

*Entered June 3, 1969  
C.H.*

BEFORE THE OIL CONSERVATION COMMISSION  
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING  
CALLED BY THE OIL CONSERVATION  
COMMISSION OF NEW MEXICO FOR  
THE PURPOSE OF CONSIDERING:

CASE NO. 4135  
Order No. R-3773

APPLICATION OF ROY E. KIMSEY, Jr.,  
FOR AN EXCEPTION TO ORDER NO. R-  
3221, AS AMENDED, EDDY COUNTY,  
NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 a.m. on May 21, 1969,  
at Santa Fe, New Mexico, before Examiner Elvis A. Utz.

NOW, on this 3rd day of June, 1969, the Commission, a  
quorum being present, having considered the testimony, the record,  
and the recommendations of the Examiner, and being fully advised  
in the premises,

FINDS:

- (1) That due public notice having been given as required  
by law, the Commission has jurisdiction of this cause and the  
subject matter thereof.
- (2) That the applicant, Roy E. Kimsey, Jr., is the operator  
of the Kimsey and Cahoon P. R. Bass-Federal Well No. 1, located  
in Unit F of Section 3, Township 16 South, Range 30 East, NMPM,  
West Henshaw Pool, Eddy County, New Mexico.
- (3) That effective January, 1969, Order (3) of Commission  
Order No. R-3221, as amended, prohibits in that area encompassed  
by Lea, Eddy, Chaves, and Roosevelt Counties, New Mexico, the  
disposal, subject to minor exceptions, of water produced in con-  
junction with the production of oil or gas, or both, on the surface  
of the ground, or in any pit, pond, lake, depression, draw, stream-  
bed, or arroyo, or in any watercourse, or in any other place or in  
any manner which would constitute a hazard to any fresh water  
supplies and said disposal has not previously been prohibited.
- (4) That the aforesaid Order No. R-3221 was issued in order  
to afford reasonable protection against contamination of fresh  
water supplies designated by the State Engineer through disposal  
of water produced in conjunction with the production of oil or gas,  
or both, in unlined surface pits.

(5) That the State Engineer has designated, pursuant to Section 65-3-11 (15), N.M.S.A., 1953 Compilation, all underground water in the State of New Mexico containing 10,000 parts per million or less of dissolved solids as fresh water supplies to be afforded reasonable protection against contamination; except that said designation does not include any water for which there is no present or reasonably foreseeable beneficial use that would be impaired by contamination.

(6) That the applicant seeks an exception to the provisions of the aforesaid Order (3) to permit the disposal of salt water produced by applicant's Kimsey and Cahoon P. R. Bass-Federal Well No. 1 in an unlined surface pit located in said Unit F.

(7) That the subject well presently produces approximately 14 barrels of water per day.

(8) That the nearest fresh water well is a deep water well approximately 4 miles southeast of the subject pit.

(9) That there appears to be no shallow fresh water in the vicinity of the subject unlined pit for which a present or reasonably foreseeable beneficial use is or will be made that would be impaired by contamination.

(10) That the applicant should be permitted to dispose of salt water produced by the aforesaid well in the subject pit.

IT IS THEREFORE ORDERED:

(1) That the applicant, Roy E. Kimsey, Jr., is hereby granted an exception to Order (3) of Commission Order No. R-3221, as amended, to dispose of water produced in conjunction with the production of oil or gas, or both, by his Kimsey and Cahoon P. R. Bass-Federal Well No. 1, located in Unit F of Section 3, Township 16 South, Range 30 East, NMPM, West Henshaw Pool, Eddy County, New Mexico, in an unlined surface pit located in said Unit F until further order of the Commission.

(2) That the Commission may by administrative order rescind such authority whenever it reasonably appears to the Commission that such rescission would serve to protect fresh water supplies from contamination.

(3) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

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DONE at Santa Fe, New Mexico, on the day and year herein-  
above designated.

STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION

  
DAVID F. CARGO, Chairman

  
ALEX J. ARMILLO, Member

  
A. L. PORTER, Jr., Member & Secretary

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