

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

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

**CASE NO. 14329
ORDER NO. R-13201-A**

**APPLICATION OF ANADARKO
PETROLEUM CORPORATION FOR
APPROVAL OF AN ACID GAS INJECTION
WELL, SAN JUAN COUNTY, NEW MEXICO.**

ORDER OF THE DIVISION

BY THE DIVISION:

This case came on for hearing at 8:15 a.m. on October 15, 2009, at Santa Fe, New Mexico, before Examiner Richard Ezeanyim.

On December 16, 2009, the Division Director, having considered the testimony, the record and the recommendations of the Examiner, issued Order No. R-13201, granting the Application upon the terms and conditions in that Order.

On January 19, 2010, Kris Dixon, Janet Reese and San Juan Citizens Alliance (movants), filed applications requesting *de novo* review of this case by the Oil Conservation Commission (the Commission) pursuant to NMSA 1978 Section 70-2-13.

NOW, on this 22nd day of January, 2010, the Division Director having considered the matters hereinafter stated, and being fully advised,

FINDS THAT:

(1) Due notice has been given, and the Division has jurisdiction of the subject matter of this case.

(2) NMSA 1978, Section 70-2-13 provides for *de novo* review by the Commission of an order of the Division Director issued after a hearing conducted by a hearing officer, upon the timely filed motion of a "party of record."

(3) The movants were not persons to whom notice of the hearing in this case was required by statute, rule or order. See Rule 26.8.C(2) [19.15.26.8.C(2) NMAC], which sets forth the persons to whom notice of injection applications is required.

(4) Movants did not file notices of intervention in this case. The comments that movants filed in this case prior to the examiner hearing do not indicate, either in the captions or in the body of the comments, that they are intended as notices of intervention. In any event, these comments, if they could be construed as notices of intervention, were not timely filed. See Rule 4.11.A [19.15.4.11.A NMAC], which requires that a notice of intervention be filed at least one business day before the date for filing of a pre-hearing statement, and Rule 4.13.B [19.15.4.13.B NMAC] requiring that a pre-hearing statement be filed at least four business days in advance of a scheduled hearing. None of the movants filed comments more than two days prior to the hearing.

(5) Movants did not appear at the hearing or otherwise request leave to intervene late.

(6) Because movants were not persons to whom notice was required, and did not file an intervention in accordance with Rule 4.11, they are not parties to this case as defined in Rule 4.10.A [19.15.4.10.A NMAC], and accordingly are not entitled to *de novo* review of the Division's decision under NMSA 1978 Section 70-2-13.

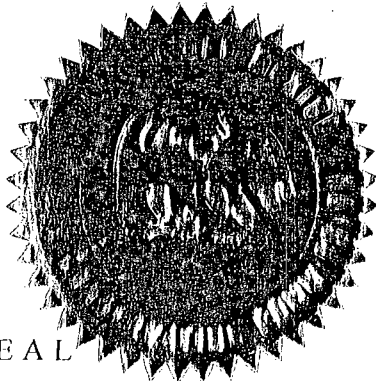
(7) Accordingly, movants' applications for *de novo* review of this case by the Commission should be denied.

IT IS THEREFORE ORDERED THAT:

(1) The applications of Kris Dixon, Janet Reese and San Juan Citizens Alliance (movants) for *de novo* review of Order No. 13201, issued in this Case No. 14329 on December 16, 2009, are hereby denied.

(2) Order No. R-13201 shall remain in full force and effect.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.



SEAL

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

A handwritten signature in dark ink, appearing to read "Mark E. Fesmire".

MARK E. FESMIRE, P.E.
Director