

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENVIRONMENTAL BUREAU CHIEF, FOR ADOPTION OF AN AMENDMENT TO 19.15.39 NMAC ADDING NEW SECTIONS TO BE CODIFIED AT 19.15.39.9 AND 19.15.39.10 NMAC ADDRESSING SPECIAL PROVISIONS FOR SANTA FE COUNTY AND THE GALISTEO BASIN; SANTA FE, SANDOVAL AND SAN MIGUEL COUNTIES.

CASE NO. 14255

AFFIDAVIT OF NOTICE

My name is Theresa Duran-Saenz, and I am a Legal Assistant with the Energy, Minerals and Natural Resources Department. I am providing this affidavit to supply additional information about the three newspapers that published the notice in Case No. 14255: The Santa Fe New Mexican, the Rio Rancho Observer, and the Las Vegas Optic.

1. The Santa Fe New Mexican. The Santa Fe New Mexican is a daily newspaper. On December 9, 2008, I telephoned Mike Reichard, Director of Circulation for the Santa Fe New Mexican, and asked him how many copies of the newspaper are circulated in San Miguel and Sandoval Counties. On December 10, 2008, I received an e-mail from Mr. Reichard, which is attached as Exhibit A to this affidavit. According to Mr. Reichard's e-mail, the Santa Fe New Mexican delivers an average of 491 papers per day in Sandoval County, and 659 papers per day in San Miguel County.

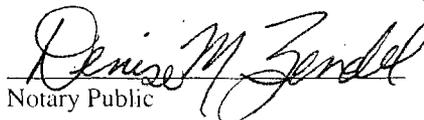
2. The Rio Rancho Observer. On December 9, 2008, I contacted Wendy, the Advertisement Manager for The Rio Rancho Observer, and asked her for information on the paper's circulation. Her faxed response is attached to this affidavit as Exhibit B. According to the fax, the Rio Rancho Observer is currently published once a week and is delivered free to homes in the Rio Rancho area, in zip codes 87124 and 87144. Rio Rancho is located in Sandoval County. Using an on-line search engine, I checked to see if zip codes 87124 and 87144 are included in that portion of Sandoval County that will be affected by the rule changes proposed in Case No. 14255. Those two zip codes are in the Rio Rancho area, which is south of that portion of Sandoval County affected by the proposed rule changes. Attached to this affidavit as Exhibit C is a map generated by that search engine, showing the area covered by zip codes 87144 and 87124. For a point of reference, the map also shows the location of Santo Domingo Pueblo, zip code 87052, which is close to that portion of Sandoval County affected by the proposed rule changes.

3. The Las Vegas Optic. On December 9, 2008, I contacted Crissy Johnson, the Circulation Director for the Las Vegas Optic and asked her for information on the paper's circulation. Her e-mail response is attached to this affidavit as Exhibit D. According to her e-mail, the Las Vegas Optic has a weekly circulation of 20,000 papers in San Miguel County.

This concludes my affidavit.


Theresa Duran-Saenz

SUBSCRIBED AND SWORN to before me this 10th day of December 2008.


Notary Public

My Commission Expires:

1-09-2012

Before the OCC
Case 14255
OCD Exhibit 44

Duran-Saenz, Theresa, EMNRD

From: Mike Reichard [mreichard@sfnewmexican.com]
Sent: Wednesday, December 10, 2008 7:30 AM
To: Duran-Saenz, Theresa, EMNRD
Subject: Circulation Numbers

Hi Theresa,

We deliver an average of 491 papers per day in Sandoval County and 659 papers per day in San Miguel County. Hope this helps.

Mike

Mike Reichard
Circulation Director
The Santa Fe New Mexican
1 New Mexican Plaza
Santa Fe, NM 87507
505.428.7605

This inbound email has been scanned by the MessageLabs Email Security System.

491 x 7 = 3,437 weekly

659 x 7 = 4,613 weekly

Sandoval

San Miguel

Exhibit A

PO BOX 11178
RIO RANCHO, NM 87124
Phone: 505-892-8080
Fax: 505-892-5719

THE RIO RANCHO
OBSERVER

Fax

To: Terresa Duran From: Wendy
Fax: 760-3462 Date: 2/9/08
Phone: _____ Pages: 3
Re: _____ CC: _____

Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

Hi Terresa,
Here you go!

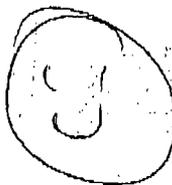
Wendy 

Exhibit B

Publisher's Statement

For

Rio Rancho Observer

Three Month Average—August through September 2008

PUBLICATION

The Rio Rancho Observer is published every Sunday* and delivered free to homes in the Rio Rancho area. The publication focuses on local news, sports, entertainment, along with local advertising of interest to the market.

DISTRIBUTION	Thursday *	Sunday
<u>August</u>		
Carrier delivery	16,188	21,149
Mail	40	34
Packs/bulk	1,317	<u>1,317</u>
		22,500
<u>September*</u>		
Carrier delivery	16,188	21,837
Mail	40	34
Packs/bulk	1,317	<u>1,379</u>
		23,250
<u>October</u>		
Carrier delivery		22,066
Mail		34
Packs/bulk		<u>1,400</u>
		23,500
<u>Three Month Average</u>		
Carrier delivery		21,684
Mail		34
Packs/bulk		1,365

AVERAGE PRESS RUN

August	22,500
September	23,000
October	23,500
Three Month Average	23,000

	Thursday	Sunday
Average Distribution	17,545	23,000

*The Observer suspended the Thursday publication on September 11, 2008. After that, the Observer is published on Sundays only beginning Sunday, September 14, 2008,

Market Information (based on Sunday distribution of 23,500 effective September 14, 2008)

The Rio Rancho Observer is distributed in zip codes 87124 and 87144.

Zip Code Breakdown	Thursday	Sunday
87124	10,895	15,175
87144	5,550	8,325
TOTAL	17,545	22,500

Market Penetration (Zip Code)	Hshds/Dist/%	Hshds/Dist/%
87124	15,600/69.8%	15,600/97.28%
87144	8,663/64.1%	8,663/96.10%
TOTAL		

This information is accurate to the best of my knowledge.

Russell Cannon, Publisher Date

Lucy DePhillips, Circulation Manager Date

Return to Index [blog](#) Key Zip 87144 or click on the map.

87144
RIO RANCHO, NM
87124
RIO RANCHO, NM
87052
SANTO DOMINGO PU
NM

Business ZIP Code
State, County, Radius or
Digital & Laminated Wall M
Maponics Online St

Portland Car Window Tint
Local automotive detailing service
call for more info.
elitewindowtintclackamas.com

Personal Loans
\$10,000 Cash Loan - 195 Per Me
Credit OK Cash Wired 48 Hours
MoneyNowUSA.com

\$1500 No Fax Loan
Amazingly Low Rate. Secure. Qu
Approvals. Bad Credit Ok.
www.DiscountAdvances.com

Note: Zip code data is derived from the U.S. Census Bureau 2006SE Tiger/Line ZCTAs (ZIP Code Tabulation Areas) which may be different than the USPS defined zip code delivery routes. A USPS zip code is not a geographical area but a route which may not be definable as a polygon.
Zip Code Map Version 2.1 Copyright © 1996-2008 John Coryat - USNaviguide. All rights reserved.

Exhibit C

Duran-Saenz, Theresa, EMNRD

From: Crissy J [ckj_6@yahoo.com]
Sent: Tuesday, December 09, 2008 3:46 PM
To: Duran-Saenz, Theresa, EMNRD
Subject: Las Vegas Optic Circulation

We have a weekly circulation of 20,000 papers in San Miguel County. Some areas we distribute to are Sapello, Mora, Romeroville, Sheridan, El Pueblo, Bernal, Villanueva, & Pecos.

Crissy Johnson
Circulation Director
Las Vegas Optic
614 Lincoln Ave
Las Vegas, NM 87701
505-425-6796
Fax:505-425-1005

This inbound email has been scanned by the MessageLabs Email Security System.

Exhibit D