

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

CASE NOS. 13,345 (Dismissed), 13,237 (Continued)

CONTINUED AND DISMISSED CASES

TRANSCRIPT OF PROCEEDINGS

BEFORE: MARK E. FESMIRE, CHAIRMAN
JAMI BAILEY, COMMISSIONER
FRANK T. CHAVEZ, COMMISSIONER

ORIGINAL

November 10th, 2004

Santa Fe, New Mexico

2004 NOV 30 PM 2 42

These matters came on for hearing before the Oil Conservation Commission, MARK E. FESMIRE, Chairman, on Wednesday, November 10th, 2004, 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

November 10th, 2004
 Commission Hearing
 CASE NOS. 13,345 (Dismissed), 13,237 (Continued)

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A P P E A R A N C E S

FOR THE COMMISSION:

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FOR THE DIVISION:

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 Deputy General Counsel
 Energy, Minerals and Natural Resources Department
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* * *

1 WHEREUPON, the following proceedings were had at
2 9:00 a.m.:

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4 CHAIRMAN FESMIRE: Good morning, I'd like to call
5 the November meeting of the New Mexico Oil Conservation
6 Commission to order. For the record, let's note the time.
7 It's nine o'clock a.m., November 10th, 2004. The location
8 is Porter Hall in the New Mexico Energy, Minerals and
9 Natural Resources Department building, Wendell Chino
10 Building, in Porter Hall.

11 My name is Mark Fesmire.

12 To my right is Jami Bailey. Commissioner Bailey
13 is the designee to the Commission of State Land
14 Commissioner Patrick Lyons.

15 To my left, the man whose retirement we were
16 celebrating is Mr. Frank Chavez. Mr. Chavez, at least for
17 the next month or so, is the OCD supervisor in Aztec. He's
18 the appointee of the NM EMNRD Secretary, Joanna Prukop.

19 To his left is left is Mr. David Brooks. Mr.
20 Brooks is the Commission counsel.

21 To Ms. Bailey's right is Florene Davidson. Ms.
22 Davidson is the Commission secretary.

23 And Mr. Steve Brenner is the court reporter on
24 the far left of the table here, my far left.

25 Let the record reflect that all Commissioners or

1 their designees are present.

2 * * *

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4 CHAIRMAN FESMIRE: The first business matter
5 before the Commission today is the adoption of the minutes
6 of the meeting last held on October 14th, 2004, and I need
7 to ask the Commissioners if they've had the opportunity to
8 review those minutes?

9 COMMISSIONER BAILEY: Yes, I have, and I move
10 that we adopt them.

11 COMMISSIONER CHAVEZ: I have, and I second the
12 motion.

13 CHAIRMAN FESMIRE: The adoption of the minutes
14 has been moved and seconded. We'll take just a second to
15 sign those minutes.

16 * * *

17

18 CHAIRMAN FESMIRE: The next item before the
19 Commission is the signing of an order of the Commission in
20 Cause Number 13,345.

21 Mr. Brooks, it's my understanding that this is an
22 order dismissing an Application currently before the
23 Commission?

24 MR. BROOKS: That is correct.

25 CHAIRMAN FESMIRE: Is there a recommendation from

1 counsel that we adopt this order and dismiss this?

2 MR. BROOKS: That is correct, the Division has
3 moved to dismiss this case, and the Division was the
4 Applicant in the case, so the recommendation would be that
5 the matter be dismissed without prejudice.

6 CHAIRMAN FESMIRE: Commissioner Bailey, have you
7 seen this order?

8 COMMISSIONER BAILEY: I don't believe so.
9 Thank you. It's real short and sweet.

10 CHAIRMAN FESMIRE: Commissioner Chavez?
11 Is there a motion on the disposition of this
12 order?

13 COMMISSIONER BAILEY: I move we sign that order.

14 COMMISSIONER CHAVEZ: I second the motion.

15 (Off the record at 9:02 a.m.)

16 * * *

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18 (The following proceedings had at 10:30 a.m.)

1 CHAIRMAN FESMIRE: Let's go back on the record.
2 We're back in session after the break. It's 10:30.

3 The next item on the docket is Cause Number
4 13,237. It's the Application of J.C. Well Service, Inc.,
5 for an order of the Division rescinding the approvals of
6 C-104A Change of Operator forms issued by the District 3
7 Office.

1 I understand, Ms. MacQuesten, that they've
2 requested an indefinite continuance on that?

3 MS. MacQUESTEN: That's right, Mr. Commissioner,
4 they had requested a continuance until a related issue is
5 decided by the BLM.

6 CHAIRMAN FESMIRE: And I understand that there is
7 no objection from the other party?

8 MS. MacQUESTEN: That's true.

9 CHAIRMAN FESMIRE: Okay, we'll go ahead and grant
10 that continuance.

11 * * *

12
13 CHAIRMAN FESMIRE: The next cause is Cause Number
14 13,345, continued from the October 14th Commission Hearing.
15 It's the Application of the New Mexico Oil Conservation
16 Division through the Supervisor of District 1 for an
17 emergency order requiring Maralo, LLC, to properly plug one
18 well in Lea County in New Mexico, authorizing the Division
19 to plug said well and ordering a forfeiture of applicable
20 plugging bond.

21 I understand that the Division requests that we
22 dismiss that case?

23 MS. MacQUESTEN: That is right, Mr. Commissioner.

24 CHAIRMAN FESMIRE: Okay, and does the Commission
25 see any reason not to dismiss that case?

1 COMMISSIONER BAILEY: No.

2 CHAIRMAN FESMIRE: We'll grant that and dismiss
3 that case, then.

4 (Thereupon, these proceedings were concluded at
5 10:32 a.m.)

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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 November 13th, 2004.



STEVEN T. BRENNER
CCR No. 7

My commission expires: October 16th, 2006