



# PLANNING & ZONING STAFF SUMMARY REPORT

**MEETING DATE: SEPTEMBER 20, 2022**

**CASE # ETZ 2022-16**

<b>REVIEWING BOARD</b>	<b>ROSWELL-CHAVES COUNTY EXTRATERRITORIAL PLANNING AND ZONING COMMISSION</b>
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<b>ACTION REQUESTED:</b>	Special Use Permit for a Cannabis Production Facility in the Rural Suburban District
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<b>LAND OWNER AND AGENT:</b>	Pierre Farms LLC Osborn and Amigos Farms LLC (Chris Whitney and Freddy Nasrallah)
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<b>LOCATION:</b>	74 Pierre Road Tract 3, A & D of Osborn Boundary Line Adjustment Plat
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<b>ITEM SUMMARY</b>	The applicant is proposing to operate a cannabis production facility in the Rural Suburban District. A Special Use Permit is required to verify the distance required to specific uses listed in Article 29.6 and its conformance with the surrounding areas for the health, safety and wellness of the neighborhood and community per Article 25 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No.80-1, Revision 20.
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<b>SUPPORTING DOCUMENTS</b>	Staff Report, Application, Agent’s Letter, Site Plan, Site Photos & Vicinity Map.
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**SUMMARY BY:** Louis Jaramillo –Planning & Zoning Director

# STAFF'S REPORT

## CASE # ETZ 2022-16

Pierre Farms LLC and Osbourn and Amigos Farms LLC are requesting a Special Use Permit for the operation of a cannabis production facility to be located at 74 Pierre Road. A Special Use Permit is required in order to verify compliance with Article 29.6.A – F, and 29.7 A – F of the Roswell-Chaves County Extraterritorial Zoning Ordinance No.80-1, Revision 20. Staff has notified property owners within 1,000 feet of the proposed site and has determined that the proposed facility complies with both Article 29.6.A– F and 29.7 A- F which includes sufficient irrigation or agricultural water rights.

A production facility is permitted to grow, harvest, test, process, ship and sell to retailers only. This facility would not be permitted to sell cannabis to the public nor integrate the cannabis into consumable products. Osbourn and Amigos Farms LLC has stated the facility would have approximately 5-15 employees. Employees are to be held to a minimum to limit accessibility to the cannabis product. The applicant and agent are proposing to convert the existing 60'x 60' accessory metal building into an indoor operational facility as part of Phase 1. The metal building has been used for housing animals and farm supplies in the past. The metal building will need a commercial upgrade and building permit in order to comply with NM General Construction standards and requirements. The agent has stated the residential home would remain and be used for housing of employees.

Osbourn and Amigos Farms LLC has presented a preliminary layout of the facility with multiple phases of development including a new office building, green houses, and outdoor growing area on both lots. The applicant is proposing a guard shack near the entrance way from Pierre Road and would fence both sides of the existing chip-sealed road. Security fencing will be installed around the perimeter of the properties, lighting will be comply with the Night Sky Act, and cameras and security will comply with the State CCDC requirements and regulations..

The applicant has provided a report from the NM Office of the State Engineer stating the total diversion of artesian groundwater from Well-RA-2832 shall be limited to 9.0 acre-feet per annum for irrigation and commercial use. The State will monitor all usage through a metering system on the well.

The proposed site and surrounding properties to the north, east and west are zoned Rural Suburban District. The three properties to the south are zoned Agriculture-Residential District. There are three residential houses to the south and one new home to the east along Pierre Road. There are agricultural fields to the north and west the proposed site. Staff has not found nor been informed of any of the restrictive uses listed in Article 29 within the 1,000-foot area. There are four residential homes future east along Pierre Road.

Article 25 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1 states that a Special Use Permit shall not be transferable from one property owner to another or one location to another. Article 25 lists four considerations the Commission must deliberate in approving the SUP. It also gives six requirements that must be met before the Commission may granting the SUP. Also, Article 25 notes thirteen (13) development restrictions or conditions the Commission may require as part of the

approval. Finally, Article 25 gives reasons for revoking or terminating the SUP, such as but not limited to, failure to begin construction, restrictions or conditions within the specific time required under the Conditions of Approval.

Article 2.5 of the Roswell-Chaves County Extraterritorial Zoning Ordinance 80-1 states if owners of twenty (20%) percent or more of the property within one hundred (100') feet of the proposed Special Use Permit protest in writing, an approval vote of 5 Commission members shall be required. Staff will review the site for compliance all Conditions of Approval. Failure to complete all required improvements and upgrades within one year shall result in the termination of this Special Use Permit.

At the time of this writing, Staff had not received any letters of protest or support. Staff recommends the following Conditions of Approval, if approved.

1. The Special Use Permit shall be for 10 years at which time Staff shall review the site for a possible 10-year extension.
2. All structures and growing areas remain sixty feet from all perimeter (exterior) property lines.
3. The seven (7) foot perimeter fence, guard shack, and required security cameras be installed prior to the production of cannabis as required by the State CCD.
4. All necessary modification to the existing metal building and any new structures shall require a building and electrical permit from Chaves County. Plumbing and HVAC permits shall be permitted by the State CID. State Fire Marshal shall approve all constructions plans prior to requesting a permit with either Chaves County or the State.
5. All lighting used on-site shall be shielded from traffic, surrounding properties and shall comply with the NM Night Sky Act.
6. Osbourn and Amigos Farms LLC shall be required to apply and pay for all necessary fees for a Cannabis Establishment permit with Chaves County per Article 29 of the Roswell-Chaves County Extraterritorial Zoning Ordinance 80-1.
7. That the business operation shall register with the Chaves County Planning and Zoning Department-Cannabis Establishment, NM Taxation and Revenue Department and shall comply with all NM General Construction., NM Environmental Department, NM State Engineers Office and Cannabis Control Division requirements and regulations.

#### **Findings of Fact:**

1. The proposed use requires a Special Use Permit per Article 29 of the Roswell-Chaves County ETZ Ordinance 80-1 in the Rural Suburban District. All structures used in the Cannabis production are required to comply with NM Commercial Building Code per the New Mexico Construction Industries Division (NMCID).

2. The proposed cannabis production facility complies with both Article 29.6.A – F and 29.7 A - F of the Roswell-Chaves County Extraterritorial Zoning Ordinance 80-1, include sufficient irrigation or agricultural water rights.
3. The proposed Special Use Permit complies or does not comply with the restrictions stated in Article 25. (Reason per the Commission)
4. Owner's within one thousand (1000') feet of the proposed Special Use Permit have been notified by certified mail, per Section 2.5 of the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1.
5. Planning and Zoning Staff have advertised this meeting in the local newspaper 15 days prior to today's public hearings per the Roswell-Chaves County Extraterritorial Zoning Ordinance No. 80-1.



ROSWELL- CHAVES COUNTY ETZ/ CHAVES COUNTY ZONING APPLICATION

Case Number: 2022-16 Date Received: 8/15/22 Fee: \$300.00

Type of Request: [ ] Rezoning [x] Special Use [ ] Variance [ ] Change of Use
Owner's Name: Osbourn and Amigos Farms LLC
Mailing Address: 2604 N. Main Roswell NM 88201
Agent's Name: Chris Whitney, Freddy Wazirah
Mailing Address: 2604 North main St.

[x] Roswell-Chaves County ETZ [ ] Chaves County
Case Address: 74 Pierre Road
Legal Description: Tract 3 Osbourn Bndy Line Adjustment & Tract A&D S.24 T.25R.23E
Parcel Number: 4-134-071-490-484-000000, 4135672009211
Present Land Use:
Intended Land Use:
Present Zoning: R-S Requested Zoning: R-1
Reason for Requested: Cannabis producer
PLEASE INCLUDE ALL DEVELOPMENT PLANS, SITE PLANS, AND /OR BUSINESS PLANS

I ACKNOWLEDGE THAT I HAVE BEEN INFORMED OF THE DATES, TIMES, AND LOCATIONS OF THE PUBLIC HEARINGS FOR WHICH I OR MY AGENT SHALL ATTEND IN ORDER TO FULFILL THE REQUIREMENTS OF THIS APPLICATION.
Owner's Signature: Floyd M. Osbourn Date: 8-10-2022



**CORRECTION DEED**

STATE OF NEW MEXICO }  
 }  
 COUNTY OF CHAVES }

KNOW ALL MEN BY THESE PRESENTS:

RECITALS

WHEREAS, **Floyd Osbourn**, a single man, of 2603 North Washington Ave., Roswell, New Mexico 88201 (**Osbourn**), was the owner of Tracts A, B, D and 3 shown on the *Osbourn Boundary Line Adjustment* recorded on August 25, 2020 at Survey Book 25, Page 44 of the Chaves County Clerk's Records;

WHEREAS, Osbourn did thereafter execute and record the following two instruments:

- 1. *Quitclaim Deed* dated August 27, 2020 from Osbourn to "74 Pierre Road Farms" recorded on August 27, 2020 in the Chaves County Clerk's Records as Document No. 202006069, purporting to convey Tracts A, D and 3 of his property (**QCD1**);
- 2. *Quitclaim Deed* dated September 15, 2020 from Osbourn to "74 Pierre Road Farms" recorded on September 15, 2020 in the Chaves County Clerk's Records as Document No. 202006523, again purporting to convey Tracts A, D and 3 of his property (**QCD2**);

WHEREAS, there were various scrivener's errors in these two conveyances, including the fact that there is no entity in existence named "74 Pierre Road Farms," so that these conveyances to a non-existent entity were in fact legal nullities;

WHEREAS, there is now in existence **Pierre Farms, LLC**, a limited liability company organized in the State of New Mexico, of 74 Pierre Road, Dexter, New Mexico, 88230, of which Osbourn is currently the sole member, which entity was the intended grantee in QCD1 and QCD2;

WHEREAS, due to these errors, and in order to cure the same, Osbourn has executed and delivered for recording this Correction Deed in order to substitute for and replace, for all purposes, both QCD1 and QCD2;

CONVEYANCE

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by Osbourn, Osbourn does hereby GRANT AND CONVEY to Pierre Farms, LLC, without warranty of any kind, the following described parcels of land in Chaves County, New Mexico:

**Tract 3** as shown on the *Osbourn Boundary Line Adjustment* recorded August 25, 2020 at Survey Book 25, Page 44 of the Chaves County Clerk's Records;

**Tract A**, being a tract of land comprised of a part of the SE/4SE/4 of Section 24 in Township 12 South of Range 23 East of the New Mexico Principal Meridian and of the SW/4NW/4 of Section 28, in Township 12 South of Range 24 East, N.M.P.M., being more particularly described as follows:

Beginning at the Southeast corner of said Section 24; thence S 89°56' W along the South line of said Section 24 a distance of 1370.67 feet, more or less, to the Southwest corner of the SE<sub>1</sub>/<sub>4</sub>SE<sub>1</sub>/<sub>4</sub> of said section 24, thence N 00°27'00"W along the West line of said SE<sub>1</sub>/<sub>4</sub>SE<sub>1</sub>/<sub>4</sub> of said Section 24 a distance of 580.91 feet, thence N 89° 35' E along a straight line (crossing into Section 28, Township 12 South Range 24 East, N.M.P.M.) a distance of 1687.40 feet, thence S 0°27' E a distance of 484.95 feet to the South line of the SW<sub>1</sub>/<sub>4</sub>NW<sub>1</sub>/<sub>4</sub> of Section 28, thence S 86°11'W along the South line of the SW<sub>1</sub>/<sub>4</sub>NW<sub>1</sub>/<sub>4</sub> of Section 28 a distance of 316.96 feet to the Southwest corner of said SW<sub>1</sub>/<sub>4</sub>NW<sub>1</sub>/<sub>4</sub> of Section 28, thence S 0°13'E along the West line of Section 28 (which line is also the East line of said Section 24) a distance of 85.5 feet to the point of beginning;

Together with an easement for roadway and utilities over and across the East 30 feet of said Section 24 from a point on the North line of the tract hereinabove conveyed to the point of intersection of the South line of County Road No. C3-116 with the East line of said Section 24; and

**Tract D**, being a tract of land comprised of the SE/4SE/4 of Section 24, Township 12 South, Range 23 East, New Mexico Prime Meridian, being more particularly described as follows:

Beginning at a point on the east line of said Section 24, from which the Southeast corner of said Section 24, bears S 00°13'00" E a distance of 1024.11 feet; thence S

00°13'00" E along the east line of said Section 24, a distance of 434.86 feet, thence S 89° 35' 05" W a distance of 1373.04 feet to a point on the west line of said SE1/4SE1/4, thence N 00°27'00"W along the west line of said SE1/4SE1/4 a distance of 434.86 feet; thence N 89° 35' 05" E a distance of 1374.81 feet to the point of beginning;

(This tract is also shown as Tract 2 on Plat of Survey recorded July 22nd 1998 at Survey Book 5, Page 63 of the Chaves County Clerk's Records);

TOGETHER WITH all improvements and fixtures thereon and all rights, titles and interests of any kind or character appurtenant thereto, including, but not limited to, the irrigation water rights in NMOSE File No. RA-2257 & RA-2558-Comb-A into RA-1832; RA-178-A into RA-2832; but SUBJECT TO all easements, restrictions and reservations of record.

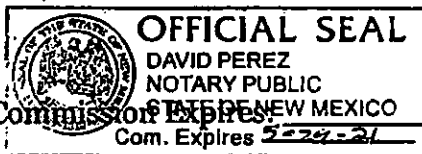
TO HAVE AND TO HOLD the property conveyed hereby, in fee simple, unto Pierre Farms, LLC, its successors and assigns.

IN WITNESS WHEREOF, this *Correction Deed* is executed by Osbourn on the date and at the place set forth below.

*Floyd Osbourn*  
Floyd Osbourn

STATE OF NEW MEXICO )  
  )  
COUNTY OF CHAVES     )

The foregoing instrument was acknowledged before me this January 19, 2021 by **Floyd Osbourn**, a single man.



*David Perez*  
Notary Public

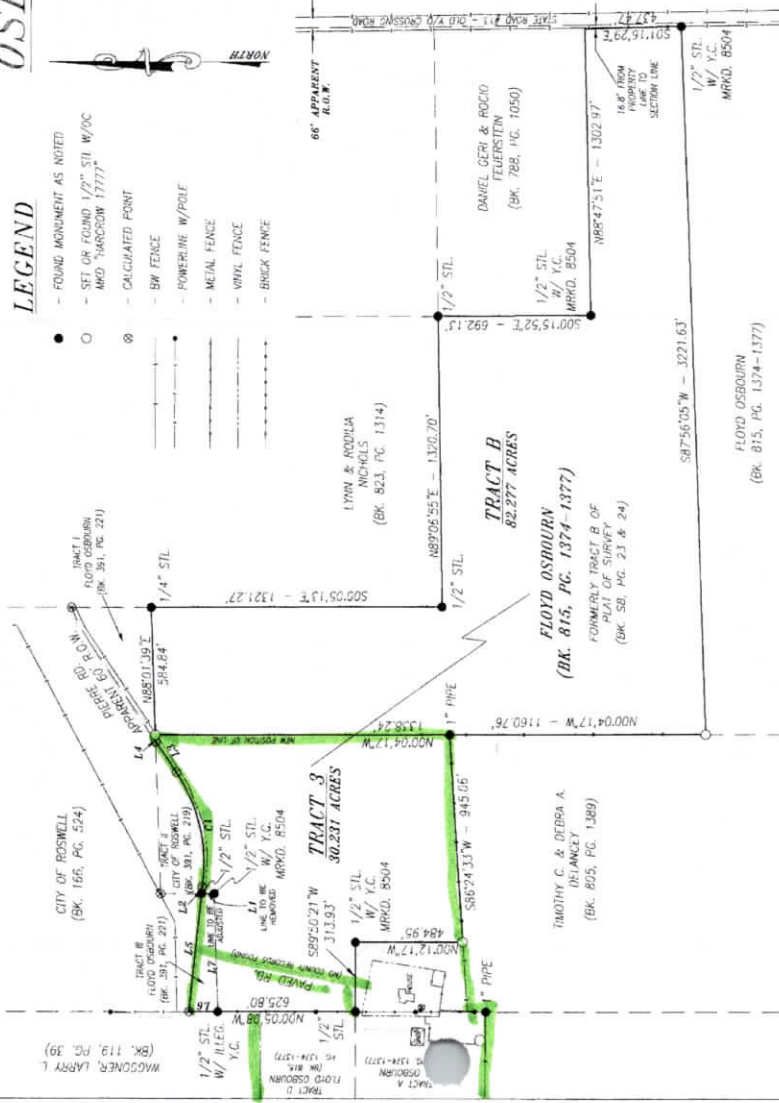


# OSBOURN BOUNDARY LINE ADJUSTMENT

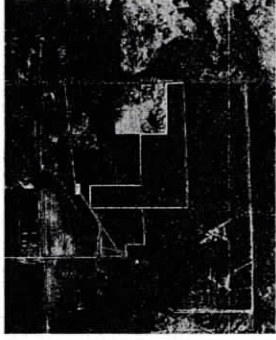
SECTION 28, TOWNSHIP 12 SOUTH, RANGE 24 EAST, N.M.P.M.,  
CHAVES COUNTY, NEW MEXICO

## LEGEND

- FOUND MONUMENT AS NOTED
- SET OR FOUND 1/2" STI W/OC MKD "HARCROW 17777"
- ⊙ CALCULATED POINT
- SW FENCE
- POWERLINE W/POL
- METAL FENCE
- W/ML FENCE
- BRICK FENCE



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	CHORD ANGLE	DELTA ANGLE
CT	735.04	546.45	533.95	N77°10'07"E	47°35'43"	
L1	N007°16'51"W	57.89				
L2	S84°52'41"E	31.88				
L3	N85°52'15"E	169.01				
L4	N89°01'39"E	31.05				
L5	N84°08'26"W	537.62				
L6	S00°00'23"W	130.81				
L7	N88°04'09"E	525.41				



VICINITY MAP  
NOT TO SCALE

PROPERTIES TO BE ADJUSTED:  
THE FOREGOING BOUNDARY LINE ADJUSTMENT OF TRACT III & TRACT B OF PLAT OF SURVEY IN SECTION 28, TOWNSHIP 12 S, RANGE 24 E IN CHAVES COUNTY AS DESCRIBED BY DEED RECORDED IN BOOK 815, PAGES 1374-1377 & BOOK 391, PAGE 221 OF THE OFFICIAL RECORDS OF CHAVES COUNTY, NEW MEXICO.  
SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS OF RECORD AND IN OPEN VIEW AND CHAVES COUNTY PROPERTY TAXES.

FLOOD ZONE:  
THIS PROPERTY IS IN FLOOD ZONE X as shown on the FEMA Flood Insurance Rate Map, Community-Panel Number: 35005C1975D. Map Effective: June 4, 2010.

THIS PLAT IS EXEMPT FROM THE NEW MEXICO SUBDIVISION ACT AND THE CHAVES COUNTY SUBDIVISION REGULATIONS UNDER §47-6-2 NMSA 1978 P J 8 DEFINITIONS EFFECTIVE JULY 7, 1996.

CLAIM OF EXEMPTION REASON:  
(4)The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. ATTACH CERTIFICATE TO THIS INSTRUMENT. ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.

NOTE:  
LOCATIONS OF UTILITIES ARE BASED ON ABOVE GROUND, PHYSICAL EVIDENCE AND/OR ONE CALL MARKINGS.

BASIS OF BEARING:  
BEARINGS SHOWN HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. DISTANCES ARE SURFACE VALUES.

REFERENCES:  
PLAT OF SURVEY AS RECORDED IN BOOK 58, PAGES 23 & 24 OF THE OFFICIAL RECORDS OF CHAVES COUNTY, NEW MEXICO.

OWNERS STATEMENT AND AFFIDAVIT  
STATE OF NEW MEXICO)  
COUNTY OF CHAVES)

THE UNDERSIGNED BEING FIRST DULY SWORN ON OATH, STATE:

AS OWNER AND PROPRIETOR I HAVE OF MY OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS AND EXISTING ROAD RIGHT-OF-WAY TO BE PLATTED, THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF CHAVES COUNTY, NEW MEXICO

*Floyd Osbourn*  
FLOYD OSBOURN

ACKNOWLEDGMENT  
STATE OF NEW MEXICO)  
COUNTY OF CHAVES)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 24th DAY OF August, 2020 BY FLOYD OSBOURN.

MY COMMISSION EXPIRES:

*Notary Public*  
NOTARY PUBLIC



CHAVES COUNTY APPROVAL - EXEMPTION  
APPROVED AND ACCEPTED BY THE CHAVES COUNTY BOARD OF COUNTY COMMISSIONER'S OR AGENT THIS THE

25th DAY OF August, 2020.

BY: *Sam Sparks*  
AGENT

SURVEYOR'S CERTIFICATION  
I, CHAD HARCROW, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR CERTIFY THAT I DIRECTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THIS SURVEY AND PLAT MET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. IN WITNESS WHEREOF I HEREBY SET HAND AND AFFIX

MY OFFICIAL SEAL THIS 24th DAY OF August, 2020.



*Chad Harcrow*  
CHAD HARCROW N.M.P.S. NO. 17777

FILING AND RECORDING  
FILED FOR RECORD IN THE CHAVES COUNTY CLERK'S OFFICE ON THE 25th DAY OF August, 2020  
AT 10:31 (A.M.) P.M. BOOK 825 PAGE 44 RECEIPT# 20-592 FILED AMT. \$25.00

*David Kanko*  
COUNTY CLERK

INDEXING INFORMATION FOR COUNTY CLERK  
OWNER: FLOYD OSBOURN

SECTION: SECTION 28, TOWNSHIP 12 S, RANGE 24 E

ACREAGE: TRACT 3: 30.231 ACRES  
TRACT B: 82.277 ACRES

TOTAL: 112.508 ACRES



THIS IS TO CERTIFY THAT

**Osborn & Amigos Farms LLC**

is licensed & registered by the New Mexico Regulation & Licensing Department  
in accordance with provisions of laws in the State of New Mexico

License / Registration No.	License / Registration Type
<b>CCD-2022-0578-001</b>	<b>Cannabis Producer</b>
Issue Date	Expiration Date
<b>07/04/2022</b>	<b>07/04/2023</b>

The bearer is prohibited by law from using this duplication to give the impression that they are in any way connected with a governmental agency

Signature of holder

**Osborn & Amigos Farms LLC**  
**PO Box 3361,**

**Roswell, NM, 88202**

*State of New Mexico*



**NMRLD**  
NEW MEXICO  
REGULATION &  
LICENSING DEPARTMENT

**Regulation & Licensing Department**  
**Cannabis Control Division**



HEREBY CERTIFIES THAT

**Osborn & Amigos Farms LLC**

HAVING GIVEN SATISFACTORY EVIDENCE OF THE LICENSING REQUIREMENTS  
PRESCRIBED BY LAW IS GRANTED A LICENSE TO OPERATE IN THE STATE  
OF NEW MEXICO AS A

**Cannabis Producer**

License No.

CCD-2022-0578-001

Issued 07/04/2022

Expires 07/04/2023

THIS LICENSE SHOULD BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS OR AS REQUIRED BY LAW



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
District II Office, Roswell, NM

Mike A. Hamman, P.E.  
State Engineer

1900 West Second Street  
Roswell, New Mexico 88201  
(575) 622-6521  
FAX: (575) 623-8559

May 31, 2022

ATKINS ENGINEERING ASSOC INC  
C/O CHRIS CORTEZ  
2904 W SECOND ST  
ROSWELL, NEW MEXICO 88201

**RE: Permit No: RA-2557 & RA-2558-COMB-A into RA-2832 FOR PIERRE FARMS LLC**

GREETINGS:

Enclosed please find your copy of the above referenced application for permit, which has been approved subject to the conditions of approval attached thereon.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Jones".

Deborah Jones  
Water Resource Specialist

Enclosure  
cc: Santa Fe

**NEW MEXICO OFFICE OF THE STATE ENGINEER  
APPLICATION FOR PERMIT TO CHANGE  
PLACE AND PURPOSE OF USE (Groundwater)**

**SPECIFIC CONDITIONS OF APPROVAL**

PBU: Proof of Beneficial Use must be filed on or before May 31, 2026

1) This application is approved as follows:

Permit Number: RA-2557 & RA-2558-COMB-A into RA-2832

Priority Date: January 1, 1948

Water Source: Artesian Groundwater

**EXISTING POINTS OF DIVERSION:**

WELL	SUBDIVISION	SECTION	TOWNSHIP	RANGE	SOURCE
RA-2832	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	28	12S	24E	Artesian

**MOVE-FROM PLACE OF USE:**

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Part of S $\frac{1}{2}$ Lot 2	28	12S	24E	1.51
Part of SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	24	12S	23E	0.15

TOTAL ACRES: 1.66

**MOVE-TO PLACE OF USE:**

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Part of SE $\frac{1}{4}$	24	12S	23E	)

Commercial Greenhouse

TOTAL ACRES: up to 3.0

Purpose of Use: Irrigation and Commercial Greenhouse

Amount of Water: Up to 9.0 acre-feet per annum (Farm Delivery Requirement)  
Up to 6.3 acre-feet per annum (Consumptive Use)

2) The total diversion of artesian groundwater from well RA-2832 under this permit, as calculated by the equation below, shall be limited to 9.0 acre-feet per annum for irrigation and commercial use, measured at the well in each accounting year ending October 31; except that such diversion may be exceeded in any year provided that the total amount diverted during each of the court established accounting periods, of five consecutive years, does not exceed five times the annual amount set forth herein above and subject to condition No 6 below.

**Equation (All Units in Acre-Feet)**

X = Diversion amount charged to the 9.0 acre-feet  
In any accounting year, where X = A + B  
A = Diversion amount charged to irrigation  
B = 1.43 x (diversion to commercial use)

3) For every 2.10 acre-feet of water right diverted consumptively per annum for the commercial greenhouse, the amount of irrigated land shall be reduced by one acre during the same water accounting period.

NEW MEXICO OFFICE OF THE STATE ENGINEER  
APPLICATION FOR PERMIT TO CHANGE  
PLACE AND PURPOSE OF USE (Groundwater)

4) In addition to the above-described diversion of groundwater, approval is given for the diversion of an additional 2 acre-inches of groundwater for each acre-foot diverted for irrigation purposes to compensate for carriage loss in accordance with the Court decision of April 7, 1970.

5) No credit for carriage loss will be allowed for groundwater diverted for commercial purposes.

6) A totalizing meter of a type approved by and installed in a manner and at a location acceptable to the State Engineer shall be installed on the discharge line from well RA-2832. The Roswell Basin Watermaster shall be advised of the make, model, serial number, date of installation, and initial reading of the meters prior to any appropriation of water under the permit.

7) The diversion of water to direct use on irrigation land and commercial use shall be measured separately by totalizing meters of a type approved and installed in a manner and at locations acceptable to the State Engineer.

8) The permittee shall utilize the highest and best technology available to ensure conservation of water to the maximum extent practical.

9) This permit shall not be exercised to the detriment of valid existing water rights, shall not be contrary to the conservation of water within the State of New Mexico, and shall not be detrimental to the public welfare of the State.

10) 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.

11) Aggrieval of the permit or any of the conditions of approval suspends the permit. No water may be diverted under an aggrieved permit until final resolution of the aggrieval with the Office of the State Engineer. Any water diverted prior to aggrieval or while the aggrieval is pending will have to be repaid.

12) The State Engineer shall retain jurisdiction over this permit.

ACTION OF STATE ENGINEER

Notice of Intentions Rcvd:	Date Rcvd. Corrected:	
Formal Application Rcvd: 2/18/2022	Pub. Of Notice Ordered:	3/18/2022
Date Returned - Correction:	Affidavit of Pub. Filed:	4/18/2022

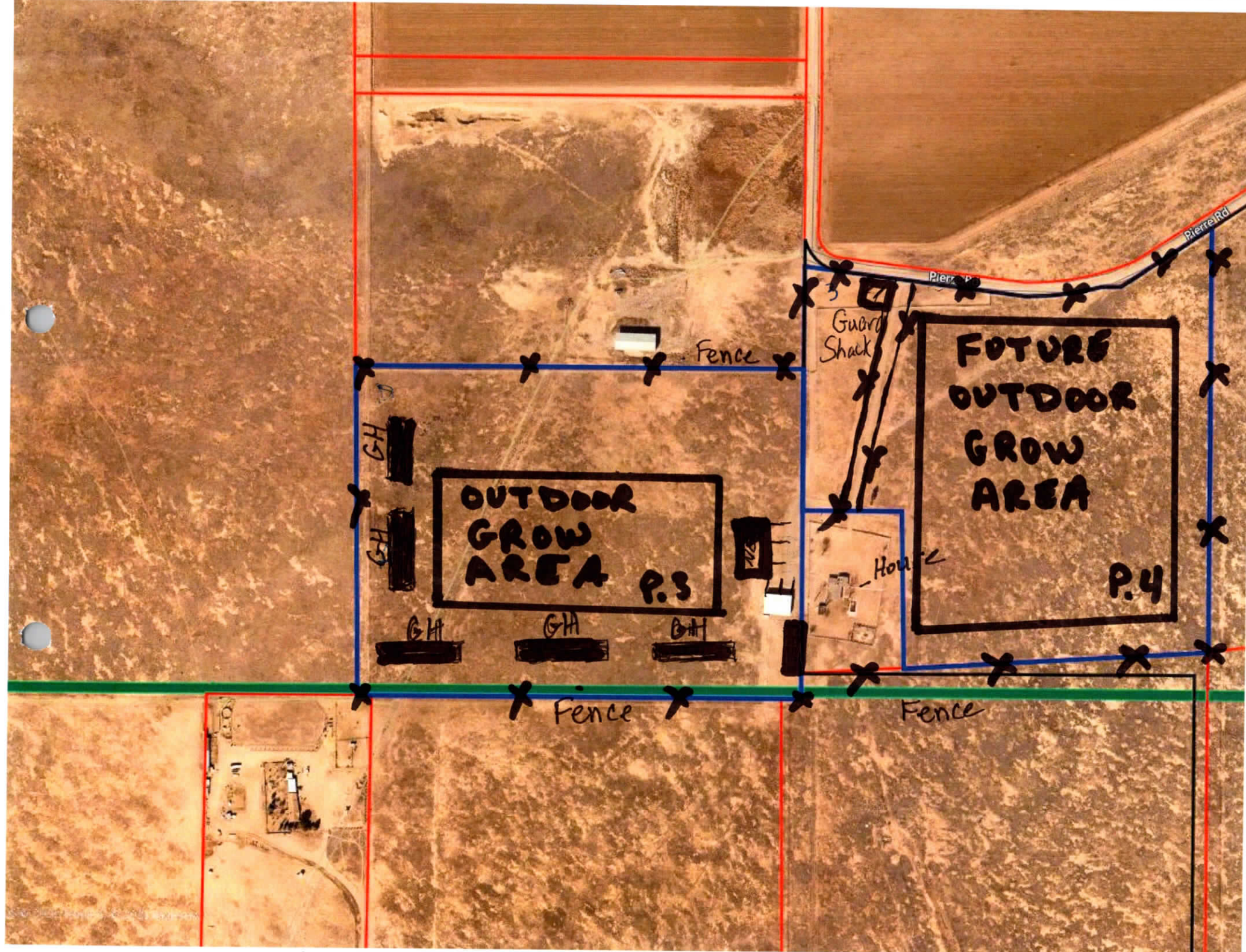
This application is approved provided it is not exercised to the detriment of any others having existing rights and is not contrary to the conservation of water in New Mexico nor detrimental to the public welfare of the state; and further subject to the specific conditions listed previously.

Witness my hand and seal this 31<sup>st</sup> day of May A.D., 2022.  
Mike A. Hamman P.E., State Engineer;

By:   
Juan Hernandez, District II Manager







OUTDOOR  
GROW  
AREA P.3

FUTURE  
OUTDOOR  
GROW  
AREA  
P.4

Guard  
Shack

House

GH

GH

GH

GH

GH

Fence

Fence

Fence

Pierre Rd

Pierre P



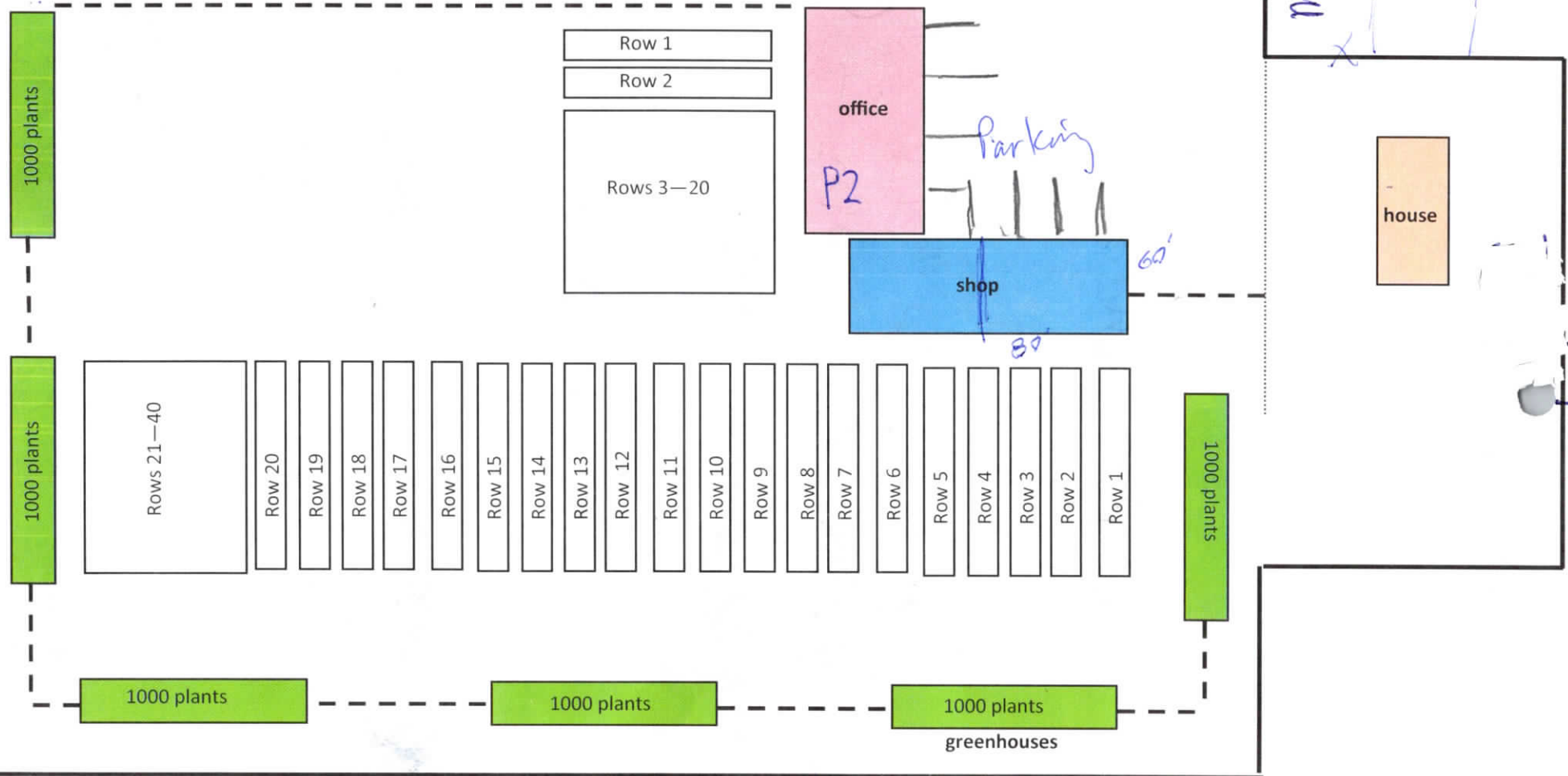
Placement of office and  
greenhouses subject to change

Each row to hold about 30 plants

Green house - -  
Metal fencing  
office - 60x60  
CVE 1,000 Amps 3 phase  
Guard Shack 10x10

600W x 100 L  
N  
W E  
S

metal Fence



Phase 1 - Get building ready for inside grow  
Build office

Phase 2 - Build Fence around  
Property 1 and Start outside  
Grow

Phase 3 - Green houses

Phase 4 - Build Fence around  
Property 2 and Start outside  
Grow. ALSO Drill well

All to be complete within  
5 years

201002



Pierre

GUARD  
SHED

WELL  
HOUSE

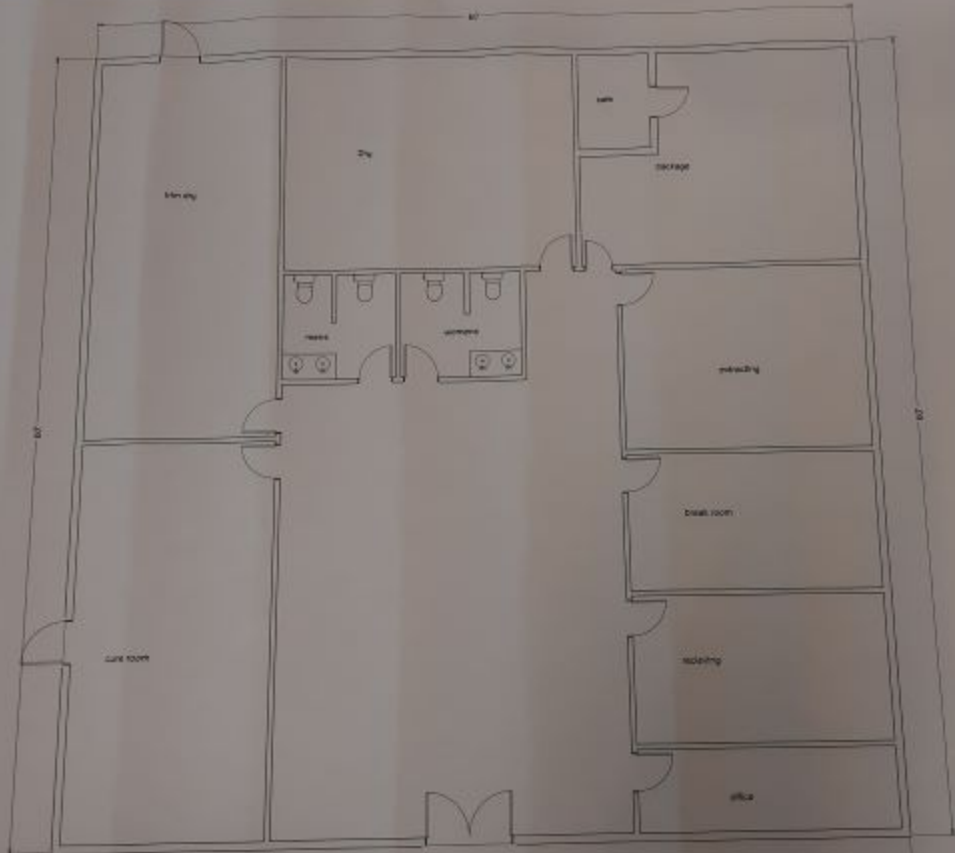
office/operating room

WELL  
HOUSE

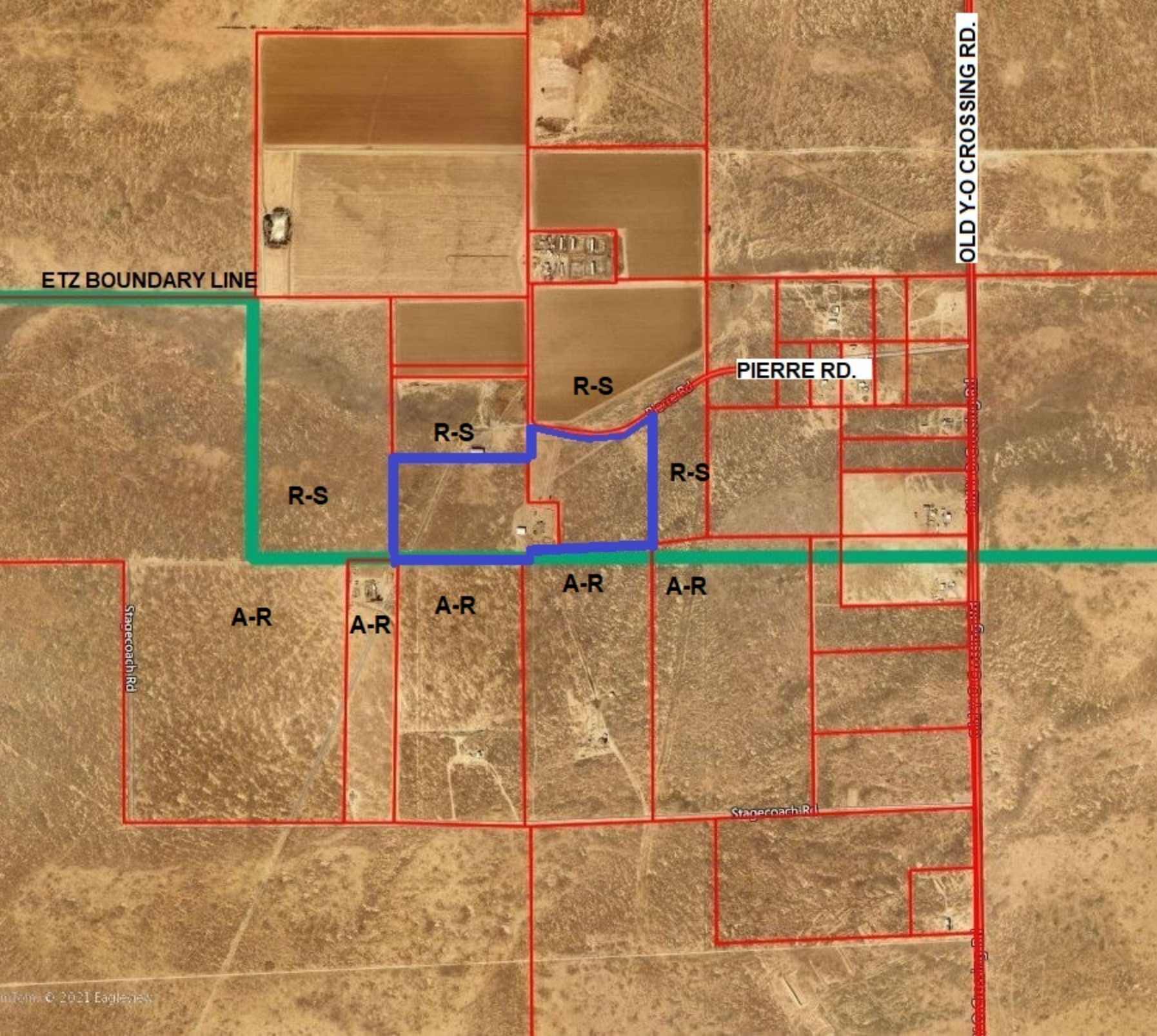
Fence

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8









ETZ BOUNDARY LINE

OLD Y-O CROSSING RD.

PIERRE RD.

R-S

R-S

R-S

R-S

A-R

A-R

A-R

A-R

A-R

Stagecoach Rd

Stagecoach Rd