

STATE OF NEW MEXICO
ENERGY AND MINERALS DEPARTMENT
OIL CONSERVATION DIVISION
STATE LAND OFFICE BLDG.
SANTA FE, NEW MEXICO

18 September 1985

COMMISSION HEARING

IN THE MATTER OF:

The hearing called by the Oil Con- CASE
servation Commission on its own mo- 8704
tion to amend Rule 313 by the addi-
tion of fresh waters to said rule.

BEFORE: Richard L. Stamets, Chairman
Ed Kelley, Commissioner

TRANSCRIPT OF HEARING

A P P E A R A N C E S

For the Division: Jeff Taylor
Attorney at Law
Legal Counsel to the Division
State Land Office Bldg.
Santa Fe, New Mexico 87501

For the NMO&G Asso.: W. Thomas Kellahin
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I N D E X

DAVID BOYER

Direct Examination by Mr. Taylor

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2 MR. STAMETS: Call next Case
3 8704.

4 In the matter of the hearing
5 called by the Oil Conservation Commission on its own motion
6 to amend Rule 313 by the addition of fresh waters to said
7 rule.

8 Call for appearances in this
9 case.

10 MR. TAYLOR: May it please the
11 Commission, my name is Jeff Taylor. I'm counsel to the Oil
12 Conservation Commission and I believe I'll have one witness
13 on this case.

14 MR. STAMETS: Are there other
15 appearances in this case?

16 MR. KELLAHIN: Mr. Chairman,
17 I'm Tom Kellahin of Santa Fe, New Mexico, appearing on
18 behalf of the New Mexico Oil and Gas Association.

19 MR. STAMETS: Any other
20 appearances?

21 Have the witness take the
22 stand, please.

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24 (Witness sworn.)
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DAVID BOYER,

being called as a witness and being duly sworn upon his
oath, testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. TAYLOR:

MR. TAYLOR: May it please the
Commission, I believe Case 8704 was at least partially heard
at the last hearing; however, it wasn't advertised, and
there was testimony presented on this. Mr. Boyer may just
want to clarify or expand on this.

MR. BOYER: Yes.

Q Is it not correct that we did have testi-
mony at the last hearing on this matter?

A Yes. For the record, my name is David
Boyer and I'm a hydrogeologist with the Environmental Bureau
of the Oil Conservation Division.

This rule was not advertised. Rule 313
was not advertised at the last hearing and -- however, I did
discuss the rule and to have it considered it would need to
be properly advertised as it was done today.

I do have a copy of the proposed change
to the rule and I'd like to enter that into the -- enter
that into the record and give copies to anybody here, also,

1 that might want one.

2 MR. STAMETS: Mr. Boyer, your
3 testimony was included in one or more of the cases that we
4 talked about earlier this morning, 8643 through 8646, as I
5 recall.

6 A Yes, sir.

7 MR. STAMETS: And at that time
8 you were qualified to testify in matters related to protec-
9 ting fresh water and the Division rules in regard to that
10 end.

11 A Yes, sir.

12 MR. STAMETS: Is that correct?
13 And you're still considered qualified in this case, then.

14 A Yes, sir.

15 In answer to Mr. Taylor's question, the
16 rule is -- very simply just replaces the word "streams" with
17 the words "fresh waters". This reflects the requirement in
18 the Oil and Gas Act that the Oil Conservation Division pro-
19 tect the fresh waters so designated by the State Engineer.

20 This particular change makes, now makes
21 this rule consistent with the other rule changes that were
22 heard on July 10th and are to be signed today by the Commis-
23 sion.

24 That concludes my testimony.

25 MR. STAMETS: Any questions of

1 the witness?

2 You may be excused.

3 Does anyone have anything fur-
4 ther they wish to offer in this case?

5 The case will be taken under
6 advisement.

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8 (Hearing concluded.)

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C E R T I F I C A T E

I, SALLY W. BOYD, C.S.R., DO HEREBY
CERTIFY that the foregoing Transcript of Hearing before the
Oil Conservation Division was reported by me; that the said
transcript is a full, true, and correct record of the hear-
ing, prepared by me to the best of my ability.

Sally W. Boyd CSR

I do hereby certify that the foregoing is
a complete record of the proceedings in
the Examiner hearing of Case No. 8704
heard by me on SEPT. 11 1985.

Gilbert P. Quintana Examiner
Oil Conservation Division