

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

CASE NOS. 13,589; 13,274; 13,367, *de novo*;  
13,368, *de novo*; and 13,372, *de novo* (Continued)

CONTINUED CASES

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

BEFORE: MARK E. FESMIRE, CHAIRMAN  
JAMI BAILEY, COMMISSIONER  
WILLIAM C. OLSON, COMMISSIONER

2006 APR 8 AM 8 47

April 20th, 2006

Santa Fe, New Mexico

These matters were continued to future hearing dates by MARK E. FESMIRE, Chairman, New Mexico Oil Conservation Commission, on Thursday, April 20th, 2006, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

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## I N D E X

April 20th, 2006  
 Commission Hearing  
 Continued Cases

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## A P P E A R A N C E S

## FOR THE COMMISSION:

DAVID K. BROOKS, JR.  
 Assistant General Counsel  
 Energy, Minerals and Natural Resources Department  
 1220 South St. Francis Drive  
 Santa Fe, New Mexico 87505

\* \* \*

1           WHEREUPON, the following proceedings were had at  
2 9:02 a.m.:

3           CHAIRMAN FESMIRE: Okay, let's go on the record?  
4 At this time we'll call the Thursday, April 20th, 2006,  
5 meeting of the New Mexico Oil Conservation Commission to  
6 order.

7           Let the record reflect it's 9:02 a.m., Thursday,  
8 April 20th, 2006. The meeting is being held in Porter Hall  
9 in Santa Fe, New Mexico.

10           My name is Mark Fesmire.

11           To my right is Commissioner Jami Bailey.  
12 Commissioner Bailey is the designee of the Commissioner of  
13 State Lands, Mr. Patrick Lyons.

14           To my left is Commissioner Bill Olson. Mr. Olson  
15 is the appointee of the Energy and Minerals Secretary,  
16 Joanna Prukop.

17           To Mr. Olson's left is Cheryl Bada. Miss Bada  
18 will act as the Commission counsel today.

19           To Commissioner Bailey's right is Florene  
20 Davidson. Ms. Davidson is the Commission Secretary.

21           And the court reporter today, as always, is Mr.  
22 Steve Brenner.

23           Let the record reflect that a quorum of the  
24 Commissioners or their designees are present.

25   \* \* \*



1 to last beyond tomorrow afternoon, and whenever it is  
2 continued to, if it does last beyond tomorrow afternoon, I  
3 will have that order ready to present to the Commission  
4 prior to the conclusion of the hearing. Otherwise, it will  
5 be at the next hearing, whether it be a special hearing  
6 that we set for potash rules or whether it be the May 15th  
7 hearing.

8 CHAIRMAN FESMIRE: Thank you. After discussion  
9 with counsel, it's beginning to look like the hearing will  
10 be continued at least for another week, during which I  
11 would hope that we would have time to complete that, so I'm  
12 going to ask the Commission if there's any objection to  
13 handling this case in that manner.

14 COMMISSIONER BAILEY: No objection.

15 COMMISSIONER OLSON: No objection.

16 CHAIRMAN FESMIRE: Okay. We will continue this  
17 case to a lower position on the docket and proceed in that  
18 manner.

19 \* \* \*

20

21 CHAIRMAN FESMIRE: The next case is Case Number  
22 13,586. It's the Application of the New Mexico Oil  
23 Conservation Division for the repeal of existing Rules 709,  
24 710 and 711 concerning surface waste management and the  
25 adoption of new rules governing surface waste management.





1 MR. CARR: Yes, sir.

2 CHAIRMAN FESMIRE: Okay. Case Number 13,368 will  
3 be continued to a special setting on June 5th, 2006.

4 \* \* \*

5

6 CHAIRMAN FESMIRE: The last one that we have to  
7 deal with in this group is Case Number 13,372. It's the  
8 Application of Devon Energy Production Company for approval  
9 of an unorthodox well location and authorization to drill a  
10 well in the potash area of Eddy County.

11 And it likewise -- there has likewise been a  
12 request to continue that to June 5th.

13 MR. CARR: That's correct.

14 CHAIRMAN FESMIRE: Okay. And does the Commission  
15 have any objection to those two?

16 COMMISSIONER BAILEY: No.

17 COMMISSIONER OLSON: No objection.

18 CHAIRMAN FESMIRE: Okay, Case Number 13,372 will  
19 be specially set for a special hearing on June 5th, 2006.

20 (Thereupon, these proceedings were concluded at  
21 9:08 a.m.)

22 \* \* \*

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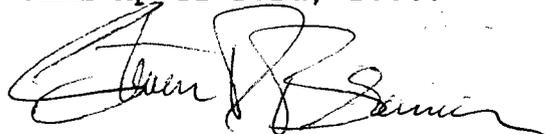
## CERTIFICATE OF REPORTER

STATE OF NEW MEXICO )  
 ) ss.  
 COUNTY OF SANTA FE )

I, Steven T. Brenner, Certified Court Reporter and Notary Public, HEREBY CERTIFY that the foregoing transcript of proceedings before the Oil Conservation Commission was reported by me; that I transcribed my notes; and that the foregoing is a true and accurate record of the proceedings.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties or attorneys involved in this matter and that I have no personal interest in the final disposition of this matter.

WITNESS MY HAND AND SEAL April 23rd, 2006.



STEVEN T. BRENNER  
 CCR No. 7

My commission expires: October 16th, 2006