

**GW - 358**

**GENERAL  
CORRESPONDENCE**

**YEAR(S):**

**2005**

AFFIDAVIT OF PUBLICATION

State of New Mexico,  
County of Lea.

I, KATHI BEARDEN

Publisher

of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, do solemnly swear that the clipping attached hereto was published once a week in the regular and entire issue of said paper, and not a supplement thereof for a period.

of 1 weeks.  
Beginning with the issue dated

November 26 2005  
and ending with the issue dated

November 26 2005

Kathi Bearden

Publisher

Sworn and subscribed to before

me this 28th day of

November 2005

[Signature]  
Notary Public.

My Commission expires  
February 07, 2009  
(Seal)



OFFICIAL SEAL  
DORA MONTZ  
NOTARY PUBLIC  
STATE OF NEW MEXICO

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

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937, and payment of fees for said publication has been made.

LEGAL NOTICE  
November 26, 2005

NOTICE OF PUBLICATION

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

Notice is hereby given that pursuant to the New Mexico Water Quality Control Commission Regulations, the following discharge permit application has been submitted to the Director of the Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, Telephone (505) 476-3440:

(GW-358) - Lobo Trucking, LTD, Mr. Joe Smith, (505) 391-1331, P.O. Box 2914, Hobbs, New Mexico 88240, has submitted a discharge permit application for its Hobbs facility located in the SW/4 NW/4, Section 28, Township 18 South, Range 38 East, NMPM, Lea County, New Mexico. The discharge permit addresses how oilfield products and wastes will be properly handled, stored and disposed of, including how spills, leaks, and other accidental discharges to the surface will be managed in order to protect fresh water. Ground water most likely to be affected in the event of an accidental discharge is at a depth of approximately 55 feet with a total dissolved solids concentration of approximately 370 mg/l. The application can be viewed at <http://www.emnrd.state.nm.us/emnrd/ocd/ENV-DraftPublicEtc.htm>

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The discharge permit application may be viewed at the above address between 8:00 a.m. and 4:00 p.m., Monday thru Friday. Prior to ruling on any proposed discharge permit or its modification, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to him and public hearing may be requested by any interested person. Request for public hearing shall set forth the reasons why a hearing shall be held. A hearing will be held if the director determines that there is significant public interest.

If no hearing is held, the Director will approve or disapprove the permit based on the information available. If a public hearing is held, the Director will approve the permit based on the information in the permit and information presented at the hearing.

GIVEN under the Seal of New Mexico Conservation Commission at Santa Fe, New Mexico, on this 16th day of November 2005.

STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION

MARK FEISMIER, P.E., Director  
#21968

49100175000 67534698  
LOBO TRUCKING  
P.O. BOX 2914  
HOBBS, NM 88240



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

**Mark E. Fesmire, P.E.**

Director

**Oil Conservation Division**

November 16, 2005

Mr. Joe Smith  
Lobo Trucking, LTD  
P.O. Box 2914  
Hobbs, NM 88240

RE: Lobo Trucking, LTD Discharge Permit Application  
For Facility Located in SW/4 NW/4 Sec. 28, TWP 18 South, RNG 38 East  
Dated October 17, 2005

Dear Mr. Smith:

The New Mexico Oil Conservation Division (NMOCD) has received and reviewed the application shown above. The discharge permit is hereby deemed administratively complete. Lobo Trucking, LTD (Lobo) must issue public notice, by December 15, 2005, pursuant to 20.6.2.3108 NMAC. Pertinent parts of this regulation are shown below. Please note paragraph B showing proof of publication, which will be required by the NMOCD prior to taking action on your application.

**20.6.2.3108 PUBLIC NOTICE AND PARTICIPATION:**

**A.** Within 30 days of submission of an application for discharge permit, modification or renewal:

- (1) The applicant shall provide notice, in accordance with the requirements of Section E of this Section, to the general public in the locale of the proposed discharge in a form provided by the department by each of the three methods listed below:
  - (a) prominently posting a synopsis of the public notice, in English and in Spanish, at a conspicuous public location, approved by the department, at or near the existing or proposed facility for 30 days; and
  - (b) providing written notice of the discharge by certified mail, return receipt requested, to owners of record of all adjacent properties; and
  - (c) providing notice by certified mail, return receipt requested, to the owner of the discharge site if the applicant is not the owner;
- (2) In lieu of the public notice requirements of Subparagraph (b) of Paragraph (1) of Subsection A above, the applicant may publish a synopsis of the notice in a display ad at least two inches by three inches in a newspaper of general circulation in the location of the proposed discharge.
- (3) In lieu of the public notice requirements of Subparagraph (a) and (b) of Paragraph (1) of Subsection A above, the applicant may provide notice of the discharge by certified mail, return receipt requested, to property owners of record within 1/2 mile of the discharge site on a form provided by the department.
- (4) If there are no adjacent properties other than properties owned by the discharger, the applicant shall, in lieu of the requirements in Subparagraph (b) of Paragraph (1) of Subsection A above, publish a synopsis of the notice in a display ad at least two inches by three inches in a newspaper of general circulation in the location of the facility.

**B.** Within fifteen days of completion of the public notice requirements in Subsection A of this Section, the applicant shall submit to the department proof of notice, including certified mail receipts and an affidavit of posting, as appropriate. If the department determines that the notice provided pursuant to Subsection A of this Section is inadequate, the department may require additional notice in accordance with Subsection A of this Section.

Lobo Trucking, LTD  
Discharge Permit Application  
November 16, 2005  
Page 2 of 3

Public notice format is shown on the attachment to this letter.

If you have any questions, please contact Ed Martin at (505) 476-3492 or [ed.martin@state.nm.us](mailto:ed.martin@state.nm.us)

NEW MEXICO OIL CONSERVATION DIVISION

A handwritten signature in black ink, appearing to read "Roger C. Anderson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Roger C. Anderson  
Environmental Bureau Chief

Copy: NMOCD, Hobbs  
Controlled Recovery, Inc.

NOTICE OF PUBLICATION

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ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION

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GIVEN under the Seal of New Mexico Conservation Commission at Santa Fe, New Mexico, on this 16th day of November 2005.

STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION

SEAL

MARK FEISMIER, P.E., Director

**CRI**  
**CONTROLLED RECOVERY INC.**

P.O. BOX 388, HOBBS, NM 88241  
(505) 393-1079 • FAX (505) 393-3615

October 17, 2005

State of New Mexico Energy Minerals and Natural Resources  
Oil Conservation Division  
1220 South St. Frances Dr.  
Santa Fe, New Mexico 87505

*GW-358*

RE: Lobo Trucking LTD - Discharge Plan

To Whom it May Concern;

We are respectfully submitting for your review and approval the above reference plan. Enclosed find the Lobo Trucking application fee check number 20172 in the amount of \$100 and the original plus one copy of the Lobo Trucking, LTD Discharge Plan.

If you have any comments or question, do not hesitate to contact me at the above address or telephone number.

Respectfully,



Robert H. Whittemore  
Project Manager

RHW:RHW

Enclosures/2/

cc:   OCD Division 1  
      Lobo Trucking, LTD  
      File Copy

ACKNOWLEDGEMENT OF RECEIPT  
OF CHECK/CASH

I hereby acknowledge receipt of check No. [REDACTED] dated 10-14-05,  
or cash received on 11-17-05 in the amount of \$ 100.00  
from LOBO TRUCKING LTD.  
for GW-358 FILING FEE

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Facility Name) (DP No.)

Submitted to ASD by: ED MARTIN Date: 11-17-05

Received in ASD by: \_\_\_\_\_ Date: \_\_\_\_\_

Filing Fee  New Facility \_\_\_\_\_ Renewal \_\_\_\_\_

Modification \_\_\_\_\_ Other \_\_\_\_\_  
(Specify)

Organization Code 521.07 Applicable FY 2006  
2001

To be deposited in the Water Quality Management Fund.

Full Payment  or Annual Increment \_\_\_\_\_

LOBO TRUCKING, LTD  
P.O. BOX 2914  
HOBBS, NM 88241-2914  
505-391-1331

1ST NATIONAL BANK  
HOBBS, NEW MEXICO 88240-0460  
95-43-1122

Check  
Number: [REDACTED]

Pay to the order of

One Hundred and 00/100 Dollars

NMOCD  
HOBBS, NM 88240

DATE

Oct 14, 2005

AMOUNT

\*\*\*\*\*\$100.00

Cyndi Barola

[REDACTED]