

FINAL DOCKET: COMMISSION HEARING - THURSDAY – NOVEMBER 13, 2003

**9:00 A.M. – Porter Hall
1220 South St. Francis Drive
Santa Fe, New Mexico**

Land Commissioner, Patrick H. Lyons, may designate Jami Bailey as his representative for this hearing, or may participate himself.

Notice: The minutes of the September 11, 2003, Commission hearing will be adopted.

Notice: During this meeting, the Commission may conduct a closed executive session during which it will deliberate in connection with an administrative adjudicatory proceeding pending before the Commission or consult with Commission counsel under the attorney-client privilege concerning threatened or pending litigation in which the Commission is or may become a participant.

Final action may be taken in the following:

CASE 13100: Application of Fruitland Coalbed Methane Study Committee to Amend Rules 4 and 7 of Special Rules and Regulations For the Basin-Fruitland Coal (Gas) Pool in Sections 17 and 18, T30N, R14W, and Portions of Sections 13, 14, 23, 24, 25, 26 and 35, T30N, R15W, San Juan County, New Mexico.

CASE 12811: De Novo

Application of the New Mexico Oil Conservation Division for an Order Requiring Operators to Bring Three Hundred Eighty-Eight (388) Wells into Compliance with Rule 201.B, and Assessing Appropriate Civil Penalties; Eddy, Chaves and Otero Counties, New Mexico

CASE 13041: De Novo

Application of EnerQuest Resources, LLC for approval of a waterflood project and qualification of the Project Area for the Recovered Oil Tax rate pursuant to the Enhanced Oil Recovery Act, Lea County, New Mexico.

CASE 13042: De Novo

Application of EnerQuest Resources, LLC. for Statutory Unitization, Lea County, New Mexico.

CASE 12969: Rulemaking proceeding

Application of the New Mexico Oil Conservation Division, through the Environmental Bureau Chief, for Adoption of a New Rule Regulating Pits and Below-Grade Tanks; Amendment of 19.15.1.7 NMAC and 19.15.5.313 NMAC; Rescission of 19.15.1.18 NMAC, 19.15.3.105 NMAC and 19.15.2.1 through 19.15.2.15 NMAC; and Rescission of Orders R-3221, R-3221-A, R-3221-B, R-3221-B-1, R-3221-C, R-3221-D, R-7940, R-7940-A, R-7940-B, R-7940-B(1) and R-7940-C. The proposed rule and amendments regulate the construction, operation and closing of pits and below-grade tanks in the interest of protection of ground and surface water and public health, safety and the environment, and replace existing rules and orders on those subjects. These changes will have state-wide application.

The time period for submitting written comments and suggested amendments to, or substitutions for, the proposed rules has been extended to Friday, November 7, 2003. Written comments, amendments and substitutions may be received by Division Administrator Florene Davidson by 5:00 P.M. on that date, and may be hand-delivered or mailed to Ms. Davidson at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, or may be faxed to Ms. Davidson at 476-3462.