

1R - 254

**GENERAL  
CORRESPONDENCE**

**YEAR(S):**

~~2000-2007~~  
**2007-2000**

1R0254



**Matthew P. Hudson**  
Remediation Project  
Manager

**Abandonment Business  
Unit**

Chevron Environmental  
Management Company  
11111 S Wilcrest Dr  
Room N2104A  
Houston, TX 77009  
Tel 281 561 3466  
Fax 281 561 3841  
mhkw@chevron.com

April 4, 2007

Mr. Glenn von Gonten  
New Mexico Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

**Re: Additional Groundwater Investigation Work Plan  
G.L. Erwin Tank Battery, Unit Letter O  
SW/4, SE/4, Section 35, Township 24 South, Range 37 East,  
Lea County, New Mexico  
OGRID No. 4323  
Case #1R254**

RECEIVED

APR 09 2007

Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

Dear Mr. von Gonten:

Chevron Environmental Management Company (CEMC) has prepared this work plan to continue the groundwater investigation at the above-referenced site, located approximately 3 miles northeast of Jal, New Mexico. FIGURE 1 presents a Site location and topographic map.

CEMC proposes to install two (2) monitor wells and incorporate these wells into the current groundwater sampling program at the Site. These proposed new wells will be used to further evaluate the upgradient and downgradient extent of chloride concentrations in the groundwater. The two proposed monitor well locations are illustrated on FIGURE 2.

**Monitor Well Installations**

Prior to the mobilization of the drilling contractor, Conestoga Rovers & Associates (CRA), acting as an agent for CEMC, will stake the two proposed monitor well locations and provide at least 48 hours notice to the New Mexico One Call System and the NMOCD. All activities will be performed under CRA supervision and will be based upon the professional judgment of the CRA field geologist. Both the CRA field geologist and the drilling personnel will jointly perform CRA pre-drill subsurface clearance protocols prior to drilling each staked location.

Drilling activities will be subcontracted to a New Mexico-licensed driller and will be drilled utilizing air rotary drilling rig and water as a drilling fluid, if necessary. Depth to groundwater across the Site varies from 62 feet below ground surface (bgs) at the northwest portion of the Site to 81 feet bgs on the southeast portion of the Site. The two proposed monitor wells will be advanced through the saturated thickness of the aquifer cumulating at the base of the aquifer. The wells will be completed at approximately one foot into the base of the aquifer which is locally described as the red bed of the Triassic-age Chinle Formation.

The monitor wells will be constructed with 2-inch-diameter flush-threaded schedule 40 PVC casing and screen. A minimum of 10 feet of 0.010-inch mill-slotted screen will be placed in the well with at least 5-feet extending above the soil-groundwater interface. A filter pack of 8/16 Brady sand will extend 3 feet

above the screened interval and a 2-foot bentonite seal will be placed above the gravel pack in each well. The remainder of the annulus will be grouted to the surface with cement containing 3 to 5% bentonite. Each well will be secured with an above-ground locking steel cover anchored in a 3-foot x 3-foot concrete pad. The top of casing, horizontal, and ground level elevations will be surveyed to the nearest 0.01 foot by a licensed State of New Mexico Land Surveyor. Soil cuttings and development/purge water will be containerized in properly labeled, 55-gallon, steel DOT-approved drums for subsequent waste management activities. Once characterized, CEMC will dispose of waste generated during drilling activities at an approved NMOCD-approved disposal facility.

Prior to collecting groundwater samples, each well will be developed by bailing or pumping to remove suspended solids to the maximum extent practicable. After the stabilization of the water table (at least 24 hours after development), the monitor wells will be gauged with an electronic water level meter to measure static water levels. Once static water levels have been obtained, each well will be purged the equivalent of three casing volumes or until dry with a new disposable bailer. The groundwater samples from each well be labeled, sealed, chilled on ice in a cooler and submitted under chain-of-custody documentation to Pace Analytical Services, Inc. (Pace) in New Orleans, Louisiana for analyses of major cations (dissolved calcium, magnesium, potassium, sodium), anions (hydroxide alkalinity, bicarbonate alkalinity, carbonate alkalinity, chloride, fluoride, nitrate, sulfate) and TDS by Environmental Protection Agency (EPA) Methods 300.0 and 6010, SM 2320B, and 2540C. A duplicate sample will be collected for Quality Assurance/Quality Control (QA/QC). The two new monitor wells will be incorporated into the routine semi-annual groundwater sampling program currently being performed in February and August. The soil cuttings and development/purge water from drilling activities will be containerized, characterized and subsequently disposed of at an NMOCD-approved disposal facility.

### **Reporting**

A construction well diagram and a geologic log will be generated for each monitor well. A description of the additional groundwater investigation activities will be summarized within the 2007 annual groundwater monitoring report.

Following the NMOCD's approval of this work plan, CRA is prepared to conduct the aforementioned activities. If you have any questions or comments regarding this submittal, please feel free to contact me at (281) 561-3466.

Sincerely,



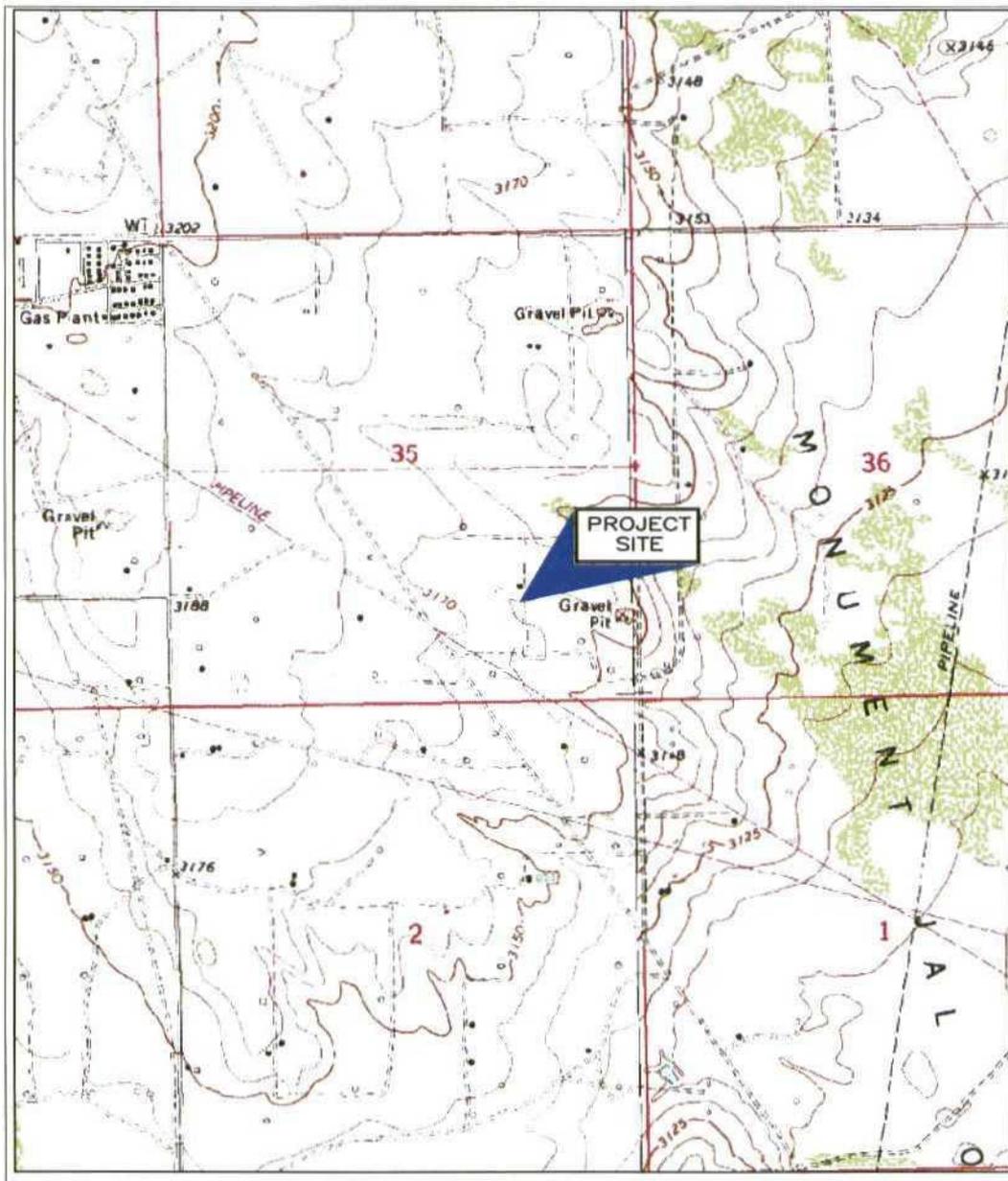
Matt Hudson

Attachments: FIGURE 1 – Site Location Map  
FIGURE 2 – Proposed Monitor Well Location Map

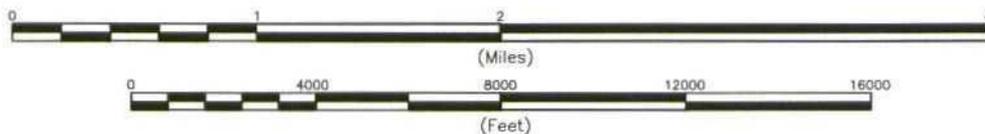
# JAL NW QUADRANGLE NEW MEXICO

LAT= 32° 10' 11.9" N  
LONG= 103° 07' 46.9" W

PHOTOREVISED 1977



USGS MAP SERIES 1:24,000



CONTOUR INTERVAL 5 FEET



NORTH

039124 SLR 022006



## SITE LOCATION MAP

CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY  
G.L. ERWIN "A&B" FEDERAL NCT-2 TANK BATTERY  
SW/4, SE/4, SECTION 35, T-24-S, R-37-E LEA COUNTY, NM

JOB No.  
039124

FIGURE  
1



**LEGEND**

MW-8	Monitor Well Location
MW-21	Proposed Monitor Well Location
RW-1	Recovery Well Location
WW-1	Water Well Location
	Groundwater Recovery System



JOB No.  
039124  
FIGURE  
2

PROPOSED MONITOR WELL LOCATION MAP  
 CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY  
 C.L. ERWIN "A48" FEDERAL NCT-2 TANK BATTERY  
 SW/4, SE/4, SECTION 35, T-24-S, R-37-E LEA COUNTY, NEW MEXICO



1K254

Matthew P. Hudson  
Remediation Project  
Manager

Abandonment Business  
Unit  
Chevron Environmental  
Management Company  
11111 S Wilcrest Dr  
Room N2104A  
Houston, TX 77009  
Tel 281 561 3466  
Fax 281 561 3841  
mhkw@chevron.com

RECEIVED

March 6, 2007

MAR 07 2007

Mr. Wayne Price  
New Mexico Oil Conservation Division  
1220 So. St. Francis Drive  
Santa Fe, New Mexico 87505

Oil Conservation Division  
Environmental Bureau

**Subject: 2006 Annual Groundwater Monitoring Report  
G.L. Erwin "A & B" Federal NCT-2 Tank Battery, Lea County, New Mexico  
OGRID No. 4323**

Dear Mr. Price:

Please find enclosed one copy of the above-referenced report. This report provides information and details on the groundwater monitoring activities completed by Conestoga-Rovers and Associates (CRA) during 2006.

Should you have any questions concerning this report or the on-going work, please call myself at (281) 561-3466 or James Ornelas with CRA at (432) 686-0086.

Sincerely,

Matthew P. Hudson

Enclosure

cc: Patricia Caperton, NMOCD (electronic copy)  
James Ornelas, CRA (cover letter only)



110234

RECEIVED

MAR 07 2007

Oil Conservation Division  
Environmental Bureau

**2006 ANNUAL GROUNDWATER MONITORING  
REPORT**

G.L. ERWIN "A & B" FEDERAL NCT-2 TANK BATTERY  
OGRID NO. 4323  
SW/4, SE/4, SECTION 35, T-24-S, R-37-E  
LATITUDE: N 32° 10' 11.9" LONGITUDE: W 103° 07' 46.9"  
LEA COUNTY, NEW MEXICO



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

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

Director

**Oil Conservation Division**

October 1, 2004

Mr. Scott Toner  
ChevronTexaco Exploration and Production, Inc.  
15 Smith Road  
Midland, Texas 79705

**RE: CASE # 1R254**  
**G.L. ERWIN "A&B" FEDERAL NCT-2 TANK BATTERY**  
**LEA COUNTY, NEW MEXICO**

Dear Mr. Toner:

The New Mexico Oil Conservation Division (OCD) has reviewed ChevronTexaco Exploration and Development, Inc.'s (ChevronTexaco) April 26, 2004 "ANNUAL GROUNDWATER MONITORING AND PLUME DELINEATION REPORT, TEXACO EXPLORATION AND PRODUCTION, INC., G.L. ERWIN TANK BATTERY, SW/4, SE/4, SECTION 35, TOWNSHIP 24 SOUTH, RANGE 37 EAST, LEA COUNTY, NEW MEXICO" which was submitted on behalf of ChevronTexaco by their consultant Larson & Associates, Inc. This document contains the results of ChevronTexaco's recent ground water investigation, remediation and monitoring activities related to the G.L. Irwin "A&B" Federal NCT-2 Tank Battery located in Unit O, Section 35, Township 24 South, Range 37 East, Lea County, New Mexico. The document also contains proposals for installation of an additional site monitoring well to delineate the extent of contamination at the site, modification of the ground water monitoring program from quarterly to semi-annual sampling, and omitting analyzing ground water samples for BTEX.

The OCD approves of the above-referenced proposals with the following conditions:

1. ChevronTexaco shall install 3 new monitor wells for additional delineation of the extent of ground water contamination at the site. The wells shall be installed at the approximate locations as designated on the attached figure.
2. The monitoring wells shall be installed, constructed and developed pursuant to the OCD's prior investigation approvals for the site.

Mr. Scott Toner  
October 1, 2004  
Page 2

3. Ground water from the new monitor wells shall be purged and sampled no less than 24 hours after the wells have been developed.
4. All water quality samples shall be obtained and analyzed using EPA approved methods and quality assurance/quality control (QA/QC) procedures.
5. The new monitor wells shall be incorporated into the overall ground water monitoring program for the site.
6. All wastes generated during the investigation will be disposed of at an OCD approved facility.
7. ChevronTexaco shall notify the OCD at least 48 hours in advance of scheduled activities such that the OCD has the opportunity to witness the events and/or split samples.

Please be advised that OCD approval does not relieve ChevronTexaco of liability should the actions fail to adequately monitor or define the extent of contamination related to ChevronTexaco's activities, or if contamination exists which is outside the scope of the work plan. In addition, OCD approval does not relieve ChevronTexaco of responsibility for compliance with any other federal, state or local laws and regulations.

If you have any questions, please contact me at (505) 476-3491.

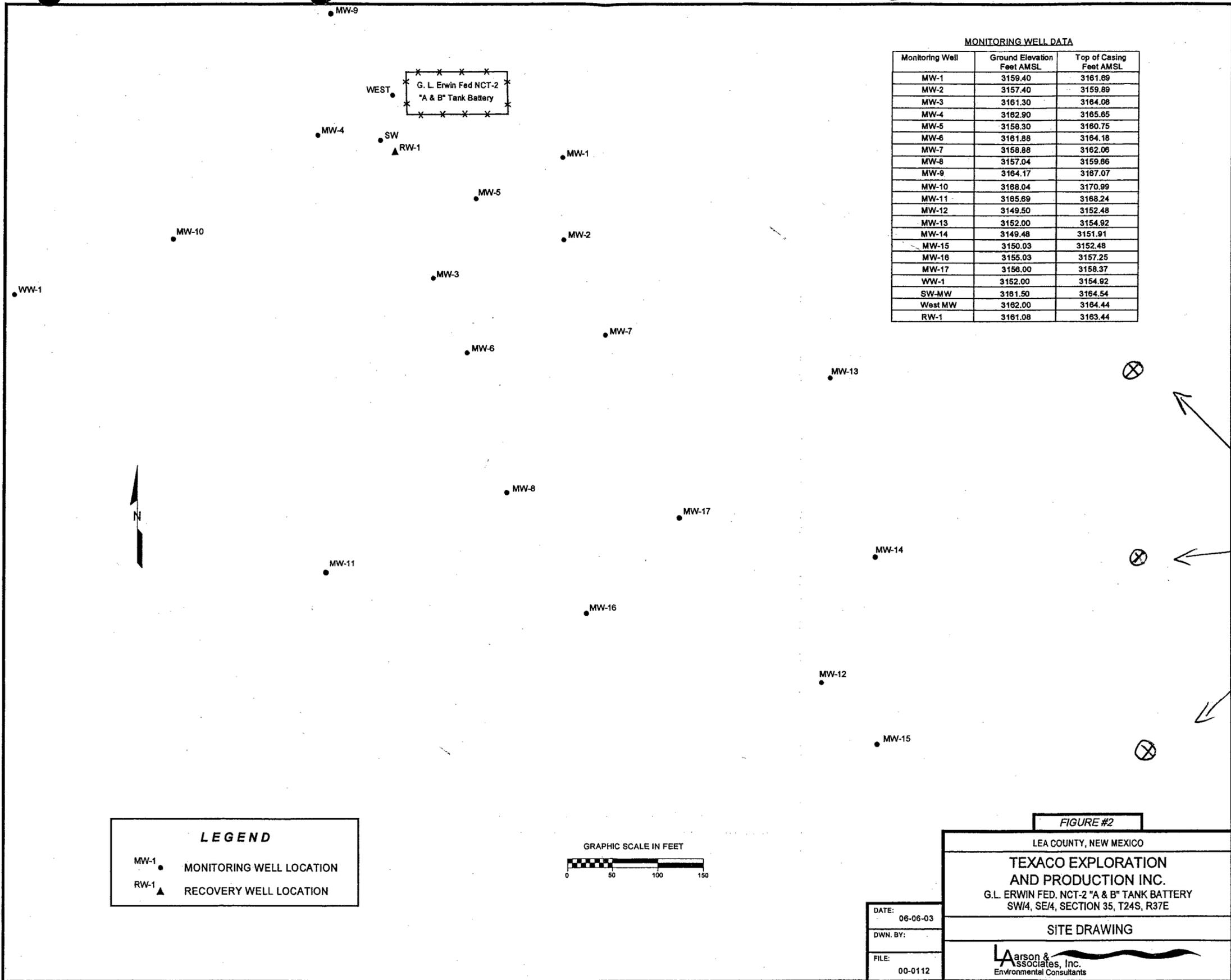
Sincerely,



William C. Olson  
Hydrologist  
Environmental Bureau

Attachment

xc: Chris Williams, OCD Hobbs District Office  
Cindy K. Crain, Larson & Associates, Inc.



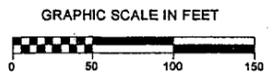
MONITORING WELL DATA

Monitoring Well	Ground Elevation Feet AMSL	Top of Casing Feet AMSL
MW-1	3159.40	3161.69
MW-2	3157.40	3159.69
MW-3	3161.30	3164.08
MW-4	3162.90	3165.65
MW-5	3158.30	3160.75
MW-6	3161.88	3164.18
MW-7	3158.88	3162.06
MW-8	3157.04	3159.66
MW-9	3164.17	3167.07
MW-10	3168.04	3170.99
MW-11	3165.69	3168.24
MW-12	3149.50	3152.48
MW-13	3152.00	3154.92
MW-14	3149.48	3151.91
MW-15	3150.03	3152.48
MW-16	3155.03	3157.25
MW-17	3156.00	3158.37
WW-1	3152.00	3154.92
SW-MW	3161.50	3164.54
West MW	3162.00	3164.44
RW-1	3161.08	3163.44

**LEGEND**

MW-1 ● MONITORING WELL LOCATION

RW-1 ▲ RECOVERY WELL LOCATION



DATE: 06-06-03

DWN. BY:

FILE: 00-0112

FIGURE #2

LEA COUNTY, NEW MEXICO

**TEXACO EXPLORATION AND PRODUCTION INC.**

G.L. ERWIN FED. NCT-2 "A & B" TANK BATTERY  
SW/4, SE/4, SECTION 35, T24S, R37E

**SITE DRAWING**

**L**arson & Associates, Inc.  
Environmental Consultants

New monitor well locations

**Olson, William**

---

**From:** Cindy Crain [cindy@laenvironmental.com]  
**Sent:** Monday, August 02, 2004 10:20 AM  
**To:** Paul Sheeley  
**Cc:** Bill Olson; Scott Toner  
**Subject:** GWM Scheduled - ChevronTexaco: G. L. Erwin, Vacuum Field Unit, Case #1R279, Buckeye Compressor Station (GW-029)

Paul,

Larson and Associates plans to conduct groundwater monitoring at the following ChevronTexaco sites during the week of August 2, 2004.

**August 2 and 3, 2004**

~~G. L. Erwin Tank Battery, SW/4, SE/4, Section 35, Township 24 South, Range 37 East, Lea County, New Mexico~~ <sup>1R254</sup>

**August 4, 2004**

~~Vacuum Field Unit, Case #1R279, NE/4, Section 1, Township 18 South, Range 34 East, Lea County, New Mexico~~

**August 5 and 6, 2004**

~~Buckeye Compressor Station (GW-029), Unit Letter O (SW/4, SE/4), Section 36, Township 17 South, Range 34 East, Lea County, New Mexico~~

Please give me a call if you have any questions.

Thank you,

*Cindy Crain, PG  
 Project Manager  
 Larson and Associates, Inc.  
 507 N. Marienfeld, Suite 202  
 Midland, Texas 79702  
 office - (432) 687-0901  
 mobile - (432) 556-8665*

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9/10/2004

April 26, 2004

Mr. William C. Olson, Hydrologist  
Environmental Bureau  
Oil Conservation Division  
New Mexico Energy, Minerals and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

**Re: Annual Groundwater Monitoring and Plume Delineation Report, Texaco  
Exploration and Production Inc., G. L. Erwin Tank Battery, SW/4, SE/4,  
Section 35, Township 24 South, Range 37 East, Lea County, New Mexico**

Dear Mr. Olson:

Please find enclosed a copy of the above-referenced report. The report is submitted on behalf of ChevronTexaco Exploration and Production Company, and presents the results of plume delineation and annual groundwater monitoring conducted by Larson and Associates, Inc. Please call Scott Toner at (432) 687-7318 or myself at (432) 687-0901 if you have questions.

Sincerely,  
*Larson and Associates, Inc.*



Cindy K. Crain, CPG  
Project Manager

cc: Scott Toner - Texaco  
Chris Williams - NMOCD District I

1R254

**Olson, William**

---

**From:** Cindy Crain [cindy@laenvironmental.com]  
**Sent:** Monday, February 02, 2004 3:21 PM  
**To:** Paul Sheeley  
**Cc:** Bill Olson  
**Subject:** Groundwater Monitoring - ChevronTexaco G. L. Erwin "A&B" Federal NCT-2 Tank Battery

Paul,

On Wednesday, February 11, 2004, Larson & Associates will begin groundwater sampling activities at the G. L. Erwin "A&B" Federal NCT-2 Tank Battery, located in the SW/4, SE/4, Section 35, Township 24 South, Range 37 East, Lea County, New Mexico.

If you need further information, please don't hesitate to call me at (432) 687-0901 or on my mobile phone at (432) 556-8665.

Thank you,  
Cindy Crain



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

**Lori Wrotenbery**

Director

**Oil Conservation Division**

July 16, 2003

Mr. Scott Toner  
ChevronTexaco Exploration and Production, Inc.  
15 Smith Road  
Midland, Texas 79705

**RE: CASE # 1R254  
G.L. ERWIN "A&B" FEDERAL NCT-2 TANK BATTERY  
LEA COUNTY, NEW MEXICO**

Dear Mr. Toner:

The New Mexico Oil Conservation Division (OCD) has reviewed ChevronTexaco Exploration and Development, Inc.'s (ChevronTexaco) June 13, 2003 "GROUNDWATER INVESTIGATION WORK PLAN, TEXACO EXPLORATION AND PRODUCTION, INC., G.L. ERWIN TANK BATTERY, UNIT LETTER O (SW/4, SE/4), SECTION 35, TOWNSHIP 24 SOUTH, RANGE 37 EAST, LEA COUNTY, NEW MEXICO". This document, which was submitted on behalf of ChevronTexaco by their consultant Larson & Associates, Inc., contains ChevronTexaco's work plan for installation of additional ground water monitoring wells to further determine the extent of ground water contamination related to the G.L. Irwin "A&B" Federal NCT-2 Tank Battery located in Unit O, Section 35, Township 24 South, Range 37 East, Lea County, New Mexico.

1. Ground water from the monitor wells shall be purged and sampled no less than 24 hours after the wells have been developed .
2. All water quality samples shall be obtained and analyzed using EPA approved methods and quality assurance/quality control (QA/QC) procedures.
3. All wastes generated during the investigation will be disposed of at an OCD approved facility.
4. ChevronTexaco shall notify the OCD at least 48 hours in advance of scheduled activities such that the OCD has the opportunity to witness the events and/or split samples.

Mr. Scott Toner  
July 16, 2003  
Page 2

Please be advised that OCD approval does not relieve Texaco of liability should the investigation actions fail to adequately define the extent of contamination related to Texaco's activities, or if contamination exists which is outside the scope of the work plan. In addition, OCD approval does not relieve Texaco of responsibility for compliance with any other federal, state or local laws and regulations.

If you have any questions, please contact me at (505) 476-3491.

Sincerely,



William C. Olson  
Hydrologist  
Environmental Bureau

xc: Chris Williams, OCD Hobbs District Office  
Cindy K. Crain, Larson & Associates, Inc.



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**  
Cabinet Secretary

**Lori Wrotenbery**

Director

**Oil Conservation Division**

April 16, 2003

Mr. Scott Toner  
ChevronTexaco Exploration and Production, Inc.  
15 Smith Road  
Midland, Texas 79705

**RE: CASE # 1R254  
G.L. ERWIN "A&B" FEDERAL NCT-2 TANK BATTERY  
LEA COUNTY, NEW MEXICO**

Dear Mr. Toner:

The New Mexico Oil Conservation Division (OCD) has reviewed ChevronTexaco Exploration and Development, Inc.'s (ChevronTexaco) March 26, 2003 "ANNUAL GROUNDWATER MONITORING AND PLUME DELINEATION REPORT, TEXACO EXPLORATION AND PRODUCTION, INC., G.L. ERWIN TANK BATTERY, SW/4, SE/4, SECTION 35, TOWNSHIP 24 SOUTH, RANGE 37 EAST, LEA COUNTY, NEW MEXICO". This document, which was submitted on behalf of ChevronTexaco by their consultant Larson & Associates, Inc., contains the results of ChevronTexaco's ground water monitoring and additional investigation of the extent of ground water contamination related to the G.L. Irwin "A&B" Federal NCT-2 Tank Battery located in Unit O, Section 35, T24S, R37E, Lea County, New Mexico.

The investigation actions taken to date are satisfactory. However, a review of the ground water monitoring data in the above-referenced report shows that the lateral and downgradient extent of ground water contamination at the site has yet to be determined. Therefore, the OCD requires that ChevronTexaco submit a work plan to complete the definition of the lateral and downgradient extent of ground water contamination related to ChevronTexaco's activities. Please submit the work plan to the OCD Santa Fe Office by June 16, 2003 with a copy provided to the OCD Hobbs District Office. If you have any questions, please contact me at (505) 476-3491.

Sincerely,

William C. Olson  
Hydrologist  
Environmental Bureau

xc: Chris Williams, OCD Hobbs District Office  
Cindy K. Crain, Larson & Associates, Inc.

RECEIVED

MAR 31 2003

ENVIRONMENTAL BUREAU  
OIL CONSERVATION DIVISION

March 26, 2003

Mr. William C. Olson, Hydrologist  
Environmental Bureau  
Oil Conservation Division  
New Mexico Energy, Minerals and Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

**Re: Annual Groundwater Monitoring and Plume Delineation Report, Texaco  
Exploration and Production Inc., G. L. Erwin Tank Battery, SW/4, SE/4,  
Section 35, Township 24 South, Range 37 East, Lea County, New Mexico**

Dear Mr. Olson:

Please find enclosed a copy of the above-referenced report. The report is submitted on behalf of ChevronTexaco Exploration and Production, and presents the results of plume delineation and annual groundwater monitoring conducted by Larson and Associates, Inc. Please call Scott Toner at (915) 687-7318 or myself at (915) 687-0901 if you have questions.

Sincerely,  
*Larson and Associates, Inc.*



Cindy K. Crain  
Geologist

cc: Scott Toner - Texaco  
Chris Williams - NMOCD District I

2381 JAN 12 AM 11:02

BEFORE THE NEW MEXICO STATE ENGINEER

IN THE MATTER OF THE APPLICATIONS BY )  
TEXACO EXPLORATION AND PRODUCTION )  
INC., FOR PERMITS TO DIVERT GROUND- )  
WATER FROM THE LEA COUNTY AND CAPITAN )  
UNDERGROUND WATER BASINS IN NEW MEXICO )

HEARING NO: 00-037  
OSE FILE NO: L-11029 thru L-11031  
& CP-884 thru CP-886

OFFICE OF THE  
STATE ENGINEER  
WATER RIGHTS UNIT  
SANTA FE, N.M.

**PRE-HEARING SCHEDULING ORDER**

This matter came before the State Engineer's duly designated Hearing Examiner Louis D. O'Dell on December 7, 2000, at an administrative pre-hearing scheduling conference in Santa Fe, New Mexico. The Applicant, Texaco Exploration and Production, Inc., was represented by Joel T. Newton, Scott McKay, Esq., and Robert Patterson, Esq. The Protestants, Jim Cooper, Becky Jo Doom, Bill and Elena Grobe, George and Joyce Willis, Tom and Winnie Kennann, were represented by Michael Newell, Esq. The New Mexico Office of the State Engineer's Water Rights Division ("WRD") was represented by Ann Finley Wright, Esq.

This Pre-Hearing Order sets forth the issues that will be addressed at the administrative hearing and specifies deadlines by which the following items shall be completed: (a) identification of the names of the witnesses to be called by the parties, (b) filing reports and exhibits, (c) discovery, (d) filing of Pre-Hearing Motions and (e) the date of the hearing on the merits.

**1. NATURE OF THE APPLICATIONS.**

On October 1, 1999, the Applicant filed Application No. L-11,029 For Permit to Divert up to 3.0 acre-feet of shallow groundwater per year ("afy") from the Lea County Underground Water Basin in New Mexico and commence the use of ground water recovery Well No. 2 and numbered L-11,029 and located in the NE1/4 SE1/4 of section 24, Township ("T") 19 South ("S"), Range ("R") 36 East ("E"), N.M.P.M., for environmental remediation purposes. Ground water will be recovered from Well No. L-11,029 and disposed of in Applicant's disposal system.

On October 1, 1999, the Applicant filed Application No. L-11,030 For Permit to Divert up to 3.0 afy of shallow groundwater from the Lea County Underground Water Basin in New Mexico and

commence the use of existing ground water recovery Well No. 1, WRD File No. L-11,030 and located in the NW1/4 SE1/4 of Section 24, T19S, R36E, N.M.P.M., for environmental remediation purposes. Ground water will be recovered from Well No. L-11,030 and disposed of in Applicant's disposal system.

On October 1, 1999 the Applicant filed Application No. L-11,031 For Permit to Divert up to 3.0 afy of shallow groundwater from the Lea County Underground Water Basin in New Mexico and commence the use of groundwater recovery Well No. 3, WRD File No. L-11,031 and located in the NE1/4 SE1/4 of Section 24, T19S, R36E, N.M.P.M., for environmental remediation purposes. Ground water will be recovered from Well No. L-11,030 and disposed of in Applicant's disposal system.

On October 1, 1999 the Applicant filed Application No. CP-884 For Permit to Divert up to 32.5 afy of shallow groundwater from the Capitan Underground Water Basin in New Mexico and commence the use of groundwater recovery Well No. 2, WRD File No. CP-884 and located in the NW1/4 NW1/4 SE1/4 of Section 24, T24S, R36E, N.M.P.M., for environmental remediation purposes. Ground water will be recovered from Well No. CP-884 and disposed of in Applicant's disposal system.

On October 1, 1999 the Applicant filed Application No. CP-885 For Permit to Divert up to 32.5 afy of shallow groundwater from the Capitan Underground Water Basin in New Mexico and commence the use of groundwater recovery Well No. 2, WRD File No. CP-885 and located in the NW1/4 NW1/4 SE1/4 of Section 24, T24S, R36E, N.M.P.M., for environmental remediation purposes. Ground water will be recovered from Well No. CP-885 and disposed of in Applicant's disposal system.

On October 1, 1999 the Applicant filed Application No. CP-886 For Permit to Divert up to 6.5 afy of shallow groundwater from the Capitan Underground Water Basin in New Mexico and commence the use of groundwater recovery Well No. 1, WRD File No. CP-886 and located in the SW1/4 SE1/4 of Section 35, T24S, R37E, N.M.P.M., for environmental remediation purposes. Ground water will be recovered from Well No. CP-886 and disposed of in Applicant's disposal system.

The individuals listed above filed protests to the granting of the Applications.

## 2. JURISDICTION.

The jurisdiction of the State Engineer is invoked pursuant to NMSA 1978, Section 72-12-3 (1985).

## 3. STATEMENT OF THE ISSUES

- A. Whether granting the Applications would result in impairment to existing water rights.
- B. Whether granting the Applications would be detrimental to the public welfare of the state.
- C. Whether granting the Applications would be contrary to the conservation of water within the state.

## 4. DISCLOSURE OF WITNESSES AND EXHIBITS

Witness Identification: On or before **March 15, 2001** each party shall disclose to the others all expert and fact witnesses who may be called at the hearing of this matter. Disclosure shall be by witness lists that contain the name and address of each witness, an indication of whether the witness will be offered as an expert and a summary of anticipated testimony. The lists shall also be filed with the Hearings Unit by **March 15, 2001**.

Final Witness Identification: On or before **June 15, 2001** each party shall disclose to the others all final expert and fact witnesses who may be called at the hearing of this matter. Disclosure shall be by witness lists that contain the name and address of each final witness, an indication of whether the final witness will be offered as an expert and a summary of anticipated testimony. The lists shall also be filed with the Hearings Unit by **June 15, 2001**.

Exhibits: On or before **June 15, 2001**, each party shall disclose and exchange any and all exhibits and reports to be offered into evidence at the hearing. The exhibits shall be bound in an appropriate folder or binder, indexed and labeled for identification. The parties shall file the exhibits index with the Hearings Unit by **June 15, 2001**.

## **5. DISCLOSURE OF REBUTTAL WITNESSES AND EXHIBITS**

All rebuttal witnesses are to be disclosed and rebuttal exhibits to be used at hearing are to be exchanged between the parties on or before **July 16, 2001**, in the same manner as set forth in Section 4, above. The rebuttal witness lists and exhibits indexes are to be filed with the Hearings Unit by **July 16, 2001**.

## **6. CLOSE OF DISCOVERY**

The deadline for conclusion of discovery is **August 15, 2001**.

## **7. MOTIONS AND OBJECTIONS**

The deadline for filing dispositive motions and written objections to a proposed witness or exhibit is **August 31, 2001**. Any exhibit not objected to in writing by **August 31, 2001**, shall be deemed admitted into evidence at the hearing.

## **8. FILING AND SERVICE**

Filing of pleadings, exhibits and documents are to be made in triplicate (original and two copies) to the Hearings Unit, Office of the State Engineer, P.O> Box 25102, Santa Fe, New Mexico, 87504-5102. The physical location of the Hearings Unit office is at 607 Cerrillos Road, Suite E of the Peralta Complex on the corner of Cerrillos Road and Paseo de Peralta, Santa Fe, New Mexico. A copy of any pleading or other document submitted for filing must be served by the submitting party upon the other parties. Upon request, a file stamped copy of the submission will be returned to the submitting party if an extra (third) copy and a stamped, self-addressed envelope is provided with the submission. Service may be made upon the parties in accordance with the attached certificate of mailing unless otherwise notified per entry of appearance or other writing filed in this matter.

## **9. PRE-HEARING CONFERENCE**

If the Hearing Examiner deems it necessary to address objections, outstanding motions or

other matters prior to hearing, a Pre-Hearing Administrative Conference will be scheduled on **October 9, 2001**. The parties will receive advance written notice of the scheduling.

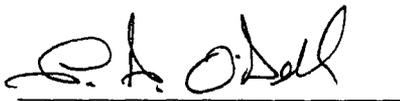
**10. HEARING**

The hearing of this matter is scheduled to commence on **October 16, 2001** in Hobbs, New Mexico at a location to be announced. It is anticipated that the hearing will take no more than three days.

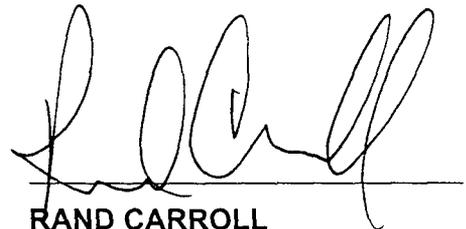
**11. MODIFICATION**

This Order shall control these proceedings, except that it may be modified with the consent of the parties and the Hearing Examiner or at the discretion of the Hearing Examiner for good cause shown.

**IT IS SO ORDERED THIS 11TH DAY OF JANUARY 2001 .**



**LOUIS D. O'DELL  
HEARING EXAMINER**

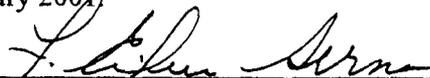


**RAND CARROLL  
LEGAL ADVISOR**

**PARTIES ENTITLED TO NOTICE**

**HU # 00-037**

I certify that a copy of the foregoing Pre-Hearing Scheduling Order was mailed to the following parties on the 12<sup>th</sup> day of January 2001.

  
F. Eileen Sema, Administrator

**Water Rights Division**

Ann Finley Wright, Esq.  
Office of the New Mexico State Engineer  
P. O. Box 25102  
Santa Fe, New Mexico 87504-5102

**APPLICANT**

Joel T. Newton, Esq.  
Miller, Stratvert & Torgerson, PA  
P. O. Box 1986  
Santa Fe, New Mexico 87504-1986

**PROTESTANTS**

Michael Newell, Esq.  
Heidel, Samberson, Newell & Cox  
P. O. Drawer 1599  
Lovington, New Mexico 88260  
(505) 3396-5303

(Attorney for Jim Cooper, Becky Jo Doom, Bill  
and Elena Grove and George and Joyce Willis)

cc: William C. Olson, Hydrologist  
Dept. of Energy & Minerals, OCD,EB  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

NOV 27 2000

**MILLER, STRATVERT & TORGERSON, P.A.**  
LAW OFFICES

RANNE B. MILLER  
ALAN C. TORGERSON  
ALICE T. LORENZ  
GREGORY W. CHASE  
LYMAN G. SANDY  
STEPHEN M. WILLIAMS  
STEPHAN M. VIDMAR  
ROBERT C. GUTIERREZ  
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JAMES J. WIDLAND  
BRADLEY D. TEPPER  
GARY RISLEY

OF COUNSEL  
WILLIAM K. STRATVERT  
RALPH WM. RICHARDS

**ALBUQUERQUE, NM**

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(800) 424-7585  
FACSIMILE: (505) 243-4408

**FARMINGTON, NM**

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LAS CRUCES, NM 88004-1209  
TELEPHONE: (505) 523-2481  
FACSIMILE: (505) 526-2215

PLEASE REPLY TO LAS CRUCES

November 20, 2000

Mr. Roger Anderson  
Environmental Bureau Chief  
2040 South Pacheco Street  
Santa Fe, NM 87505

Re: OSE Applications of Texaco, L-11029 through L-11031  
And CP-884 through CP-886

Dear Mr. Anderson:

Please find enclosed a copy of a letter drafted by William C. Olsen, a hydrologist with the Environmental Bureau, with respect to the above-referenced matter. Please be advised that an administrative hearing will take place with respect to the applications by Texaco to appropriate groundwater, and that, as you will note from the attached request for hearing filed by the Office of the State Engineer ("OSE"), the OCD has been asked to appear and testify with respect to the groundwater remediation projects at Texaco oil and gas production sites which are under the oversight of OCD pursuant to the New Mexico Oil and Gas Act. At such time as an evidentiary hearing is scheduled in this matter, we will be asking for someone from your office to appear and testify as to OCD requirements of Texaco as they relate to these pending applications.

At the present time, there is a pre-hearing scheduling conference scheduled for December 7, 2000; however, that is not an evidentiary hearing at which we would anticipate the OCD appearing to testify. You are certainly welcomed to observe and monitor, but I do not anticipate that your testimony will be necessary. I would expect that an evidentiary hearing will be set some time within the six-month period after the pre-hearing scheduling conference. This letter is simply to notify you of the possibility that testimony may be required from someone in your office. That testimony may be required in the form of both deposition and by hearing appearance. Naturally, we will be in touch well prior to any date we might request your agency's testimony.

Roger Anderson  
October 20, 2000  
Page Two

If you have further questions or would like to speak with me about this matter, please do not hesitate to contact me.

Sincerely,

**MILLER, STRATVERT & TORGERSON, P.A.**



Joel T. Newton

JTN/smg  
Enclosures

cc: Scott McCay, Esq.  
Scott Hall, Esq.  
Marte Lightstone, Esq.

MILLER, STRATVERT & TORGERSON, P.A.  
LAW OFFICES

RANNE B. MILLER  
ALAN C. TORGERSON  
ALICE T. LORENZ  
GREGORY W. CHASE  
LYMAN G. SANDY  
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PLEASE REPLY TO SANTA FE

September 26, 2000

Mr. Scott McCay  
Texaco Exploration and Production Company, Inc.  
1111 Bagby Street # 2700  
Houston, Texas 77022

Re: New Mexico State Engineer Applications

Dear Scott:

I received the attached from NMOCD counsel today.

Yours Very Truly,

MILLER, STRATVERT & TORGERSON, P.A.

J. Scott Hall

JSH/ao  
Enclosure(s) – as stated

cc: Marte Lightstone  
Joel Newton



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON  
Governor  
Jennifer A. Salisbury  
Cabinet Secretary

Lori Wrotenbery  
Director  
Oil Conservation Division

September 14, 2000

Ms. Ann Finley Wright  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, New Mexico 87504-5102

**RE: OSE APPLICATIONS OF TEXACO, L-11029 THROUGH L-11031 AND CP-884  
THROUGH CP-886**

Dear Ms. Finley Wright:

The New Mexico Oil Conservation Division (OCD) is in receipt of the Office of the State Engineer's (OSE) August 7, 2000 correspondence titled "APPLICATIONS OF TEXACO, L-11029 THROUGH L-11031 AND CP-884 THROUGH CP-886" and September 6, 2000 "NOTICE OF PRE-HEARING SCHEDULING CONFERENCE". These documents set a September 27, 2000 pre-hearing scheduling conference on the above-referenced OSE applications and suggests that the OCD should be asked to participate in the matter in order to make clear what OCD is requiring Texaco to do in regards to these applications. On September 7, 2000, you verbally requested that I send a letter to the OSE as to whether I would be able to attend the pre-hearing scheduling conference and possibly testify at the OSE hearings.

I have prior business obligations on September 27, 2000 and will not be able to attend the pre-hearing scheduling conference. The referenced applications involve ground water remediation projects at oil and gas production sites which are under the oversight of the OCD pursuant to the New Mexico Oil and Gas Act. If necessary, the OCD would be willing to testify in order to provide a record of the actions required by the OCD regarding ground water remediation at the sites. If the OSE desires that the OCD testify at the hearing, please send a written request to Roger Anderson, the Environmental Bureau Chief, at the below address. If you have any questions, please feel free to call me at (505) 827-7154.

Sincerely,

William C. Olson  
Hydrologist  
Environmental Bureau

xc: Roger Anderson, Environmental Bureau Chief  
Chris Williams, OCD Hobbs District Supervisor

## BEFORE THE NEW MEXICO STATE ENGINEER

OFFICE OF THE  
STATE ENGINEER  
HEARINGS UNIT  
SANTA FE, NM

IN THE MATTER OF THE APPLICATIONS ) HEARING CASE NO. 00-037  
 BY TEXACO EXPLORATION AND PRO- )  
 DUCTION INC., FOR PERMIT TO DIVERT ) OSE File Nos. L-11029 thru L-  
 UNDERGROUND WATERS OF THE LEA & ) 11031 & CP-884 thru CP-886  
 CAPITAN UNDERGROUND WATER BASINS )

ORDER DISMISSING PROTESTANTS

**THIS MATTER** came before the State Engineer's duly appointed Hearing Examiner, Louis D. O'Dell, *sua sponte* upon the failure of Protestants Tom and Winnie Kennann to timely submit the required hearing fee. Having reviewed the hearing file the Hearing Examiner recommends the following Findings and Order:

FINDINGS

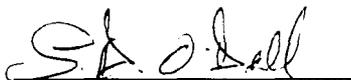
1. Notice of Pre-Hearing Scheduling Conference to be held on September 27, 2000 was mailed to Protestants Tom and Winnie Kennann at P.O. Box 186, Eunice, New Mexico 88321-0186 on September 6, 2000.
2. The Notice advised that a non-refundable hearing fee of \$25.00 must be submitted by the Applicant and each Protestant and received by the Hearings Unit on or before September 20, 2000 and that failure to make the fee payment when due would result in dismissal from the proceedings.
3. Office of State Engineer Rule 19 NMAC 25.2.17 provides that a \$25.00 hearing fee must be submitted at least five working days prior to the first scheduled pre-hearing conference.
4. September 20, 2000 is five working days prior to the scheduled pre-hearing conference.

5. The Notices of Pre-Hearing Scheduling Conference were not returned by the United States Postal Service as undeliverable.
6. Protestants Tom and Winnie Kennann failed to submit the required non-refundable hearing fee on or before September 20, 2000.

**ORDER**

**NOW THEREFORE, IT IS HEREBY ORDERED** that the protests of Tom and Winnie Kennann are dismissed and they shall no longer be a party to these proceedings.

Respectfully submitted this 27th day of September 2000.



Louis D. O'Dell  
Hearing Examiner

I ACCEPT AND ADOPT THE FINDINGS AND ORDER OF THE HEARING EXAMINER.  
WITNESS MY HAND AND OFFICIAL SEAL THIS 28<sup>th</sup> DAY OF Sept 2000.

  
THOMAS C. TURNEY  
NEW MEXICO STATE ENGINEER



**PARTIES ENTITLED TO NOTICE**

**HU # 00-037**

I certify that a copy of the foregoing Order Dismissing Protestants was mailed to the following parties on the 5<sup>th</sup> day of October 2000.

  
F. Eileen Serna, Administrator

**Water Rights Division**

Ann Finley Wright, Esq.  
Office of the New Mexico State Engineer  
P. O. Box 25102  
Santa Fe, New Mexico 87504-5102

**APPLICANT**

Joel T. Newton, Esq.  
Miller, Stratvert & Torgerson, PA  
P. O. Box 1986  
Santa Fe, New Mexico 87504-1986

**PROTESTANTS**

Jim Cooper  
Box 55  
Monument, NM 88265-0055  
(505) 397-2045

Becky Jo Doom  
HCR 68 Box 188  
Jal, NM 88252  
(505) 395-2877

Bill and Elena Grobe  
P. O. Box QQ  
Jal, NM 88252

George and Joyce Willis  
Willis Ranch  
P. O. Box 307  
#1 Willis Road  
Jal, NM 88252

Tom and Winnie Kennann  
P. O. Box 186  
Eunice, NM 88321-0186  
(505) 394-2571 FAX (505) 394-2452

cc: William C. Olson, Hydrologist  
Dept. of Energy & Minerals, OCD, EB  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

## BEFORE THE NEW MEXICO STATE ENGINEER

IN THE MATTER OF THE APPLICATIONS ) HEARING CASE NO. 00-039  
BY TEXACO EXPLORATION AND PRO- )  
DUCTION INC., FOR PERMIT TO DIVERT ) OSE File Nos. L-11029 thru L-  
UNDERGROUND WATERS OF THE LEA ) 11031 & CP-884 thru CP-886  
CAPITAN UNDERGROUND WATER BASINS )

---

**NOTICE RESCHEDULING PRE-HEARING CONFERENCE**

**THIS MATTER** came before the State Engineer's duly appointed Hearing Examiner, Louis D. O'Dell, upon the Applicant's Motion For Continuance of Pre-Hearing Scheduling Conference filed on September 19, 2000. The majority of the parties in this matter do not oppose the Motion and the motion is well taken.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Pre-Hearing Scheduling Conference set for September 27, 2000 is hereby vacated and is rescheduled for December 7, 2000, in the Old Senate Chambers, 2nd Floor, Room 238, Bataan Memorial Building, at 407 Galisteo Street, Santa Fe, New Mexico, at 10:00 a.m.

**IT IS SO ORDERED THIS 22ND DAY OF SEPTEMBER 2000.**

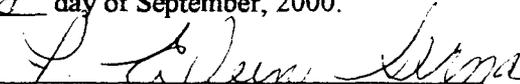


Louis D. O'Dell  
Hearing Examiner

**PARTIES ENTITLED TO NOTICE**

**HU # 00-037**

I certify that a copy of the foregoing Notice Rescheduling Pre-Hearing Conference was mailed to the following parties on the 22nd day of September, 2000.

  
F. Eileen Serna, Administrator

**Water Rights Division**

Ann Finley Wright, Esq.  
Office of the New Mexico State Engineer  
P. O. Box 25102  
Santa Fe, New Mexico 87504-5102

**APPLICANT**

Joel T. Newton, Esq.  
Miller, Stratvert & Torgerson, PA  
P. O. Box 1986  
Santa Fe, New Mexico 87504-1986

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Tom and Winnie Kennann  
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Eunice, NM 88321-0186  
(505) 394-2571 FAX (505) 394-2452

cc: William C. Olson, Hydrologist  
Dept. of Energy & Minerals, OCD,EB  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

E G E I W

SEP 20 2000

MILLER, STRATVERT & TORGERSON, P.A.  
LAW OFFICES

CONSERVATION DIVISION

RANNE B. MILLER  
ALAN C. TORGERSON  
ALICE T. LORENZ  
GREGORY W. CHASE  
LYMAN G. SANDY  
STEPHEN M. WILLIAMS  
STEPHAN M. VIDMAR  
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COUNSEL

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GARY RISLEY

OF COUNSEL

WILLIAM K. STRATVERT  
RALPH WM. RICHARDS

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TELEPHONE: (505) 523-2481  
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PLEASE REPLY TO SANTA FE

September 19, 2000

Texaco Exploration and Production, Inc.  
Attn: Mark J. Larsen, Senior Project Manager  
Highlander Environmental Corporation  
1910 North Big Spring  
Midland, TX 79705

William C. Olson, Hydrologist  
Dept. of Energy & Minerals, OCD, EB  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505

Ann Finley Wright, Esq.  
Office of the State Engineer  
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Tom and Winnie Kennann  
P.O. Box 186  
Eunice, New Mexico 88321-0186

Becky Jo Doom  
HCR 68 Box 188  
Jal, NM 88252

Bill and Elena Grobe  
P.O. Box QQ  
Jal, New Mexico 88152

Re: Applications of Texaco Exploration to Divert Underground waters  
Hearing No. 00-037, OSE No. L-11029, *et seq.*

Ladies and Gentlemen:

Enclosed in the above-referenced matter is Applicant's Motion for Continuance of Pre-Hearing Scheduling Conference.

Sincerely,

MILLER, STRATVERT & TORGERSON, P.A.

  
Amanda Olsen, CLA  
Paralegal

:ao

Enclosure(s) – as stated

BEFORE THE NEW MEXICO STATE ENGINEER

IN THE MATTER OF THE APPLICATIONS OF	)	Hearing No. 00-037
TEXACO EXPLORATION	)	
AND PRODUCTION INC. TO DIVERT THE	)	OSE File No. L-11029,
UNDERGROUND WATERS OF THE LEA AND	)	L-11030, L-11031,
CAPITAN UNDERGROUND WATER BASINS,	)	CP-884, CP-885,
NEW MEXICO	)	CP-886

APPLICANT'S MOTION FOR CONTINUANCE OF PRE-HEARING  
SCHEDULING CONFERENCE

COMES NOW the Applicant, Texaco Exploration and Production, Inc., by and through its counsel of record, Miller, Stratvert & Torgerson, P.A, and requests a continuance of that Pre-Hearing Scheduling Conference in this matter for the following reasons:

1. As stated in the Request for Pre-Hearing Scheduling Conference, filed by the Office of the State Engineer, Water Rights Division ("WRD"), this is a matter handling six (6) applications to divert water in two separate basins (3 applications as to the Lea Underground Basin and 3 applications as to the Capitan Underground Basin). These applications are sought to initiate a corrective action pursuant to a plan approved by the Environmental Bureau, New Mexico Department of Energy and Minerals, Oil Conservation Division ("OCD").

2. Counsel for the Applicant have only, days ago, been retained and received the file and, for the following reasons, would request a continuance until December 4, 6, 7 or 8, 2000, of that Pre-Hearing Scheduling Conference now set for September 27, 2000, at 2:00 p.m.:

A. As noted by WRD in its Request for Pre-Hearing Scheduling Conference, and in its cover letter, there are a number of important, novel issues implicated by the above-applications, requiring additional time for counsel to study the applications and prepare for the hearing, and, more important, for applicants, counsel and protestants to meet and confer prior to the Pre-Hearing Scheduling Conference.

B. Such additional time will permit applicant to investigate the claim by one protestant (Mr. Jim Cooper, protesting L-11029 and L-11031) that the legal descriptions utilized in the published notice for the Lea County applications were inaccurate, and, if so, to correct that issue in accordance with due process. Any earlier setting of the proposed Conference before this issue is resolved may render the Conference largely unfruitful, because discovery completion dates, witness list and exhibit list disclosure dates, and other related discovery and hearing dates cannot be set if the notice must be republished. Additionally, re-publication, if required, may generate additional protestants who will be entitled to attend any Pre-Hearing Scheduling Conference as well.

C. Additional time will permit due diligence to be conducted as to the proposal by WRD for the *amicus curiae* hydrologist and for participation by the OCD. While applicant generally favors the proposal regarding participation by OCD, the interwoven OCD issues are complex. Adequate prior preparation time is also needed for counsel to effectively address questions already posed by WRD in its Request for Pre-Hearing Scheduling Conference.

D. WRD has approved and concurred with the relief sought in this Motion, and, in fact, expresses preference for a hearing date on either December 6, 7, 8 or 4, 2000, in that order. Protestants Becky Jo Doom, Bill and Elena Grobe, and Tom and Winnie Kennan have concurred to the relief sought and have approved the dates suggested. Concurrence from Protestants Jim Cooper and George and Joyce Willis was sought on September 15, and again on September 19, 2000, through their indicated attorneys, Samberson & Newell, but no response has been received.

**WHEREFORE**, due to the foregoing reasons, Applicant respectfully requests a continuance until December 4, 6, 7 or 8, 2000, of that Pre-Hearing Scheduling Conference now

set for September 27, 2000, at 2:00 p.m., and for such other and further relief as the Hearing Examiner deems just and proper.

**MILLER, STRATVERT & TORGERSON, P.A.**

By:



Joel T. Newton  
J. Scott Hall  
Attorneys for Applicant

P. O. Box 1209  
Las Cruces, New Mexico 88004  
(505) 523-2481

P.O. Box 1986  
Santa Fe, New Mexico 87504-1986  
(505) 989-9614

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the foregoing Motion was mailed to the persons named below on September 19, 2000:

Texaco Exploration and Production, Inc.  
Attn: Mark J. Larsen, Senior Project Manager  
Highlander Environmental Corporation  
1910 North Big Spring  
Midland, TX 79705

Ann Finley Wright, Esq.  
Office of the State Engineer  
P. O. Box 25102  
Santa Fe, NM 87504-5102

Jim Cooper  
Box 55  
Monument, NM 88265

Becky Jo Doom  
HCR 68 Box 188  
Jal, NM 88252

Bill and Elena Grobe  
P. O. Box QQ  
Jal, NM 88152

George and Joyce Willis  
Willis Ranch  
P. O. Box 307  
#1 Wills Road  
Jal, NM 88252

Tom and Winnie Kennann  
P. O. Box 186  
Eunice, NM 88321-0186

William C. Olson, Hydrologist  
Dept. of Energy and Minerals, OCD, EB  
2040 South Pacheco Street  
Santa Fe, NM 87505

*T. Newton*

---

Joel T. Newton



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**GARY E. JOHNSON**  
Governor  
**Jennifer A. Salisbury**  
Cabinet Secretary

**Lori Wrotenbery**  
Director  
Oil Conservation Division

September 14, 2000

Ms. Ann Finley Wright  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, New Mexico 87504-5102

**RE: OSE APPLICATIONS OF TEXACO, L-11029 THROUGH L-11031 AND CP-884  
THROUGH CP-886**

Dear Ms. Finley Wright:

The New Mexico Oil Conservation Division (OCD) is in receipt of the Office of the State Engineer's (OSE) August 7, 2000 correspondence titled "APPLICATIONS OF TEXACO, L-11029 THROUGH L-11031 AND CP-884 THROUGH CP-886" and September 6, 2000 "NOTICE OF PRE-HEARING SCHEDULING CONFERENCE". These documents set a September 27, 2000 pre-hearing scheduling conference on the above-referenced OSE applications and suggests that the OCD should be asked to participate in the matter in order to make clear what OCD is requiring Texaco to do in regards to these applications. On September 7, 2000, you verbally requested that I send a letter to the OSE as to whether I would be able to attend the pre-hearing scheduling conference and possibly testify at the OSE hearings.

I have prior business obligations on September 27, 2000 and will not be able to attend the pre-hearing scheduling conference. The referenced applications involve ground water remediation projects at oil and gas production sites which are under the oversight of the OCD pursuant to the New Mexico Oil and Gas Act. If necessary, the OCD would be willing to testify in order to provide a record of the actions required by the OCD regarding ground water remediation at the sites. If the OSE desires that the OCD testify at the hearing, please send a written request to Roger Anderson, the Environmental Bureau Chief, at the below address. If you have any questions, please feel free to call me at (505) 827-7154.

Sincerely,

William C. Olson  
Hydrologist  
Environmental Bureau

xc: Roger Anderson, Environmental Bureau Chief  
Chris Williams, OCD Hobbs District Supervisor



2000 SEP -6 AM 10: 43

OFFICE OF THE  
STATE ENGINEER  
HEARINGS UNIT  
SANTA FE, NM

STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE APPLICATIONS OF )	Hearing Unit No. 00-037
TEXACO EXPLORATION AND PRODUCTION, )	
INC. TO DIVERT THE UNDERGROUND WATERS )	OSE File No. L-11029, L-11030,
OF THE LEA AND CAPITAN UNDERGROUND )	L-11031, CP-884,
WATER BASINS, NEW MEXICO )	CP-885, CP-886

**NOTICE OF PRE-HEARING SCHEDULING CONFERENCE**

A pre-hearing scheduling conference in this case is set before Hearing Examiner Louis D. O'Dell as follows:

Date of Conference: September 27, 2000

Time of Conference: 2:00 p.m.

Place of Conference: **Old Senate Chambers (Room 238), 2<sup>nd</sup> Floor, Bataan Memorial Building, 407 Galisteo Street, Santa Fe, New Mexico.**

Applicant and each Protestant must submit a non-refundable hearing fee of \$25.00. The fee must be received by the Hearings Unit on or before the 20th day of September, 2000. Check or money order should be made out to the New Mexico State Engineer and mailed to the Hearings Unit Administrator, Office of the State Engineer, P. O. Box 25102, Santa Fe, NM 87504-5102 or delivered in person to the Hearings Unit Office - Suite E of the Peralta Complex, 607 Cerrillos Road, Santa Fe. Failure to make the fee payment when due will result in dismissal from the proceedings or, in the case of the applicant, denial of the application. The parties should be prepared to clarify issues that are in dispute and to establish a schedule for proceeding to formal administrative hearing. A form of Pre-hearing Order is enclosed for your use in preparing for the conference as well as instructions concerning the hearing process.

**OFFICE OF HEARING EXAMINER**

By *F. Eileen Serna*  
**F. Eileen Serna**  
**Administrator**

I certify that a copy of this notice was mailed to all parties entitled to notice on the 6<sup>th</sup> day of September, 2000.

**PARTIES ENTITLED TO NOTICE**

HU # 00-037

**Water Rights Division**

Ann Finley Wright, Esq.  
Office of the New Mexico State Engineer  
P. O. Box 25102  
Santa Fe, New Mexico 87504-5102

**APPLICANT**

Texaco Exploration and Production, Inc.  
Attn: Mark J. Larsen, Senior Project Manager  
Highlander Environmental Corporation  
1910 North Big Spring  
Midland Texas 79705  
(915) 682-4559 FAX (915) 682-3946

**PROTESTANTS**

Jim Cooper  
Box 55  
Monument, NM 88265  
(505) 397-2045

Becky Jo Doom  
HCR 68 Box 188  
Jal, NM 88252  
(505) 395-2877

Bill and Elena Grobe  
P. O. Box QQ  
Jal, NM 88252

George and Joyce Willis  
Willis Ranch  
P. O. Box 307  
#1 Willis Road  
Jal, NM 88252

Tom and Winnie Kennann  
P. O. Box 186  
Eunice, NM 88321-0186  
(505) 394-2571 FAX (505) 394-2452

William C. Olson, Hydrologist  
Dept. of Energy and Minerals, OCD,EB  
2040 South Pacheco Street  
Santa Fe, NM 87505  
(505) 827-7154

BEFORE THE NEW MEXICO STATE ENGINEER

IN THE MATTER OF THE APPLICATION BY )  
 ) Hearing No.  
 )  
 ) OSE File No.  
 )

PRE-HEARING SCHEDULING ORDER

This matter came before the State Engineer's duly designated Hearing Examiners, on \_\_\_\_\_, 2000, at a Pre-Hearing Scheduling Conference in Santa Fe, New Mexico. The parties appeared pro se or through representatives as follows:

This Pre-Hearing Scheduling Order sets forth the issues to be addressed at the administrative hearing and the schedules for discovery, the exchange of witness lists, exhibits and reports, the filing of motions and the conduct of the hearing.

**1. NATURE OF THE APPLICATION**

On \_\_\_\_\_ filed Application No. \_\_\_\_\_ with the State Engineer for Permit to \_\_\_\_\_.

An Affidavit of Publication was filed on \_\_\_\_\_. The application was timely protested by \_\_\_\_\_.

**2. JURISDICTION**

The jurisdiction of the State Engineer is invoked pursuant to Section 72-\_\_\_\_\_ NMSA 1978 (1997 Repl.).

**3. STATEMENT OF ISSUES**

- A. Whether there is unappropriated water available to satisfy the application.
- B. Validity of the claimed water right.
- C. Whether granting the application would result in impairment to existing water rights.

- D. Whether granting the application would be detrimental to the public welfare of the state.
- E. Whether granting the application would be contrary to the conservation of water within the state.

Other:

**4. DISCLOSURE OF WITNESSES AND EXHIBITS**

Witness Identification: On or before \_\_\_\_\_, each party shall disclose to the others all expert and fact witnesses who may be called at the hearing of this matter. Disclosure shall be by witness lists that contain the name and address of each witness, an indication of whether the witness will be offered as an expert, and a summary of anticipated testimony. The lists shall also be filed with the Hearings Unit by \_\_\_\_\_.

Exhibits: On or before \_\_\_\_\_, each party shall disclose and exchange any and all exhibits and reports to be offered into evidence at the hearing. The exhibits shall be indexed and labeled for identification. The parties shall file the exhibits index with the Hearings Unit by \_\_\_\_\_.

**5. DISCLOSURE OF REBUTTAL WITNESSES AND EXHIBITS**

All rebuttal witnesses are to be disclosed and rebuttal exhibits to be used at hearing are to be exchanged between the parties on or before \_\_\_\_\_ in the same manner as set forth in section 4, above. The rebuttal witness lists and exhibits index are to be filed with the Hearings Unit by \_\_\_\_\_.

**6. CLOSE OF DISCOVERY**

The deadline for conclusion of discovery is \_\_\_\_\_.

**7. MOTIONS AND OBJECTIONS**

The deadline for filing dispositive motions written objections to a proposed witness or exhibit is \_\_\_\_\_. Any exhibit not objected to in writing by \_\_\_\_\_ shall be deemed admitted into evidence at the hearing.

**8. FILING AND SERVICE**

Filing of pleadings, exhibits and documents are to be made in triplicate (original and two copies) to the Hearings Unit, Office of the State Engineer, P.O. Box 25102, Santa Fe,

New Mexico 87504-5102. The physical location of the Hearings Unit office is at 607 Cerrillos Road, Suite E of the Peralta Complex on the corner of Cerrillos Road and Paseo de Peralta, Santa Fe, New Mexico. A copy of any pleading, or other document submitted for filing must be served by the submitting party upon the other parties. Upon request, a file stamped copy of the submission will be returned to the submitting party if an extra (third) copy and a stamped, self addressed envelope is provided with the submission. Service may be made upon the parties in accordance with the attached certificate of mailing unless otherwise notified per entry of appearance or other writing filed in this matter.

**9. PRE-HEARING CONFERENCE**

If the Hearing Examiner deems it necessary to address objections, outstanding motions or other matters prior to hearing, a Pre-Hearing Administrative Conference will be scheduled on \_\_\_\_\_. The parties will receive advance written notice of the scheduling.

**10. HEARING**

The hearing of this matter is scheduled to commence at \_\_\_\_\_ in \_\_\_\_\_, New Mexico at a location to be later designated. It is anticipated that the hearing will take no more than \_\_\_\_\_ days.

**11. MODIFICATION**

This order shall control these proceedings, except that it may be modified upon the consent of the parties and the Hearing Examiners or at the discretion of the Hearing Examiners for good cause shown.

**IT IS SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
Hearing Examiner

\_\_\_\_\_  
Hearing Examiner



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
SANTA FE

THOMAS C. TURNEY  
State Engineer

POST OFFICE BOX 25102  
SANTA FE, NEW MEXICO 87504-5102

August 7, 2000

Hearing Examiner  
Office of the State Engineer  
Hearing Unit  
P. O. Box 25102  
Santa Fe, NM 87504-5102

Re: Applications of Texaco, L-11029 through L-11031 and CP-884  
through CP-886

Dear Mr. Examiner:

Enclosed you will find the OSE/Water Rights Division Request for Pre-Hearing Scheduling Conference with attachments. Please note that there are a number of important issues that WRD has delineated for you. Perhaps some of these should be addressed prior to any scheduling of discovery and hearing?

Please also note that I will be out of the country the month of October so will be unable to participate in any conferences or other related matters during that time period.

Thank you!

Most sincerely,

A handwritten signature in cursive script that reads "Ann Finley Wright".

Ann Finley Wright  
Special Assistant Attorney General  
(505) 827-6147

attachments

c: each person listed on entitled to notice page

Andrew B. Core  
Vincent Chavez  
Leticia Sheridan, Esq.  
Kenneth Meeks, Esq.

**BEFORE THE NEW MEXICO  
STATE ENGINEER**

IN THE MATTER OF THE APPLICATIONS OF	)	
TEXACO EXOLORATION AND PRODUCTION,	)	HU No.: _____
INC. TO DIVERT THE UNDERGROUND WATERS	)	OSE Nos.: L-11029
OF THE LEA AND CAPITAN UNDERGROUND	)	L-11030, L-11031,
WATER BASINS, NEW MEXICO.	)	CP-884, CP-885,
	)	CP-886
	)	

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**REQUEST FOR PRE-HEARING SCHEDULING CONFERENCE**

COMES NOW, Office of the State Engineer, Water Rights Division, through its attorney to request that the Hearing Unit schedule a Pre-Hearing Scheduling Conference in the above-captioned matter pursuant to "The Instructions for Parties in State Engineer Administrative Hearings," page 2.

1. Assigned Hearing Examiner: \_\_\_\_\_
  
2. Type of Case: These six (6) applications were filed October 1, 1999. The applicant proposes, with permit approval, to initiate corrective action under a directive from the New Mexico Oil Conservation Division, Environmental Bureau for environmental remediation [Pollution Plume Control—a term of art in the Oil and Gas industry]. The applicant proposes to divert 3.0 acre feet per annum from each of the three (3) Lea Underground Basin applications, if approved. The applicant proposes to divert 32.5 acre feet per annum from two (2) of the Capitan Underground Basin application and 6.5 acre feet per annum from one (1) Capitan Underground Basin application. It is unclear whether or not this "diversion" will be applied to

beneficial use and consumed or not, but the water will be run through applicant's disposal system.

3. The protestants particularly object to the use of fresh water in a disposal system, which could be interpreted as being contrary to conservation within the state.
4. Dates of hearings presently set: None, however there may be other pending, but unprotested, applications filed by this same applicant.
5. Special Matters to be hearing upon this request: Prior to any discovery or other scheduling, the following should be decided or explained:
  - A. Whether or not the legal descriptions of the proposal, which appeared in the published notice for the three Lea Underground Basin applications are correct or incorrect, which would require republication to meet due process standards. One of the protestants claims that the descriptions are wrong. A schedule for discovery, filing of witness lists and exhibits and the date for hearing cannot be established until this is decided. Republication most likely would attract additional protestants.
  - B. The applicant should explain the purpose and intent of the pending applications [particularly the change on the standard application from " To Appropriate...." to "To Divert the Underground Waters of the State of New Mexico"]. It should also indicate whether or not these two sets of applications represent one single operation or whether there are two separate operations, which should be heard separately.

C. Applicant must indicate what source aquifer or source aquifers will be used for these proposed applications. It should be required to name the formation or formations involved.

D. New Mexico Department of Energy and Minerals, Oil Conservation Division, Environmental Bureau, William C. Olson, Hydrologist, should be asked to act as *amicus curi* to the Hearing Examiner or the Bureau should be asked to participate in this matter in order to objectively make clear what Texaco is required to do as well as why and how it is so required.

6. Estimated total time required: Two hours

7. Attachments:

A. A list of each and every party entitled to notice, their name, firm if applicable, capacity in that firm, address and telephone number and FAX number, if available.

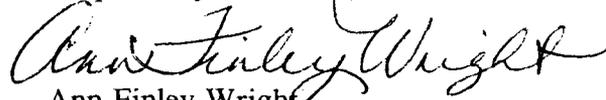
B. Addressed envelopes for all parties entitled to notice.

C. A copy of each application.

D. A copy of the legal notice.

E. A copy of each protest.

Respectfully submitted,



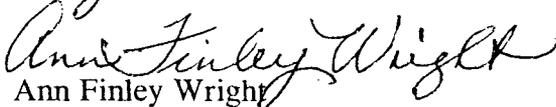
Ann Finley Wright  
Special Assistant Attorney General  
Office of the State Engineer  
P. O. Box 25102  
Santa Fe, NM 87504-5102

(505) 827-6147  
Currently no FAX number

ATTORNEY FOR WATER RIGHTS DIVISION (WRD)

Certificate of Mailing

I certify that a copy of this Pleading and all attachments were mailed this 7 day of August, 2000 to those listed below as entitled to notice.



Ann Finley Wright



AFFIDAVIT OF PUBLICATION

L-11,029

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 3 weeks.

Beginning with the issue dated February 15 2000 and ending with the issue dated

February 29 2000

Kathi Bearden

Publisher

Sworn and subscribed to before

me this 29th day of

February 2000

Jodi Benson

Notary Public.

My Commission expires  
October 18, 2000  
(Seal)

LEGAL NOTICE

February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. L-11,029 with the STATE ENGINEER for permit to divert up to 3.0 acre-feet per annum of shallow groundwater of the Lea County Underground Water Basin and commencing the use of groundwater recovery well No. 2, to numbered L-11,029, 4 inches in diameter and approximately 70 feet in depth located in the NE1/4SE1/4 of Section 24, Township 19 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. L-11,029 is located approximately three miles east of Monument, New Mexico on County Road C-42 then approximately one half mile north of County Road C-42.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants's or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

#17178

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.

01101308000      01538955  
Texaco E&P, Inc.  
205 E. Bender  
Hobbs, NM 88240

AFFIDAVIT OF PUBLICATION

State of New Mexico,  
County of Lea.

L-11,030

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 3 weeks.

Beginning with the issue dated

February 15 2000

and ending with the issue dated

February 29 2000

Kathi Bearden

Publisher

Sworn and subscribed to before

me this 29th day of

February 2000

Jodi Henson

Notary Public.

My Commission expires  
October 18, 2000  
(Seal)

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  
February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. L-11,030 with the STATE ENGINEER for permit to divert up to 3.0 acre-feet per annum of shallow groundwater of the Lea County Underground Water Basin and commence the use of existing groundwater recovery well No. 1, to numbered L-11,030, 4 inches in diameter and approximately 70 feet in depth located in the NW1/4SE1/4 of Section 24, Township 19 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NM OCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. L-11,030 is located approximately three miles east of Monument, New Mexico on County Road C-42 then approximately one half mile north of County Road C-42.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants' or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

#17177

01101308000 02535050  
Texaco E&P, Inc.  
205 E. Bender  
Hobbs, NM 88240

AFFIDAVIT OF PUBLICATION

L-11,031

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 3 weeks.

Beginning with the issue dated February 15 2000

and ending with the issue dated February 29 2000

Kathi Bearden

Publisher

Sworn and subscribed to before

me this 29th day of

February 2000

Jodi Henson

Notary Public.

My Commission expires  
October 18, 2000  
(Seal)

LEGAL NOTICE

February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc., P.O. Box 730, Hobbs, NM 88240-0730, filed application No. L-11,031 with the STATE ENGINEER for permit to divert up to 3.0 acre-feet per annum of shallow groundwater of the Lea County Underground Water Basin and commencing the use of groundwater recovery well No. 3, to numbered L-11,031, 4 inches in diameter and approximately 70 feet in depth located in the NE1/4SE1/4 of Section 24, Township 19 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. L-11,031 is located approximately three miles east of Monument, New Mexico on County Road C-42 then approximately one half mile north of County Road C-42.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants's or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Tumey, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.  
#17179

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.

01101308000      01538956  
Texaco E&P, Inc.  
205 E. Bender  
Hobbs, NM 88240

AFFIDAVIT OF PUBLICATION

CP-884

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 3 weeks.

Beginning with the issue dated February 15 2000 and ending with the issue dated

February 29 2000

Kathi Bearden  
Publisher

Sworn and subscribed to before me this 29th day of

February 2000

Jodi Benson  
Notary Public.

My Commission expires  
October 18, 2000  
(Seal!)

LEGAL NOTICE

February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. CP-884 with the STATE ENGINEER for permit to divert up to 32.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery well No. 2, to numbered CP-884, 5 inches in diameter and approximately 175 feet in depth located in the NW1/4NW1/4SE1/4 of Section 24, Township 24 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. CP-884 is located approximately six miles north of Jal, New Mexico on State Highway 18 then west approximately two miles of County Road C-7.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants's or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

#17181

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.

01101308000      01538958  
Texaco E&P, Inc.  
205 E. Bender  
Hobbs, NM 88240

AFFIDAVIT OF PUBLICATION

CP-885

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 3 weeks.

Beginning with the issue dated February 15 2000 and ending with the issue dated February 29 2000

Kathi Bearden

Publisher

Sworn and subscribed to before

me this 29th day of

February 2000

Jodi Henson

Notary Public.

My Commission expires  
October 18, 2000  
(Seal)

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

February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc., P.O. Box 730, Hobbs, NM 88240-0730, filed application No. CP-885 with the STATE ENGINEER for permit to divert up to 32.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery well No. 2, to numbered CP-885, 5 inches in diameter and approximately 175 feet in depth located in the NW1/4NW1/4SE1/4 of Section 24, Township 24 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. CP-885 is located approximately six miles north of Jal, New Mexico on State Highway 18 then west approximately two miles of County Road C-7.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants' or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

01101308000      01538959  
Texaco E&P, Inc.  
205 E. Bender  
Hobbs, NM 88240

AFFIDAVIT OF PUBLICATION

CP-886

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.

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Beginning with the issue dated

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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

February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. CP-886 with the STATE ENGINEER for permit to divert up to 6.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery well No. 1, to numbered CP-886, 6 inches in diameter and approximately 73 feet in depth located in the SW1/4SE1/4 of Section 35, Township 24 South, Range 37 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCDD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. CP-886 is located approximately two miles east of Jal, New Mexico on State Highway 128 then north approximately 3 miles of County Road C-13.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants' or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

#17180

01101308000 01538957

Texaco E&P, Inc.  
205 E. Bender  
Hobbs, NM 88240

Becky Jo Doom  
HCR 68 Box 188  
Jal, New Mexico 88252  
(505) 395-2877  
March 6, 2000

Mr. Thomas C. Turney  
State Engineer  
1900 W. Second St.  
Roswell, NM 88201

Dear Mr. Turney:

I am taking this opportunity to object to the applications filed by Texaco Exploration and Production, Inc. P. O. Box 730, Hobbs, N. M. 88240 for:

(1) permit to divert up to 32.5 acre feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery well No.2 to numbered CP-884, 5 inches in diameter and approximately 175 feet in depth located in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of section 24, township 24 south, range 36 east, NMPM for Environmental Remediation purposes.

(2) permit to divert up to 3.0 acre feet per annum of shallow groundwater of the Lea County Water Basin and commence the use of existing groundwater recovery well No. 1, to numbered L-11,030, 4 inches in diameter and approximately 70 feet in depth located in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  section 24, township 19 south, range 36 east, NMPM for Environmental Remediation purposes.

(3) permit to divert up to 3.0 acre feet per annum of shallow groundwater of the Lea County Water Basin and commence the use of existing groundwater recovery well No. 3, to numbered L-11031, 4 inches in diameter and approximately 70 feet in depth located in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of section 24, township 19 south, range 36 east, NMPM for Environmental Remediation purposes.

(4) permit to divert up to 32.5 acre feet per annum of shallow groundwater of the captain Underground Water Basin and commencing the use of groundwater recovery well No.2 to numbered CP-885, 5 inches in diameter and approximately 175 feet in depth located in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of section 24, township 24 south, range 36 east, NMPM for Environmental Remediation purposes.

(5) permit to divert up to 3.0 acre feet per annum of shallow groundwater of the Lea County Underground water Basin and commencing the use of groundwater recovery well No.2, t numbered L-11,029, 4 inches in diameter and approximately 70 feet in depth located in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of section 24,

township 19 south, range 36 east NMPM, for Environmental Remediation purposes.

My objections are that as a life-long resident of South Lea County and I and my family having been involved in agriculture, gasoline refinery and education, I think I am qualified to say that uncontaminated groundwater is very scare and is being depleted and contaminated at alarming rates.

If it is necessary to grant permit to pump these wells, and I do not hold myself to be an expert in that area, why not require that the contaminated water be cleaned up to the standard of the uncontaminated groundwater and injected back there. . . . not pumped down disposal wells and lost forever for any beneficial use.

Thank you for your consideration.

Sincerely,



Becky Jo Doom

CC: Lea County Water Users Assn.  
Lea County Court House  
Lovington, NM 88252

Oil Conservation Commission  
1000 West Broadway  
Hobbs, NM 88240

February 15, 2000

State Engineers Office  
ATTN: Thomas C. Turney  
1900 W. Second St.  
Roswell, NM 88201

RE: Texaco Legal Notice, water use

Mr. Turney:

As I read my paper today, I found that Texaco is applying to pump and dispose of fresh water.

I am in disagreement with this pumping. First of all, I have a permitted fresh water well adjacent to this site that. I feel that allowing them to pump this water out will deplete my water well or lower the water table enough that I will not be able to use it. Secondly, with the shortage of water in Lea Co. and the adjacent areas, it would be more environmentally beneficial if the water was treated and reused other than disposed of. Thirdly, the legal notice was mistaken, the site is west of Monument not east.

Please accept this letter as my protest to the Texaco L-11,029 and L-11,031 notice.

Thank you,

A handwritten signature in cursive script, appearing to read "Jim Cooper".

Jim Cooper  
Box 55  
Monument, NM 88265  
(505)397-2045

*Unit I*  
LEGAL NOTICE  
February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. L-11,029 with the STATE ENGINEER for permit to divert up to 3.0 acre-feet per annum of shallow groundwater of the Lea County Underground Water Basin and commencing the use of groundwater recovery well No. 2, to numbered L-11,029, 4 inches in diameter and approximately 70 feet in depth located in the NE1/4SE1/4 of Section 24, Township 19 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. L-11,029 is located approximately three miles east of Monument, New Mexico on County Road C-42 then approximately one half mile north of County Road C-42.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants' or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

#17178

*Unit J*  
LEGAL NOTICE  
February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. CP-885 with the STATE ENGINEER for permit to divert up to 32.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery well No. 2, to numbered CP-885, 5 inches in diameter and approximately 175 feet in depth located in the NW1/4NW1/4SE1/4 of Section 24, Township 24 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. CP-885 is located approximately six miles north of Jal, New Mexico on State Highway 18 then west approximately two miles of County Road C-7.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants' or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

*Unit K*  
LEGAL NOTICE  
February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. CP-884 with the STATE ENGINEER for permit to divert up to 32.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery well No. 2, to numbered CP-884, 5 inches in diameter and approximately 175 feet in depth located in the NW1/4NW1/4SE1/4 of Section 24, Township 24 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. CP-884 is located approximately six miles north of Jal, New Mexico on State Highway 18 then west approximately two miles of County Road C-7.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants' or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

#17181

*Unit O*  
LEGAL NOTICE  
February 15, 22, & 29, 2000

NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. CP-886 with the STATE ENGINEER for permit to divert up to 6.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery well No. 1, to numbered CP-886, 6 inches in diameter and approximately 73 feet in depth located in the SW1/4SE1/4 of Section 35, Township 24 South, Range 37 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

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Well No. CP-885 is located approximately six miles north of Jal, New Mexico on State Highway 18 then west approximately two miles of County Road C-7.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants's or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

#17182

Unit I

LEGAL NOTICE  
February 15, 22, & 29, 2000

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NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. L-11,031 with the STATE ENGINEER for permit to divert up to 3.0 acre-feet per annum of shallow groundwater of the Lea County Underground Water Basin and commencing the use of groundwater recovery well No. 3, to numbered L-11,031, 4 inches in diameter and approximately 70 feet in depth located in the NE1/4SE1/4 of Section 24, Township 19 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. L-11,031 is located approximately three miles east of Monument, New Mexico on County Road C-42 then approximately one half mile north of County Road C-42.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants's or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

#17179

LEGAL NOTICE  
February 15, 22, & 29, 2000

Unit O  
NOTICE is hereby given that on October 1, 1999, Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, NM 88240-0730, filed application No. CP-886 with the STATE ENGINEER for permit to divert up to 6.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery well No. 1, to numbered CP-886, 6 inches in diameter and approximately 73 feet in depth located in the SW1/4SE1/4 of Section 35, Township 24 South, Range 37 East, N.M.P.M., for Environmental Remediation purposes.

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau Direction, and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's disposal system.

Well No. CP-886 is located approximately two miles east of Jal, New Mexico on State Highway 128 then north approximately 3 miles of County Road C-13.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protest. The protest or objections shall be in writing and shall set forth all protestants's or objector's reasons why the application should not be approved and must be filed, in triplicate, with Thomas C. Turney, State Engineer, 1900 W. Second St., Roswell, New Mexico 88201, within ten (10) days after the date of the last publication of this Notice. Valid objections or protests must be legible, signed and include a complete mailing address. If no valid objection or protest is filed, the state engineer will evaluate the application for impairment to existing water rights, public welfare of the state and conservation of water within the state prior to final disposition of the application.

#17180

W. J. J.

Bill & Elena Grobe  
P.O. Box Q Q  
Jal, New Mexico 88252

Mr. Thomas C Turney  
State Engineer  
1900 W. Second St.  
Roswell, New Mexico 88201

Mr. Turney:

We are at this time objecting to the applications filed by Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, New Mexico 88240 for : application No. CP-886 for permit to divert up to 6.5 acre feet of shallow ground water of the Captain Underground Water Basin located in the SW1/4SE1/4 of Section 35, Township 24 South, Range 37 East, N.M.P.M. .

We are ranchers in this area. All of our ground water for watering our animals and for agriculture use comes from this basin as a rule. Our very living is dependent on this water. It seems that if the water is contaminated , then the source should be found and eliminated. The ground water should be cleaned and put back into the basin for beneficial use.

It does not seem to us that taking the water from the basin and disposing into another zone or basin will solve the problem and could result in disastrous consequences for the agricultural community that is dependent on this water. Our ground water is scarce and is being contaminated at an alarming rate as well as being depleted. we cannot afford to take water from any fresh water basin and not put it to beneficial use.

We are asking that the application not be approved for taking the water from the Capitan Basin and disposing into a disposal well and kept from beneficial use. Some other means of remediation should be employed.

Thank you,

*William J Grobe*  
*Elena B Grobe*  
William J. Grobe and Elena B. Grobe

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7  
3  
2

Willis Ranch  
George and Joyce Willis ( Owners)  
P.O. Box 307  
# 1 Willis Road  
Jal, New Mexico 88252

Mr. Thomas C Turney  
State Engineer  
1900 W. Second St.  
Roswell, New Mexico 88201

Mr. Turney:

We are at this time objecting to the applications filed by Texaco Exploration and Production, Inc. P.O. Box 730, Hobbs, New Mexico 88240 for : application No. CP-886 for permit to divert up to 6.5 acre feet of shallow ground water of the Captain Underground Water Basin located in the SW1/4SE1/4 of Section 35, Township 24 South, Range 37 East, N.M.P.M. .

We are ranchers in this area and are surface owners of record. All of our ground water for watering our animals and for agriculture use comes from this basin as a rule. Our very living is dependent on this water. It seems that if the water is contaminated , then the source should be found and eliminated. The ground water should be cleaned and put back into the basin for beneficial use.

It does not seem to us that taking the water from the basin and disposing into another zone or basin will solve the problem and could result in disastrous consequences for the agricultural community that is dependent on this water. Our ground water is scarce and is being contaminated at an alarming rate as well as being depleted. we cannot afford to take water from any fresh water basin and not put it to beneficial use.

We are asking that the application not be approved for taking the water from the Capitan Basin and disposing into a disposal well and kept from beneficial use. Some other means of remedaition should be employed.

Thank you,



George and Joyce Willis

*Joyce Willis 3/07/00*

RECEIVED  
MARCH 10 2000  
STATE ENGINEER  
ROSWELL, N.M.

**Tom & Winnie Kennann**

---

**Post Office Box 186 • Eunice, New Mexico 88231-0186 • (505) 394-2571 • Fax (505) 394-2452**

March 2, 2000

Mr. Thomas C. Turney, State Engineer  
1900 West Second Street  
Roswell, New Mexico 88201

**CERTIFIED MAIL NO. Z 102 527 015**

Re: Our objections to pending filed applications of Texaco Exploration and Production, Inc., hereinafter referred to as TEPI, the application numbers are as follows:  
L-11,029; L-11,030; L-11,031; CP-884; CP-885 and CP-886 followed with brief descriptions as described in the applications.

Dear Mr Turney:

**We object to the following applications. Our concern deals with the conservation of drinking water for human and animal consumption. Uncontaminated ground water, shallow or deep, in Southern Lea County is in short supply so wasting of water in the proposed manner by disposal should NOT BE PERMITTED. Although the pumping of water may be necessary to correct the contamination, the pumped water should be treated to render the product safe and useful.**

TEPI filed application No. L-11,029 with the STATE ENGINEER for permit to divert up to 3.0 acre-feet per annum of shallow groundwater of the Lea County Underground Water Basin and commencing the use of groundwater recovery Well No. 2, to numbered L-11,029, 4 inches in diameter and **approximately 70 feet in depth** located in the NE1/4 SE/4 of Sec. 24, T19S, R36E, N.M.P.M., for Environmental purposes.

TEPI filed application No. L-11,030 with the STATE ENGINEER for permit to divert up to 3.0 acre-feet per annum of shallow groundwater of the Lea County Underground Water Basin and commence the use of existing groundwater recovery Well No. 1, to numbered L-11,030, 4 inches in diameter and **approximately 70 feet in depth** located in the NW/4 SE/4 of Section 24, Township 19 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

TEPI filed application No. L-11,031 filed with the STATE ENGINEER for permit to divert up to 3.0 acre-feet per annum of shallow groundwater of the Lea County Underground Water Basin and commencing the use of groundwater recovery Application No. CP-886, Well No. 3, to numbered L-11,031, 4 inches in diameter and **approximately 70 feet in depth**, (located NE/4 SE/4 of Sec. 24, T19S, R36E, N.M.P.M.), for Environmental Remediation purposes.

TEPI filed application No. CP-884 with the State Engineer for permit to divert up to 32.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery Well No. 2, to numbered CP-884, 5 inches in diameter and approximately 175 feet in depth located NW/4 NW/4 SE/4 of Sec. 24, T24S, R36E, N.M.P.M., for Environmental purposes.

TEPI filed application No. CP-885 with the STATE ENGINEER for permit to divert up to 32.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery Well No. 2, to numbered CP-885, 5 inches in diameter and approximately 175 feet in depth located in the NW/4 NW/4 SE/4 of Section 24, Township 24 South, Range 36 East, N.M.P.M., for Environmental Remediation purposes.

TEPI filed application No. CP-886 with the STATE ENGINEER for permit to divert up to 6.5 acre-feet per annum of shallow groundwater of the Captain Underground Water Basin and commencing the use of groundwater recovery Well No. 1, to numbered CP-886, 6 inches in diameter and approximately 73 feet in depth, located in the SW/4 SE/4 of Sec. 35, T24S, R37E, N.M.P.M., for Environmental Remediation purposes.

Sincerely yours,

*Tom Kennann*  
*Winnie Kennann*

Tom Kennann and Winnie Kennann

Sent in triplicate.

xc: NMOCD Environmental Bureau  
NM State Senator Carroll H. Leavell  
NM State Representative Stevan Pearce  
NM State Commissioner of Public Lands Ray Powell, M.S., D.V.M.

B:\002STENGWAT



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER

THOMAS C. TURNEY  
State Engineer

ADMINISTRATIVE HEARINGS UNIT  
607 CERILLOS ROAD, SUITE E  
POST OFFICE BOX 25102  
SANTA FE, NEW MEXICO 87504-5102  
(505) 827-1430  
FAX: (505) 827-3777

Instructions for Parties in State Engineer Administrative Hearings

Revised 05-01-00

An administrative hearing before the New Mexico State Engineer has been requested. In protested applications, State Engineer administrative hearings are multi-party proceedings, with the Applicant, the Protestant(s) and the Office of the State Engineer Administrative Litigation Unit (on behalf of the Water Rights Division staff) all appearing as parties. In aggrieved matters, the parties will be only the Applicant and the Administrative Litigation Unit.

These instructions apply to all matters in hearings before the State Engineer or his designated Hearing Examiner. Please read them carefully. **Failure to comply with these instructions may result in the denial of the application or dismissal of the protest.**

**1. Representation**

An Applicant or Protestant may represent him or herself in the proceedings (called appearing pro se), but only an attorney licensed in the State of New Mexico may represent others. Exceptions may exist in the case of recognized acequias, municipalities or other corporate entities. Pursuant to law, the rules of evidence governing nonjury trials in our state district courts are generally followed in State Engineer administrative proceedings. If you decide to represent yourself, you will be responsible for familiarizing yourself with these rules, the Rules of Civil Procedure for the District Courts of New Mexico, and all other rules of the Office of the State Engineer. Appearing pro se does not relieve you of the obligations of following the rules regarding discovery or evidence.

**2. Burden of Proof**

The burden of proof in all administrative hearings before the State Engineer or his designated Hearing Examiner is on the Applicant. This means the Applicant must prove each element of his case by a preponderance of the evidence. While the Water Rights Division may appear through the Administrative Litigation Unit and may present an independent evaluation of the proposed matter, the burden of proof remains on the Applicant. Neither Applicant nor Protestant should rely on the Administrative Litigation Unit to present their case, and Applicants should not expect the Administrative Litigation Unit to meet the Applicant's burden of proof for them. Each party is responsible for presenting its own evidence. **The failure of the Applicant to meet his burden of proof will result in denial of the application.**

**3. Appointment of a Hearing Examiner**

The State Engineer has appointed a Hearing Examiner to hear this case. The appointed Hearing Examiner has the power to regulate the proceedings and take whatever actions are necessary for the efficient and orderly conduct of the hearings, including setting dates for hearings, ruling on motions, swearing witnesses, issuing subpoenas, and limiting and receiving testimony and exhibits into evidence during the administrative hearing pursuant to the rules of evidence.

**4. Ex Parte Contacts**

There will be no ex parte contacts between any of the parties and the Hearing Examiner. Ex parte contacts are discussions or communications regarding a pending application when all parties are not present. The Hearing Examiner serves as an administrative judge and it is improper to contact him or her regarding your case without the other parties being present or notified. Thus, you may not contact the Hearing Examiner either in person, by telephone or by mail without all other parties being informed and present. All parties must receive copies of all correspondence between themselves and the Hearings Unit or the Hearing Examiner.

**5. Pre-Hearing Scheduling Conference**

The Pre-Hearing Scheduling Conference is a conference held (often by telephone) at which the Applicant, Protestants and the Administrative Litigation Unit of the State Engineer meet with the Hearing Examiner to set a date for the hearing, clarify the issues in dispute, and establish a discovery schedule. The possibilities of settlement or mediation as well as for an expedited hearing may also be explored. All parties will receive notice of the time, place and date of the Pre-Hearing Scheduling Conference, from the Hearings Unit, as well as the amount of and date your hearing fee payment must be submitted. ***Failure to appear at the Scheduling Conference or failure to submit the required hearing fee are sufficient grounds to dismiss you from the proceeding, or, if you are the Applicant, to deny the application.***

**6. Pre-Hearing Scheduling Order**

The Hearing Examiner will issue a Pre-Hearing Scheduling Order at or after the Pre-Hearing Scheduling Conference identifying the issues to be addressed, and setting dates for discovery, the date of the Pre-Hearing Administrative Conference, the date of the Administrative Hearing, and addressing any other matters the Hearing Examiner or parties deem appropriate. All parties are expected to meet and confer prior to the Conference to attempt to stipulate to the Pre-Hearing Scheduling Order. A form of the Order is enclosed

**7. Discovery**

The parties to the Administrative Hearing are permitted time to develop the evidence they wish to present at the hearing and to explore and ascertain the evidence of the other parties. While informal discovery by the parties is encouraged to reduce costs, parties may utilize all formal discovery methods, such as depositions or written interrogatories, and all parties are expected to comply with the rules of discovery as set out in the Rules of Civil Procedure for the District Courts of New Mexico.

**8. Instructions for Filing of Motions**

All Motions must be in writing and filed with the Hearings Unit. ***Copies of the Motion and attachments must be provided to all other parties by the party filing the Motion.*** The Request shall include:

- A. An affirmative statement in the Motion that the consent of other parties to the Motion was sought and not obtained or the reason such consent was not sought.
- B. If the Motion is unopposed by all parties, a proposed Order must also be submitted, affirmatively indicating the consent of the parties as to the motion.

***Motions and Requests for Hearings not in compliance with this instruction will be disregarded.***

Parties may respond to the Motion in writing within fifteen days of its receipt. The movant may reply within fifteen days thereafter. Copies of responses and replies must be provided to all parties. The Hearing Examiner may rule on a Motion based on the pleadings or schedule a hearing at his or her discretion. ***Failure to appear at any scheduled hearing may be grounds for denial of the application or dismissal of the protest.***

**9. Pre-Hearing Administrative Conference**

At some time shortly before the Administrative Hearing, the Hearing Examiner may schedule a Pre-Hearing Administrative Conference. The purpose of the conference is to have the parties stipulate to facts, agree to the admission of exhibits or otherwise seek rulings on exhibits and witnesses, to define and narrow the issues to be decided at the hearing so as to avoid duplicate, irrelevant or inadmissible testimony, and to issue a Pre-Hearing Order. The Hearing Examiner may take administrative notice of the relevant files on record at the Office of the State Engineer, however, the parties shall be responsible for introducing as exhibits those files that are relevant.

**10. The Administrative Hearing**

The Administrative Hearing is a formal proceeding at which the sworn testimony of witnesses is taken and exhibits are presented. All exhibits proposed to be admitted into evidence must be submitted in triplicate to the Hearings Unit. The hearing will be tape recorded, unless a party arranges for the hearing to be stenographically transcribed. That party is responsible for paying all costs associated with the stenographic transcription.

Generally, the Applicant presents its case first, followed by the Protestants. The Administrative Litigation Unit proceeds next. The Hearing Examiner may permit opening and closing statements, and may allow rebuttal. In all matters, the burden of proof is upon the Applicant and following the Applicant's case, either the Protestants or the Administrative Litigation Unit may move for dismissal on the grounds that the Applicant has failed to meet its burden of proof. The Rules of Evidence of the District Courts of New Mexico are generally followed, although the Hearing Examiner has the discretion to admit evidence that is not in strict conformity with those rules. At the conclusion of the Administrative Hearing, the Hearing Examiner may order post-hearing briefs or request proposed findings.

**11. Recommendation of the Hearing Examiner and Decision of the State Engineer**

After the Administrative Hearing, the Hearing Examiner makes a written report and recommendation to the State Engineer, generally within thirty days of the close of the Administrative Hearing or the receipt of post hearing briefs or proposed findings, whichever is latest. The State Engineer may adopt the findings in whole or in part, may reject the findings and enter his own, or may order that the hearing reconvene to take further evidence. The State Engineer's decision will be mailed to the parties or their attorneys.

**12. Appeals from the State Engineer's Decision**

Separate rules govern the filing of an appeal. Generally, any party dissatisfied with the decision of the State Engineer may appeal the decision to the district court of the county in which the appropriation or point of diversion is located. Appeals are made by serving a notice of appeal personally upon the State Engineer or his Administrative Secretary, the Attorney General, and all parties, within thirty days after receipt of the decision, filing timely proof of service with the district court and paying the court's docket fee.





















IMPORTANT-READ INSTRUCTIONS ON BACK BEFORE FILLING IN THIS FORM

2-09704  
79.

# APPLICATION FOR PERMIT

To <sup>Divert</sup> ~~Appropriate~~ the Underground Waters of the State of New Mexico

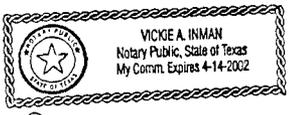
- Date Received 11-9-99 File No. CP-886
- Name of applicant Texaco Exploration and Production, Inc.  
Mailing address P. O. Box 730  
City and State Hobbs, NM 88240-0730
  - Source of water supply Shallow Water Aquifer located in Capitan  
(artesian or shallow water aquifer) (name of underground basin)
  - The well is to be located in the SW 1/4 SE 1/4 Section 35 Township 24 South  
Range 37 East N.M.P.M., or Tract No. \_\_\_\_\_ of Map No. \_\_\_\_\_ of the Capitan District,  
on land owned by Joyce Marie Willis et. ux.
  - Description of well: name of driller RW-1, Scarborough Drilling, Inc., Lamesa, Texas;  
Outside Diameter of casing 6 inches; Approximate depth to be drilled 73 feet;
  - Quantity of water to be appropriated and beneficially used 6.50 acre feet,  
(consumptive use, diversion)  
for Environmental Remediation purposes.
  - Acreage to be irrigated or place of use \_\_\_\_\_ acres.

Subdivision	Section	Township	Range	Acres	Owner

Pursuant to New Mexico Oil Conservation Division (NMOCD), Environmental Bureau direction and after correspondence between applicant and the Bureau, a plan has been approved to initiate corrective action. The action will include recovering water from said well, equipped with pumping equipment, and disposal of produced water in applicant's injection well.

I, Mark J. Larson (for applicant), affirm that the foregoing statements are true to the best of my knowledge and belief and that development shall not commence until approval of the permit has been obtained.

Texaco Exploration and Production, Inc., Permittee,  
By: [Signature]  
Subscribed and sworn to before me this 26th day of October, A.D., 19 99  
My commission expires 4-14-2002  
[Signature]  
Notary Public



T#172265

After notice pursuant to statute and by authority vested in me, this application is approved provided it is not excluded to the detriment of any others having existing rights; further provided that all rules and regulations of the State Engineer pertaining to the drilling of wells be complied with; and further subject to the following conditions:

Proof of completion of well shall be filed on or before \_\_\_\_\_, 19\_\_\_\_

Proof of application of water to beneficial use shall be filed on or before \_\_\_\_\_, 19\_\_\_\_

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_

Thomas C. Turney, State Engineer

By: \_\_\_\_\_

### INSTRUCTIONS

This form shall be executed, preferably typewritten, in triplicate and shall be accompanied by a filing fee of \$25.00.

Each of triplicate copies must be properly signed and attested.

A separate application for permit must be filed for each well used.

Secs. 1-4—Fill out all blanks fully and accurately.

Sec. 5—Irrigation use shall be stated in acre feet of water per acre per annum to be applied on the land. If for municipal or other purposes, state total quantity in acre feet to be used annually.

Sec. 6—Describe only the lands to be irrigated or where water will be used. If on unsurveyed lands describe by legal subdivision "as projected" from the nearest government survey corners, or describe by metes and bounds and tie survey to some permanent, easily located natural object.

Sec. 7—If lands are irrigated from any other source, explain in this section. Give any other data necessary to fully describe water right sought.

### ACTION OF STATE ENGINEER

Number of this permit: \_\_\_\_\_