

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

RECEIVED

2008 SEP 30 AM 10 20

IN THE MATTER OF THE APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR REPEAL OF EXISTING RULES 19.15.1 THROUGH 19.15.15 NMAC, ADOPTION OF NEW RULES 19.15.2 THROUGH 19.15.16 NMAC, 19.15.18 THROUGH 19.15.26 NMAC, 19.15.29 AND 19.15.30 NMAC, 19.15.34 THROUGH 19.15.37 NMAC, AND 19.15.39 NMAC, AND AMENDING 19.15.17 AND 19.15.36 NMAC TO MAKE CONFORMING CHANGES; STATEWIDE

CASE NO. 14180

SUPPLEMENT TO AFFIDAVIT OF NOTICE

I, Gail MacQuesten, attorney for the Oil Conservation Division, hereby certify as follows:

1. 19.15.14.1202.A(1) NMAC requires that the notice of a rulemaking proceeding be published one time in a newspaper of general circulation in the state no less than 20 days prior to the scheduled hearing date.

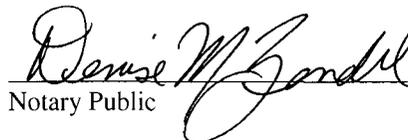
2. The Oil Conservation Division (OCD) provided notice of Case No. 14180 to the Albuquerque Journal, a newspaper of general circulation in the state, for publication more than 20 days prior to the scheduled hearing date of September 12, 2008.

3. At the time of the hearing, the OCD had not received an affidavit of publication from the Albuquerque Journal.

4. After the hearing, the OCD received an affidavit of publication from the Albuquerque Journal, showing publication of the notice of hearing on August 16, 2008, more than 20 days prior to the hearing date of September 12, 2008. A copy of the affidavit of publication is attached as Exhibit A to this Affidavit.

  
Gail MacQuesten

SUBSCRIBED AND SWORN to before me this 30<sup>th</sup> day of September 2008.

  
Notary Public

My Commission Expires:

1-9-2012

STATE OF NEW MEXICO  
County of Bernalillo SS

OK  
fd

Bill Tafoya, being duly sworn, declares and says that he is Classified Advertising Manager of **The Albuquerque Journal**, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 16 day of August, 2008 and the subsequent consecutive publications on \_\_\_\_\_, 20\_\_\_\_\_.

*[Handwritten Signature]*

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 14 day of August of 2008



PRICE 104.62

Statement to come at end of month.

ACCOUNT NUMBER C80932

CLA-22-A (R-1/93)

New Mexico Energy, Mineral and Natural Resources Department

**NOTICE OF RULE MAKING**  
STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

The State of New Mexico, through its Oil Conservation Commission, hereby gives notice that the Commission will conduct a public hearing on September 12, 2008, beginning at 9:00 a.m. in Porter Hall at 1220 South St. Francis Drive, Santa Fe, New Mexico, concerning the repeal, adoption and amendment of rules issued pursuant to the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38. If additional time is needed, the hearing may continue at a later date announced by the Commission.

The hearing concerns the following changes to Title 19, Chapter 15 of the New Mexico Administrative Code: repeal of Parts 1-15; adoption of new Parts 2-16, 18-26, 29, 30, 34, 35, 37 and 39 to replace the repealed Parts 1-15; the amendment of Parts 17 and 36. The changes restructure the existing rules; correct cross-references to conform to the new numbering system; correct the placement of definition sections; re-write the rules in the active voice; remove outdated transition language; adopt consistent use of terms; remove outdated references to the carbon black plant monthly report and the new well tax incentive; add definitions of "tribal lands," "tribal leases," "tribal minerals" and "deliverability pressure," and amend rules on forms to reflect actual filing practices.

Copies of the text of the proposed new rules and amendments are available from acting commission clerk Theresa Duran-Saenz at (505) 476-3483 or from the Division's web site at <http://www.emnrd.state.nm.us/ocd> under "Announcements." If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Ms. Duran-Saenz at (505) 476-3483 or through the New Mexico Relay Network (1-800-659-1779) as soon as possible.

Written comments on the proposed amendments, pre-hearing statements and notices of recommended modifications must be received no later than 5:00 p.m. on Wednesday, September 3, 2008. Any person may present non-technical testimony or make an unsworn statement at the hearing. Any person who intends to present technical testimony or cross-examine witnesses at the hearing shall, no later than 5:00 p.m. on Wednesday, September 3, 2008, file six sets of a pre-hearing statement with Ms. Duran-Saenz. The pre-hearing statement shall include the person's name and the name of the person's attorney; the names of all witnesses the person will call to testify at the hearing; a concise statement of each witness' testimony; all technical witnesses' qualifications including education and experience; and the approximate time needed to present the testimony. The person shall attach to the pre-hearing statement any exhibits he or she plans to offer as evidence at the hearing. Any person recommending modifications to a proposed rule change shall, no later than Wednesday, September 3, 2008, file a notice of recommended modifications with Ms. Duran-Saenz including the text of the recommended modifications, an explanation of the modifications' impact, and the reasons for adopting the modifications. Written comments, pre-hearing statements and notices of recommended modifications may be hand-delivered or mailed to Ms. Duran-Saenz at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, or may be faxed to Ms. Duran-Saenz at (505) 476-3462.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 13th day of August 2008.

STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION

Ex. A