

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

IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION COMMISSION FOR
THE PURPOSE OF CONSIDERING:

ORIGINAL

APPLICATION OF LIGHTNING DOCK Case No. 15357
GEOTHERMAL HI-01, LLC, FOR APPROVAL TO
INJECT INTO A GEOTHERMAL AQUIFER THROUGH
THREE PROPOSED GEOTHERMAL INJECTION WELLS
AT THE SITE OF THE PROPOSED LIGHTNING DOCK
GEOTHERMAL POWER PROJECT, HIDALGO COUNTY, NEW
MEXICO.

and
APPLICATION OF LIGHTNING DOCK
GEOTHERMAL HI-01, LLC, TO PLACE Case No. 15365
WELL NO. 63A-7INJECTION-GEOTHERMAL
RESOURCES AREA, HIDALGO COUNTY, NEW MEXICO

REPORTER'S TRANSCRIPT OF EXCERPT
OF COMMISSION'S FINDINGS
October 9, 2015
Santa Fe, New Mexico

BEFORE: DAVID R. CATANACH, CHAIRPERSON
ROBERT S. BALCH, COMMISSIONER
PATRICK PADILLA, COMMISSIONER
BILL BRANCARD, ESQ.

This matter came on for hearing before the
New Mexico Oil Conservation Commission on Friday,
October 8, 2015, at the New Mexico Energy, Minerals,
and Natural Resources Department Wendell Chino
Building, 1220 South St. Francis Drive, Porter Hall,
Room 102, Santa Fe, New Mexico.

REPORTED BY: PAUL BACA, CCR #112
PAUL BACA COURT REPORTERS
500 4th Street, Suite 105
Albuquerque, New Mexico 87102

RECEIVED OCT 19 2015 1:44 PM

A P P E A R A N C E S

FOR APPLICANT LIGHTNING DOCK GEOTHERMAL
HI-01, LLC:

Michelle Henrie, Esq.
MHENRIE
225 E. De Vargas
Santa Fe, New Mexico 87501-2703
(505)842-1800
michelle@mhenrie.com

-and-

Pat Rogers, Esq.
Attorney at Law
20 First Plaza, Suite 725
Albuquerque, New Mexico 87012
(505)938-3335
Patrogers@patrogerslaw.com

FOR PROTESTANT AMERICULTURE and DAMON SEAWRIGHT:

Charles N. Lakins, Esq.
Lakins Law Firm, P.C.
P.O. Box 91357
Albuquerque, New Mexico 87199
(505)404-9377
charleslakins@gmail.com

FOR THE NEW MEXICO OIL CONSERVATION DIVISION:

ALLISON R. MARKS, Esq.
Oil Conservation Division
Assistant General Counsel
Energy, Minerals and Natural
Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
(505)476-3462
allisonr.marks@state.nm.us

1 COMMISSIONER BALCH: I will make a motion
2 to go back on the record.

3 COMMISSIONER PADILLA: Second.

4 CHAIRMAN CATANACH: All in favor.

5 COMMISSIONER BALCH: Aye.

6 COMMISSIONER PADILLA: Aye.

7 CHAIRMAN CATANACH: I would just like to
8 announce that during the executive session the
9 only thing that was discussed was the case at
10 hand. And at this point I would turn it over
11 to Mr. Brancard who will announce some of the
12 decisions that were made today.

13 MR. BRANCARD: Okay. Thank you.
14 Mr. Chairman, we are here today on an
15 application of Lightning Dock Geothermal for
16 approval of injection wells 13-7, 76-7, and
17 15-8 under the Geothermal Resources
18 Conservation Act and the rules adopted under
19 that Act. The Commission has considered the
20 testimony, the applications, all of the
21 exhibits provided by the parties and thanks all
22 the parties for their contributions today. A
23 lot of interesting issues that have been
24 brought up and it required a fair amount of
25 discussion by the Commission.

1 The Commission today concludes that
2 approval of the three injection wells subject
3 to the following conditions will prevent waste,
4 protect correlative rights and prevent damages
5 to geothermal resources and to usable
6 underground water supplies.

7 The conditions: Intermediate casing in
8 the three injection wells shall go to 150 feet
9 below the base of the shallow aquifer which is
10 indicated by the bottom of the silicified
11 sediment layer and --

12 COMMISSIONER BALCH: Conglomerate I think
13 is what the geologists have been calling it.

14 MR. BRANCARD: Right. And it's indicated
15 as silicified sediment on Exhibit 14C, I
16 believe.

17 Further conditions: The Commission shall
18 provide more specific conditions of approval
19 based on the OCD conditions that were submitted
20 and will tailor the conditions that are
21 currently provided in Exhibit A of R13675B.

22 In addition to that, these conditions
23 require a water quality sampling. Any water
24 quality data that is required to be submitted
25 to the State shall be public.

1 There was a discussion of a fourth
2 injection well by Lightning Dock Geothermal.
3 They have withdrawn the fourth application for
4 Lightning Dock Geothermal 63A-7. The
5 Commission hereby authorizes, based on the
6 testimony that the Division may
7 administratively approve a fourth injection
8 well consistent with the specifications of this
9 order so long as such well is south of current
10 Lightning Dock Geothermal Well 55-7 inside of
11 Section 7.

12 In addition, finally, any further
13 applications for action on geothermal injection
14 wells consistent with this order shall be
15 subject to Division approval and does not
16 require Commission approval, provided that the
17 Commission reserves jurisdiction over any
18 approvals for wells in the northeast quarter of
19 Section 7, which based on the testimony is the
20 location of the hottest area of geothermal
21 resources indicated by Exhibit 13.

22 Mr. Chairman, that is all I have. Did you
23 have anything further?

24 CHAIRMAN CATANACH: Commissioners, did you
25 have anything that you would like to add or

1 clarification on any of that?

2 COMMISSIONER BALCH: No.

3 COMMISSIONER PADILLA: No.

4 CHAIRMAN CATANACH: Okay. We don't.

5 MR. BRANCARD: Mr. Chairman, the parties
6 have submitted draft orders and findings. I
7 can work off of those draft orders and findings
8 and prepare an order for the Commission based
9 on what you have decided today.

10 CHAIRMAN CATANACH: Mr. Brancard, do we
11 want to leave the record open so that we can
12 review the draft order to make sure that
13 everything we want is included?

14 MR. BRANCARD: Absolutely. I will prepare
15 a draft order, hopefully within the next week
16 or so, send it out to the Commissioners. You
17 can either then meet, have it approved at the
18 next meeting or if you want to direct the Chair
19 to sign it, you could do so, also.

20 CHAIRMAN CATANACH: Okay. Anything
21 further? So I guess we will just dismiss for
22 now but leave the record open pending review of
23 the draft order.

24 MR. BRANCARD: Yes.

25 CHAIRMAN CATANACH: Okay. Then this

1 hearing is adjourned.

2 (Hearing adjourned at 2:37 p.m.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25