount, etc.

D. **Retention:** 10 years after close of calendar year in which created
[1.18.539.118 NMAC - Rp, 1.18.539.34 & 35 NMAC, 01/01/2009]

1.18.539.119 OIL AND GAS ROYALTY COMPANY LEVEL AUDIT FILES:

- A. **Program:** royalty management
- B. **Maintenance system:** chronological by date, then alphabetical by company name
- C. **Description:** records concerning audits conducted by SLO on companies reporting royalties.

Portions of file are output from *ONGARD*, 1.18.539.16 NMAC. File may include audit report, audit assessment, initial meeting notes, work papers, volume and value assessment letters, royalty reports, amended royalty reports for takes versus entitlement adjustments, audit closure letter, correspondence, etc.

D. **Retention:** 10 years after date of audit closure letter
[1.18.539.119 NMAC - Rp, 1.18.539.169 & 170 NMAC, 01/01/2009]

1.18.539.120 OIL AND GAS PROPERTY LEASE AUDIT FILES:

- A. **Program:** royalty management
- B. **Maintenance system:** chronological by date, then alphabetical by company name
- C. **Description:** records concerning audits conducted by SLO on individual oil and gas property lease. Portions of file are output from *ONGARD*, 1.18.539.16 NMAC. File may include audit report, audit assessment, initial meeting notes, work papers, audit closure letter, correspondence, etc.

D. **Retention:** 10 years after date audit closure letter
[1.18.539.120 NMAC - Rp, 1.18.539.172 NMAC, 01/01/2009]

1.18.539.121 FEDERAL SECTION 29 FILES:

- A. **Program:** royalty management
- B. **Maintenance system:** chronological by date, then alphabetical by company name
- C. **Description:** records concerning sales contract of coal seam gas tax credits. File may include royalty summary reports, gas production summary reports, copy of sales contract, monthly and quarterly report of royalty report production to companies, monthly state tax oil and gas reports, copies of cash transfers, distribution instruction copies, correspondence, etc.

D. **Retention:** 10 years after expiration or termination of contract

E. **Confidentiality:** Portions of this file may be confidential pursuant, but not limited to Section 19-1-2.1 NMSA 1978, Confidential information.
[1.18.539.121 NMAC - Rp, 1.18.539.178 NMAC, 01/01/2009]

HISTORY OF 1.18.539 NMAC:

Pre-NMAC History: Material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

SRC Rule 68-3 State Land Office Records Retention and Disposition Schedule, filed 3/27/68.

SRC Rule 70-12 Records Retention and Disposal Schedule for New Mexico State Land Office, filed 5/25/70.

SRC Rule 75-12 Records Retention and Disposal Schedule for State Land Office, filed 5/19/75.

SRC Rule No. 83-26 Records Retention and Disposition Schedule for New Mexico State Land Office, filed 8/30/83.

History of Repealed Material:

1 NMAC 3.2.93.539, Executive Records Retention and Disposition Schedule, State Land Office, filed 12/9/96 - Repealed effective 4/9/2000.

1.18.539 NMAC, ERRDS, State Land Office, filed 3/9/2000 - Repealed effective 01/01/2009.