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

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

Case Nos. 23655, 23686, 23687,
21744, 22018, 22019

HEARING

DATE: Thursday, January 11, 2024
TIME: 8:58 a.m.
LOCATION: Pecos Hall Hearing Room
Wendell Chino Building
1st Floor
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
REPORTED BY: James Cogswell
JOB NO.: 6392370

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A P P E A R A N C E S

ON BEHALF OF OIL CONSERVATION COMMISSION:

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A P P E A R A N C E S (Cont'd)

ON BEHALF OF MEWBOURNE OIL COMPANY:

DANA HARDY, ESQUIRE (by videoconference)
Hinkle Shanor LLP
218 Montezuma Avenue
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ALSO PRESENT:

Dylan Fuge, Commissioner, Oil Conservation
Commission
Greg Bloom, Commissioner, Oil Conservation
Commission
Dr. William Ampomah, Commissioner, Oil
Conservation Commission (via videoconference)
Phillip Goetze, Oil Conservation Division (via
videoconference)

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E X H I B I T S

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P R O C E E D I N G S

MR. FUGE: All right. Good morning, everyone. Apologies for the delay. Dr. Ampomah, can you hear us?

DR. AMPOMAH: Yes, sir, I can hear you.

MR. FUGE: Thank you very much.
Mr. Rubin, can you hear us?

MR. RUBIN: Yep, loud and clear.

MR. FUGE: All right. Good morning everyone, welcome to the first meeting of 2024 of the New Mexico Oil and Gas Conservation Commission. I'll go ahead and get the recording started.

All right, the January 11, 2024, meeting of the New Mexico Oil and Gas Conservation Commission. I'll begin with a roll call.

And a quick administrative note, Dr. Ampomah is participating in this meeting virtually, and after conferring with Commission Counsel and the Commission chair, it was determined that that was appropriate and consistent with the requirements of the Open Meetings Act.

So with that, I'll begin with a roll call. Dr. Ampomah?

DR. AMPOMAH: Present.

MR. FUGE: Commissioner Bloom?

1 MR. BLOOM: Present.

2 MR. FUGE: Let the record reflect, the
3 chair is also present.

4 The first item up on the agenda is the
5 approval of the agenda for today's meeting. Do my
6 fellow commissioners have any amendments or
7 modifications?

8 MR. BLOOM: No, Mr. Chair. I move to
9 adopt the agenda.

10 MR. FUGE: Can I get a second?

11 DR. AMPOMAH: Mr. Chair, I second.

12 MR. FUGE: Let the record reflect that
13 the agenda was adopted unanimously.

14 Next item on the agenda are minutes
15 from the December 14, 2023, meeting of the Oil
16 Conservation Commission. They were distributed, I
17 believe, by Ms. Davidson, but I also distributed them
18 again last night. Do my commissioners have any
19 comments or amendments to the minutes?

20 MR. TREMAINE: Mr. Chair, the minutes
21 look good. I would move to adopt the minutes.

22 MR. FUGE: Can I get a second?

23 DR. AMPOMAH: Second.

24 MR. FUGE: Let the record reflect the
25 minutes from the December 14, 2023, meeting were

1 adopted unanimously.

2 Our first operative order of business
3 is adopting our annual Open Meetings Act of
4 Resolution, a copy of which was emailed out last
5 night. And I also provided one in person. This
6 resolution was put together in consultation with our
7 Commission Counsel, Mr. Daniel Rubin, and reflects
8 basic information.

9 Mr. Rubin, would you like to walk
10 through any provisions?

11 MR. RUBIN: Good morning, Mr. Chair,
12 members of the Commission, thank you. It is a
13 pleasure to present this to you. We have at AG's
14 office tried to streamline our draft Open Meetings Act
15 resolutions to avoid putting in excess verbiage that
16 simply states what is already in the Act.

17 So I would only draw your attention,
18 commissioners to under paragraph 9, the remote
19 participation. It requires that Commission meetings
20 shall be webcast. But an important caveat to that is
21 in paragraph C, that the remote participation by
22 parties and witnesses to proceedings will be addressed
23 in applicable notices and agendas on a meeting-by-
24 meeting basis.

25 So as you all probably know, the open

1 meeting that requires approval of a resolution each
2 year, defining what the Commission deems reasonable
3 notice under the Act. And so I submit to the
4 Commission that this resolution as presented satisfies
5 the requirements of the Open Meetings Act. And I'll
6 stand for any questions.

7 MR. FUGE: Any comments, looking at my
8 fellow commissioners?

9 MR. BLOOM: Mr. Chair, the resolution
10 looks great to me. No comments.

11 MR. FUGE: Dr. Ampomah?

12 DR. AMPOMAH: Yeah, Mr. Chair, number
13 8. I'm not sure if -- oh, -- yeah, I don't know if
14 that is complete or not.

15 MR. FUGE: We intentionally left that
16 the staff name, email address, or calling a blank. As
17 everyone knows the commission clerk, Florene Davidson,
18 retired at the end of the year. That position is live
19 for posting. And so until that position is filled
20 full time, we may be using some different staff at
21 times to cover that responsibility, which is why we
22 just left it as placeholders.

23 DR. AMPOMAH: And also the font size,
24 is there something particular about the font size is
25 about 10 compared to the others?

1 MR. FUGE: Scrivener choices.

2 DR. AMPOMAH: Okay. Those were only my
3 questions.

4 MR. FUGE: Okay. I will make a motion
5 -- I will make a move that we approve the Open
6 Meetings Act Resolution and authorize me as chair to
7 execute it. Can I get a second?

8 MR. BLOOM: I will second.

9 MR. FUGE: Dr. Ampomah, I'll going to
10 roll call but --

11 DR. AMPOMAH: Approved.

12 MR. FUGE: Mr. Bloom?

13 MR. BLOOM: Approved.

14 MR. FUGE: Let the record reflect the
15 motion was adopted unanimously. We're moving onto
16 pending cases, and one is a procedural note. We had
17 originally scheduled for today Case number 23655,
18 Application of the Joint Industry Technical Committee
19 to amend order number R-111-P, Lea and Eddy Counties.

20 After conferring with Commission
21 Counsel and Commission staff, I determined towards the
22 end of the year that a notice requirement under
23 1915.4.9B had not been met.

24 So as a result, we have deferred -- we
25 had to defer this matter, and we are proposing, but

1 wanted to ask my fellow commissioners to schedule it
2 for a meeting on March 15, 2024, or March 14, 2024,
3 and wanted to confer with first, my commissioners, if
4 that would work -- if that was possible on their
5 schedules.

6 And then if there are any parties
7 present, either on the line or in the room to that
8 case we could also be open to hearing them.

9 MR. BLOOM: Mr. Chair, I believe we
10 already have previously scheduled a meeting for that
11 day; correct?

12 MR. FUGE: We did not have a previously
13 scheduled meeting for that date because of the rule
14 making hearing at the end of February. So we would be
15 adding it to our annual calendar, which currently goes
16 to that week-long hearing at the end of February,
17 nothing in March, and then April kind of resuming a
18 regular cadence.

19 MR. BLOOM: So this would be March
20 14th --

21 MR. FUGE: Fourteenth.

22 MR. BLOOM: -- and 15th potentially?

23 MR. FUGE: Yeah.

24 MR. BLOOM: Yeah. That -- those dates
25 work for me.

1 MR. FUGE: Dr. Ampomah?

2 DR. AMPOMAH: Yeah, that should work
3 for me as well.

4 MR. FUGE: Okay. I will open it up to
5 any parties who have entered appearances, if they have
6 any comments about the schedule.

7 MR. TREMAINE: Mr. Chair?

8 MR. FUGE: Mr. Tremaine for the Oil
9 Conservation Division?

10 MR. TREMAINE: Yes, Mr. Chair, just a
11 little update. It's not on the agenda today, but the
12 case 23580, I've been conferring with parties --
13 agreement to submit a motion to vacate their currently
14 scheduled rule-making dates and set a status
15 conference on that for another earliest possible date.

16 I'll be filing that later today, so
17 that my expectation, based on the agreement and the
18 parties and the status of OCD's procurement of an
19 expert witness, which is explained in the motion, is
20 that February 26th date will be available unless the
21 Commission would cancel that date.

22 MR. FUGE: I think the Commission will
23 take that under advisement. That had been set, as
24 folks will recall, as a special rulemaking hearing
25 proceeding, working and to accommodate the parties'

1 timing and rulemaking schedule.

2 So if the parties were to move to
3 vacate that, I'll turn it over to discuss.
4 Commission, I think we would just pull down those
5 dates, as those dates were specifically set aside for
6 the PFAS Rulemaking.

7 And as you've heard, well, we will be
8 meeting on March 14th, and so you can request a status
9 -- the parties can request a status conference in that
10 matter on that date, assuming such a filing is made.

11 Any comments from my fellow
12 commissioners?

13 MR. BLOOM: Mr. Chair, I agree with
14 that.

15 MR. FUGE: Okay. Dr. Ampomah?

16 DR. AMPOMAH: I also agree with that,
17 thank you.

18 MR. FUGE: Okay. All right. Unless
19 there's anything more on 23655, I'm going to move onto
20 the next item of the agenda, which is presentation of
21 an order in the following two Chevron cases, case
22 number 23686 and 23687.

23 MS. BENNETT: Good morning, Mr. Chair,
24 Commissioners, Deana Bennett from Modrall Sperling on
25 behalf of Chevron USA in these two cases.

1 MR. FUGE: Good morning. Mr. Tremaine,
2 are you prepared for the OCD in these cases as well?

3 MR. TREMAINE: Yes, Mr. Chair. I just
4 transferred to the Oil Conservation Division.

5 MR. FUGE: Ms. Bennett, will you walk
6 us through the draft orders that were presented?

7 MS. BENNETT: Yes --

8 MS. HARDY: Apologies -- apologies for
9 the interruption. Dana Hardy appearing on behalf of
10 Mewbourne Oil Company.

11 MR. FUGE: Thank you, Dana.

12 MS. HARDY: Thank you. Sorry.

13 MR. FUGE: Thank you, Ms. Hardy. Sorry
14 about that. Good morning.

15 MS. HARDY: Good morning.

16 MS. BENNETT: Yes, good morning. So we
17 are here as a follow-up to the hearing on the merits
18 that we had in these two cases on November 8th and
19 9th.

20 MR. FUGE: Okay.

21 MS. BENNETT: And this is about a pilot
22 project proposed by Chevron -- a two-well pilot
23 project -- and Chevron, Mewbourne, OCD, and we have
24 had input from the State Land Office on the proposed
25 order, provided a proposed order and proposed permits

1 to the Commission for its consideration.

2 The proposed order is a bit more
3 robust, I'd say, that the general OCD order for UICs,
4 but given the pilot project nature of these particular
5 cases, we felt that more information rather than less
6 would be useful for the commission.

7 And so we work together to ensure that
8 we summarize the high points of the hearing. And so
9 the findings of fact review in summary fashion the
10 main points of the testimony from each party. And we
11 all worked together to summarize the testimony.

12 And OCD filled in and revised its
13 summary of its testimony, so it accurately reflects
14 the OCD's position and Mewbourne's counsel worked with
15 Mewbourne to also summarize its position and
16 testimony.

17 So the order then, though -- and I
18 would point out that paragraph 54 on page 6 of the
19 order is a paragraph suggested by Counsel for the
20 State Land Office which we incorporated into the order
21 for the Severitas well. And so that is included in
22 the order.

23 The order then directs the OCD to issue
24 the UIC permits, and as the commissioners may recall,
25 we appeared before the Commission in December about

1 having finalized the draft permits at that point, but
2 we have worked together and finalized the draft
3 permits. And so those draft permits now are the next
4 two documents.

5 And for everyone's benefit, I did hand
6 out -- provide notebooks this morning to the
7 commissioners for their review. But these are the
8 same documents that were emailed to the Commission.

9 MR. FUGE: Did the parties use -- the
10 actual permit itself -- the standard UIC permit
11 template?

12 MS. BENNETT: Yes. The permits
13 themselves do reflect the standard UIC template with
14 the addition of several special conditions if --
15 turning to page, let's see -- starting on page 11 of
16 13 of the Papa Squirrel permit, for example.

17 MR. FUGE: Yes.

18 MS. BENNETT: Section 2 includes
19 special conditions, and those special conditions
20 reflect the conditions that the OCD presented in its
21 Exhibit 11 at the hearing in these matters.

22 MR. FUGE: Okay.

23 MS. BENNETT: And so these are the
24 standard UIC template, but modified to include the
25 special conditions that are showing on pages 11, 12,

1 and 13.

2 MR. FUGE: And those are the special
3 conditions that the Commission approved in our motion
4 approving the wells and directing the parties to come
5 back with an order?

6 MS. BENNETT: Yes. More or less, I'd
7 say. They're in similar form to what was discussed at
8 the hearing on November 8th and 9th. Although as
9 discussed at the hearing in November, there were a few
10 tweaks that OCD wanted to make to those conditions.

11 And it's my understanding that OCD has
12 submitted a revised Exhibit 11, which was also
13 requested and discussed at the November 8th and 9th
14 hearing. So these conditions are consistent with and
15 drafted primarily by OCD, but with the parties' input.

16 MR. FUGE: Okay. I'm going to look to
17 my fellow commissioners. Any questions, Dr. Ampomah?

18 DR. AMPOMAH: Yes. So I wanted to know
19 -- I don't have a copy of the order yet, so I don't
20 know if that was distributed to the commissioners.

21 MR. FUGE: was distributed via email
22 but if someone were to mail it to me directly, I can
23 send it over to Dr. Ampomah right now.

24 MS. BENNETT: I would be happy to do
25 that, but this is somewhat of an email black hole for

1 me, and I don't -- I'm not able to email from here for
2 some reason.

3 MR. TREMAINE: You know, I'm good. Do
4 you want to just forward your email to --

5 MS. BENNETT: That would be fantastic.
6 Thank you.

7 MR. FUGE: And Jesse, you can copy me
8 on it. Thank you.

9 MR. TREMAINE: You're welcome.

10 MS. BENNETT: I'm happy -- I do have it
11 and I could walk through it, I guess, here on my
12 screen, and if the Commission or Commissioner
13 Ampomah --

14 MR. FUGE: I'm thinking, yeah, if you
15 wouldn't mind sharing your screen and in particular
16 bring up the special conditions on page 11 of the Papa
17 Squirrel and page -- yeah, 11 of the Severitas. I
18 think that would be of particular interest.

19 MS. BENNETT: I think I'm showing the
20 whole thing right now, so let me just close this and
21 give me just one second. I intentionally closed all
22 my Word documents last night before I left the office,
23 but that doesn't always translate to reality; right?

24 MR. FUGE: Did you send those, Jesse?

25 MR. TREMAINE: I am right now. Okay.

1 MS. BENNETT: Okay. Here's the order
2 and then I'm going to quickly scroll to the special
3 conditions.

4 MR. FUGE: Okay.

5 MS. BENNETT: Oh, I'm sorry. You
6 wanted to see the permit?

7 MR. FUGE: Yes. Maybe zoom in a little
8 bit.

9 MS. BENNETT: Okay. So starting here,
10 here are the special conditions. And so I'm happy to
11 walk through these one by one and also happy to have
12 Mr. Tremaine join in.

13 But the first special condition is
14 restriction on well construction and well stimulation.
15 And this was discussed at the November 8th and 9th
16 hearing. A restriction against using -- or other
17 materials was primarily what was in Exhibit 11.

18 Special condition number 2 is a
19 restriction on surface location to adjacent well
20 types, and this is a restriction that would apply
21 primarily to OCD and its review of subsequent
22 administrative applications. And it provides that OCD
23 would only administratively approve UIC permits in the
24 DMG that are more than 2 miles from the wells. And
25 this was discussed at the hearing.

1 MR. FUGE: Okay.

2 MS. BENNETT: Three, restrictions on
3 sources of disposal. Four, five, six, and seven are
4 all additional reporting requirements and testing
5 requirements. And these were discussed at the hearing
6 as well as Chevron affirmatively offering additional
7 testing given the pilot nature of these projects. So
8 the four, five, six, and seven, actually are
9 additional reporting requirements.

10 Number 8 is an additional reporting
11 requirement, but I filled that out separately because
12 it's a reporting requirement to the OCC.

13 At the end of the November 8th and 9th
14 hearing, Mr. Chair, you requested or suggested
15 additional reporting to the OCC given the pilot
16 project nature of this. And so we built that into
17 special condition 11 -- I'm sorry, 8.

18 Same with 9. It's an additional
19 reporting requirement given the nature of this pilot
20 project. Ten, eleven also are additional reporting.
21 And then the 12 and 13 are general conditions that the
22 OCD wanted to include in the special conditions.

23 MR. FUGE: Okay. This was initially
24 reflected in -- this was Papa Squirrel?

25 MS. BENNETT: Mm-hmm, the same

1 conditions.

2 MR. FUGE: Looks like the same
3 conditions. A quick question. Did counsel for the
4 State Land Office want their paragraph 54 related to
5 the Severitas well included as a special permit in the
6 UIC special conditions for that well in the other, or
7 were they comfortable just having it in the order?

8 MS. BENNETT: The counsel, Mr. Biernoff
9 only suggested the change to the order.

10 MR. FUGE: That's fine. Okay.
11 Dr. Ampomah, I did email these to you. Do you have
12 any questions on what was presented by Ms. Bennett?

13 DR. AMPOMAH: Yeah, that was -- I do
14 not have any questions, Mr. Chair.

15 MR. FUGE: Okay.

16 MR. RUBIN: Mr. Chair?

17 MR. FUGE: Mr. Rubin?

18 MR. RUBIN: Yes. Thank you, Mr. Chair
19 and members of the commission. I am a little bit
20 confused. The email I just received from Mr. Tremaine
21 mirrors the same email I received from Ms. Bennett on
22 Tuesday, and the attachment, "Chevron Pile [ph]
23 Project Proposed Order, case number 686 and 687 -- the
24 version I have -- it starts, "Order of the commission.
25 Findings of Fact" which then continues onto page 6.

1 And then I have "Conclusions of Law." I don't see the
2 special conditions or any reference to Exhibit 11.

3 MR. FUGE: The special conditions are
4 in the UIC permits, which would be in the other file.
5 So the order -- and then there's proposed SWD 2538
6 Papa Squirrel, and these are the actual permits that
7 will be issued for the wells. That's where the
8 special conditions are found.

9 MR. RUBIN: Oh, I see. I apologize.
10 Okay. Okay. Thank you for that clarification.

11 DR. AMPOMAH: Mr. Chair -- Mr. Chair.
12 I do have one quick question.

13 MR. FUGE: Uh-huh.

14 DR. AMPOMAH: Yeah, so I am looking at
15 the Papa Squirrel for SWD 1 -- so on page 1 out of the
16 13 pages. So I just want to confirm that we are
17 agreeing to the daily max injection of 20,000 barrels
18 of water, but the maximum surface injection pressure
19 on this is going to be the primary constraint on this
20 particular well.

21 MR. FUGE: That is my understanding.

22 DR. AMPOMAH: Okay, thank you.

23 MR. RUBIN: Mr. Chair?

24 MR. FUGE: Yes.

25 MR. RUBIN: One further question. This

1 is Dan Rubin again. Is there any reason why
2 Exhibit 11 is not incorporated by reference into this
3 special conditions?

4 MR. FUGE: I would look to the parties
5 on that issue. Mr. Tremaine?

6 MR. TREMAINE: Yes, Mr. Chair. And
7 thank you for the question, Mr. Rubin. I could share
8 Exhibit 11A, but for some reason with an update to my
9 computer, it's not recognizing me as being eligible to
10 log into Webex. So I can't share his screen.

11 But we OCD recently -- we submitted a
12 revised exhibit. It was labeled as 11A. Exhibit 11
13 was prepared by the division as special conditions
14 that are, you know, a starting point for general use
15 for similar -- for administrative approval of future
16 projects.

17 The type of project here proposed by
18 Chevron actually already incorporated in their
19 proposal some of the testing and monitoring and other
20 requirements that are proposed by OCD in Exhibit 11.
21 So that's kind of like a -- Exhibit 11 was originally
22 the general special asks.

23 The special conditions that are
24 included in the permit templates that we've been
25 discussing are actually a subset of the special

1 conditions that OCD generally proposed, because that
2 takes into account that some of them were already
3 incorporated by Chevron's proposal.

4 So this explains the formatting
5 differences in revised Exhibit 11A which looks like
6 it's quite a bit of material, but it's actually just a
7 crosswalk explaining column 1 is the originally
8 proposed conditions. Column 2 are the conditions that
9 have been utilized and implemented through -- how
10 they're incorporated by Chevron's proposal and these
11 permits.

12 And column 3 is based on this
13 proceeding and discussions with the parties. Column 3
14 is revised generally applicable special conditions
15 that it's based on, to answer your question.

16 MR. RUBIN: Yes, thank you,
17 Mr. Tremaine, it does. I'm focusing on the middle
18 column there. It makes sense. I see your point.
19 Thank you.

20 MR. FUGE: Seeing that this is in order
21 and there aren't any questions or comments from my
22 fellow commissioners, I'll work to circulate the order
23 for signature electronically, and we'll make sure it
24 gets transmitted to parties when it's executed and put
25 into the case file. Is there anything else on this

1 matter?

2 MS. BENNETT: Nothing from me. Thank
3 you very much for your consideration.

4 MR. BLOOM: Mr. Chair, do we need a
5 vote to adopt the order?

6 MR. FUGE: We already voted to adopt
7 the order -- signature.

8 MR. BLOOM: And then we sign it?

9 MR. FUGE: Yep, yeah.

10 MR. BLOOM: Okay.

11 MS. HARDY: Oh, Mr. Chair?

12 MR. FUGE: Mm-hmm.

13 MS. HARDY: I apologize.

14 MR. FUGE: That's okay.

15 MS. HARDY: I had a couple of questions
16 for OCD on their Exhibit 11 that's been amended.

17 MR. TREMAINE: Go ahead, Ms. Hardy.

18 MS. HARDY: Okay, thank you.

19 Mr. Tremaine, regarding item 1D on Exhibit 11A, is OCD
20 recommending a change in the area of review from a
21 half mile to 1 mile?

22 MR. TREMAINE: Ms. Hardy, I would have
23 to consult with the technical staff to make sure this
24 is right. But I think that that is a distinction in
25 terms of describing the radius versus the diameter of

1 the area of review. So I think there's some confusion
2 there.

3 But if the Commission so desires, Mr.
4 Goetze is available online to address the technical
5 component of the question.

6 MR. GOETZE: Is that my cue?

7 MR. TREMAINE: Mr. Chair, do you want
8 Mr. Goetze --

9 MR. FUGE: Mr. Goetze can address the
10 question.

11 MR. GOETZE: Okay. Thank you,
12 gentlemen. Good morning, commissioners. No, there
13 would not be a change in the area of review.
14 Currently we have two. We have a half mile area of
15 review which is our standard and approved under our
16 primacy agreement.

17 And for Devonian wells, we extended
18 that to 1 mile as well as for the class 2 acid gas
19 wells 1 mile. But at this time, we would still use
20 the one-half mile notification and review for
21 penetrations.

22 MS. HARDY: Then Mr. Goetze, would an
23 application for an inflow SWD well require a hearing
24 for approval?

25 MR. GOETZE: Well, that's one of these

1 things. The response would be, as we go along, it may
2 not. This is our hope that we will have more
3 information, and with that information, the ability to
4 approve administratively would be a benefit from
5 having the additional information.

6 If the area is unknown, of course, if
7 it's protested, we would have the option of going to
8 hearing. But I would note that on our 1A, we have put
9 in a referral for applications to go to hearing and
10 then move to administrative review if there was no
11 issues.

12 MR. HARDY: Thank you. And Mr. Goetze,
13 I have one more question for you. On item 2B, which
14 excludes the Lower Brushy Canyon from the permitted
15 interval, does this mean that the Upper Brushy Canyon
16 will be allowed to be included in the permitted
17 interval of a future application?

18 MR. GOETZE: No, not necessarily. Many
19 times, when the injection intervals are considered,
20 transition between Brushy Canyon and the Cherry Canyon
21 is usually identified as an area where you would have
22 a confining layer.

23 As such, a confining layer would not be
24 a recipient of fluids but would be a barrier for
25 vertical migration.

1 MS. HARDY: And does OCD plan to
2 provide cross sections or type logs to delineate the
3 formation top correlations?

4 MR. GOETZE: In many cases, we rely
5 upon operators providing information. We are, at this
6 time, discussing with the New Mexico Bureau of Geology
7 and Mineral Resources the options for consulting or
8 additional services like we have had for the deeper
9 Devonian wells and delineating the interval and having
10 uniformity in the stratigraphy.

11 MS. HARDY: Thank you. Those are my
12 questions. I really appreciate it. Thank you,
13 Mr. Chair.

14 MR. FUGE: Thank you, Ms. Hardy. Thank
15 you, Mr. Goetze. Thank you, Mr. Tremaine.

16 MS. BENNETT: Mr. Chair?

17 MR. FUGE: Yes.

18 MS. BENNETT: May I ask one or propose
19 one procedural nicety?

20 MR. FUGE: Yeah, mm-hmm.

21 MS. BENNETT: I do agree, and I, of
22 course, defer to the Chair and to Mr. Rubin, that the
23 Commission did take -- did deliberate in public about
24 the hearings when we were here on November 8th and
25 9th, but I wonder if just for the sake of clarity for

1 the record, it could make sense to vote on adopting
2 the order. And I completely defer to you all on that,
3 of course.

4 MR. FUGE: Mr. Rubin?

5 MS. BENNETT: Mr. Rubin, you're muted.

6 MR. RUBIN: I apologize. Mr. Chair,
7 members of the Commission, to Ms. Bennett's comment:
8 The previous motion should cover it, as I don't see
9 any -- there should be no substantive differences with
10 this order. However, I might be missing something.

11 If there are any substantive
12 differences with what was previously approved in the
13 previous motion, then the point is well taken, and
14 there's no harm in having that. Certainly, there's no
15 harm in having a second motion to this point.

16 MR. FUGE: I will move to adopt the
17 order of the Commission presented by parties to case
18 number 23686 and 23687. Can I get a second?

19 MR. BLOOM: I second.

20 MR. FUGE: Roll call vote.

21 Dr. Ampomah?

22 DR. AMPOMAH: Approved.

23 MR. FUGE: Mr. Bloom?

24 MR. BLOOM: Approved.

25 MR. FUGE: Let the record reflect the

1 motion was adopted unanimously. Any order will be
2 circulated for signature electronically.

3 MS. BENNETT: Thank you, again.

4 MR. FUGE: Moving onto the last item in
5 the cases, and I believe -- I'm going to look to you,
6 Mr. Rubin. I don't know if there are parties there,
7 but we have De Novo case number 21744 and 22018 and
8 22019 that were dismissed by a joint motion to
9 dismiss. I don't believe -- are there any parties in
10 those cases present?

11 DR. AMPOMAH: I can't --

12 MR. BLOOM: Yeah, I don't see him.

13 MR. FUGE: Mr. Rubin, because this was
14 a joint motion to dismiss, that that appeared to be in
15 order, I think the action here is simply to say --
16 would simply be a motion -- adopting that motion to
17 dismiss.

18 MR. RUBIN: Mr. Chair and members of
19 the commission, that is correct. A motion -- to
20 approve the joint motion to dismiss and directing
21 Commission Counsel to prepare an order to that effect.

22 MR. FUGE: I so move to accept the
23 joint motion to dismiss the De Novo case 21744, which
24 would also involve cases 22018 and 22019, and direct
25 Commission Counsel to prepare an order accordingly and

1 authorize that order to be executed by the chair. Can
2 I get a second?

3 DR. AMPOMAH: Second.

4 MR. FUGE: Roll call vote.

5 Dr. Ampomah?

6 DR. AMPOMAH: Approved.

7 MR. FUGE: Mr. Bloom?

8 MR. BLOOM: Approved.

9 MR. FUGE: The Commission -- let the
10 record reflect the motion was adopted unanimously.

11 Mr. Rubin, are there any updates to
12 Atencio v. State litigation?

13 MR. RUBIN: Thank you, Mr. Chair and
14 members of the commission. Tomorrow we anticipate
15 filing a joint reply with the other executive
16 department defendants on the motion to dismiss. We
17 maintain our position shoulder to shoulder with NMED
18 and EMNRD with respect to the motion to dismiss. I
19 have worked with their counsel. They made one edit
20 that I requested, which I appreciate.

21 And so the next matter is the early
22 February hearing on whether the commerce folks can be
23 a proper party. And so I'll report back to you with
24 any updates, and I will email the Commission if we
25 have anything in the interim that is of note. Thank

1 you.

2 MR. FUGE: Thank you.

3 MR. BLOOM: Mr. Rubin, if you could
4 just please circulate what will be submitted in that
5 case to the commissioners, I'd appreciate it. Thank
6 you.

7 MR. RUBIN: Commissioner Bloom,
8 absolutely, I will. After we get off this call, I
9 will send an email to the commissioners with the draft
10 reply.

11 MR. BLOOM: Thank you.

12 MR. FUGE: We have nothing listed as
13 other business. As currently calendared, we do have a
14 week-long meeting currently set for the week of
15 February 26, understanding the presentation from
16 Mr. Tremaine there may be joint motions to pull that
17 meeting down, but that is currently on the calendar,
18 and that is our next scheduled meeting. I will
19 provide updates to the notice list if and when that
20 changes.

21 And otherwise, the January 11, 2024,
22 meeting of the Oil Conservation Commission is
23 adjourned. Thank you.

24 MS. HARDY: Thank you.

25 MR. BLOOM: Thank you.

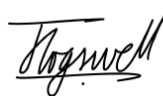
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MS. BENNETT: Thank you.
MR. RUBIN: Thank you, folks.
(Whereupon, at 9:47 a.m., the
proceeding was concluded.)

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CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JAMES COGSWELL
Notary Public in and for the
State of New Mexico

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SHAUNA WOOLLEY

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New Mexico Rules of Civil Procedure for the
District Courts

Article 5, Rule 1-030

(e) Review by Witness; Changes; Signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have thirty (30) days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by Subparagraph (1) of Paragraph F of this rule whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

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OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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