

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

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

CASE NO. 14255

AFFIDAVIT OF NOTICE

My name is Theresa Duran-Saenz, and I am a Legal Assistant with the Energy, Minerals and Natural Resources Department. I hereby certify that notice of the re-opening of Case 14255 was given as follows:

1. On March 2, 2009, the Oil Conservation Commission issued Order No. R-13096 reopening Case No. 14255 for a hearing to be conducted on April 9, 2009 for the limited purpose of the parties submitting a proposed real property description by section, township and range for that portion of the Galisteo Basin located within Santa Fe County notice was given. Subsequently, on March 13, 2009 the Oil Conservation Commission issued Order No. R-13096-A changing the April 9, 2009 hearing to April 15, 2009. At the April 15, 2009 meeting the Oil Conservation Commission announced that Case No. 14255 would be continued to May 27, 2009.

2. 19.15.3.9(A)(1) NMAC requires that the notice be published one time in a newspaper of general circulation in the counties that the proposed rule change affects no less than 20 days prior to the scheduled hearing date. The proposed rule change in Case 14255 affects Santa Fe, Sandoval and San Miguel Counties. I arranged for publication of the revised Notice of hearing for the May 27, 2009 hearing date in the following newspapers:

- The Santa Fe New Mexican is a newspaper of general circulation in Santa Fe County. Exhibit A is a copy of the affidavit of publication from the Santa Fe New Mexican, showing publication of the revised Notice on April 23, 2009.
- The Las Vegas Optic is a newspaper of general circulation in San Miguel County. Exhibit B is a copy of the affidavit of publication from the Las Vegas Optic, showing publication of the revised Notice on April 22, 2009.
- The Observer is a newspaper of general circulation in Sandoval County. Exhibit C is a copy of the affidavit of publication from The Observer showing publication of the revised Notice on April 26, 2009.

3. 19.15.3.9.A(2) NMAC requires that the notice be published on the applicable Oil Conservation Commission (OCC) docket and that the clerk send the docket by regular or electronic mail not less than 20 days prior to the hearing to all who have requested such notice. The preliminary docket for the May 27, 2009 setting was posted on May 1, 2009 and sent that day by electronic mail to those individuals who requested such notice, and to those individuals who requested notice of rulemaking. See Exhibit D (the preliminary docket and e-mail cover sheets) attached.

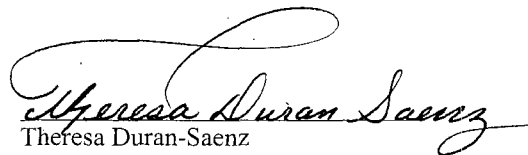
4. 19.15.3.9.A(3) NMAC requires that the notice be published one time in the New Mexico Register, with the publication date not less than 10 business days prior to the scheduled hearing date. The revised Notice of hearing for the May 27, 2009 hearing date was published in the New Mexico Register on April 30, 2009. See Exhibit E, attached.

*Before the OCC  
Case 14255  
OCD Exhibit 48*

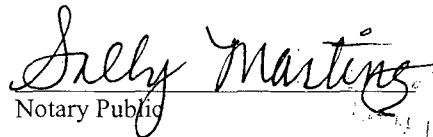
5. 19.15.3.9.A(4) NMAC requires that the notice be published by posting on the OCD's website not less than 20 days prior to the scheduled hearing date. The formal Notice of hearing for the April 15, 2009 setting was posted on the OCD's Hearings Web page on March 12, 2009. In addition an announcement for the May 27, 2009 hearing date was posted on the OCD Home Web page and on the OCD Rules page on April 16, 2009. See Exhibits F and G, attached.

8. Section 14-4A-4, NMSA 1978 provides that prior to the adoption of a proposed rule that may have an adverse effect on small business, an agency shall provide a copy of the proposed rule to the commission at the same time as persons who have requested advance notice of rulemaking. On April 16, 2009, I hand delivered a copy of the revised Notice of hearing for the May 27, 2009 hearing date to the Small Business Regulatory Commission. See Exhibit H, attached.

This concludes my affidavit.

  
Theresa Duran-Saenz

SUBSCRIBED AND SWORN to before me this 22nd day of May 2009.

  
Notary Public

My Commission Expires:

3-24-2010