

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

ORIGINAL

DE NOVO APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION FOR A
COMPLIANCE ORDER AGAINST MARKS AND GARNER
PRODUCTION LTD. COMPANY

CASE NO. 14041

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TRANSCRIPT OF PROCEEDINGS
Commission Meeting
January 14, 2010
9:10 a.m.

1220 South St. Francis Drive, Room 102
Santa Fe, New Mexico 87504

BEFORE: MARK E. FESMIRE, COMMISSIONER
JAMI BAILEY, COMMISSIONER
WILLIAM C. OLSON, COMMISSIONER
CHERYL L. BADA, LEGAL ADVISOR
FLORINE DAVIDSON, COMMISSION CLERK

REPORTED BY: CONNIE JURADO, RPR, NM CCR #254
Paul Baca Professional Court Reporters
500 Fourth Street NW, Suite 105
Albuquerque, New Mexico 87102

1 MR. FESMIRE: At this time, we will call to
2 order the Thursday, January 14, 2010 meeting of the New
3 Mexico Oil Conservation Commission. The record should
4 reflect that this is the regularly scheduled Oil
5 Conservation Commission meeting, and that all three
6 commissioners, Commissioner Bailey, Commissioner Olson, and
7 Commissioner Fesmire, are present.

8 The first order of business before the Commission
9 this morning is the adoption of the minutes of the December
10 16, 2009 Commission meeting. Have the commissioners had a
11 chance to review the minutes as presented by the secretary?

12 MS. BAILEY: Yes, I have, and I move we adopt
13 them.

14 MR. OLSON: I will second that.

15 MR. FESMIRE: All those in favor of adopting
16 the minutes as presented signify by saying aye.

17 MS. BAILEY: Aye.

18 MR. OLSON: Aye.

19 MR. FESMIRE: Aye. Let the record reflect
20 that the minutes were unanimously adopted by the Commission,
21 signed by the chairman, and conveyed to the secretary.

22 The next order of business before the Commission
23 is the adoption of the Open Meetings Resolution entitled
24 "The Resolution Establishing Procedures for Giving Notice of
25 Meetings of the New Mexico Oil Conservation Commission."

1 Have the commissioners had a chance to review this order?

2 MS. BAILEY: Yes, I have, and I move that we
3 adopt it.

4 MR. OLSON: I have also reviewed it, and I
5 think I made a couple of edits, which are included in there,
6 and I will second the motion.

7 MR. FESMIRE: Madam Secretary, have the edits
8 been included?

9 MS. DAVIDSON: Yes.

10 MR. FESMIRE: Okay. There is a motion before
11 the Commission to adopt the order as presented by the
12 secretary. All of those in favor of adopting it signify by
13 saying aye.

14 MS. BAILEY: Aye.

15 MR. OLSON: Aye.

16 MR. FESMIRE: Aye. Let the record reflect
17 that the Open Meetings Resolution for 2010 was unanimously
18 adopted by the Commission, signed by the commissioners, and
19 conveyed to the secretary.

20 The next item before the Commission is Case Number
21 14041. It's the De Novo Application of the New Mexico Oil
22 Conservation Division for a Compliance Order against Marks
23 and Garner Production Limited Company, and a Request for
24 Determination of Noncompliance with OCD Rule 19.15.5.9 NMAC
25 for Violation of an Order Requiring Corrective Action.

1 The hearing on this was held at the last meeting,
2 and the commissioners instructed counsel to draft an order
3 memorializing their decision. Have the commissioners had a
4 chance to review the order as presented by counsel and the
5 secretary?

6 MS. BAILEY: Yes, I have, and I move that we
7 adopt it, also.

8 MR. OLSON: I will second that.

9 MR. FESMIRE: All those in favor of adopting
10 the order as presented by the counsel and secretary signify
11 by saying aye.

12 MS. BAILEY: Aye.

13 MR. OLSON: Aye.

14 MR. FESMIRE: Aye. Let the record reflect
15 that the order was unanimously adopted, signed by the
16 commissioners, and conveyed to the secretary.

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REPORTER'S CERTIFICATE

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I, CONNIE JURADO, do hereby certify that I reported the foregoing case in stenographic shorthand and transcribed, or had the same transcribed under my supervision and direction, the foregoing matter and that the same is a true and correct record of the proceedings had at the time and place.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this case, and that I have no interest whatsoever in the final disposition of this case in any court.

WITNESS MY HAND this 14th day of January, 2010.



Connie Jurado, CCR, RPR
New Mexico CCR No. 254
Expires: December 31, 2010