

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

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

ORIGINAL

APPLICATION OF LIGHTNING DOCK GEOTHERMAL Case No. 15357  
HI-01, LLC, FOR APPROVAL TO INJECT INTO A  
GEOTHERMAL AQUIFER THROUGH THREE PROPOSED  
GEOTHERMAL INJECTION WELLS AT THE SITE OF  
THE PROPOSED LIGHTNING DOCK GEOTHERMAL POWER  
PROJECT, HIDALGO COUNTY, NEW MEXICO.

and  
APPLICATION OF LIGHTNING DOCK GEOTHERMAL  
HI-01, LLC, TO PLACE WELL NO. 63A-7 ON Case No. 15365  
INJECTION-GEOTHERMAL RESOURCES AREA,  
HIDALGO COUNTY, NEW MEXICO

And Case 15327 (see separate transcript).

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
PREHEARING TRANSCRIPT  
November 5, 2015  
Santa Fe, New Mexico

BEFORE: DAVID R. CATANACH, CHAIRPERSON  
ROBERT S. BALCH, COMMISSIONER  
PATRICK PADILLA, COMMISSIONER  
BILL BRANCARD, ESQ.

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This matter came on for hearing before the  
New Mexico Oil Conservation Commission on Thursday,  
November 5, 2015, at the New Mexico Energy, Minerals,  
and Natural Resources Department, Wendell Chino  
Building, 1220 South St. Francis Drive, Porter Hall,  
Room 102, Santa Fe, New Mexico.

REPORTED BY: ELLEN H. ALLANIC  
NEW MEXICO CCR 100  
CALIFORNIA CSR 8670  
PAUL BACA COURT REPORTERS  
500 Fourth Street, NW  
Suite 105  
Albuquerque, New Mexico 87102

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Roll Call

Motion to Adopt Agenda of Hearing

Motion to Approve Minutes of  
October 7-9, 2015 Meeting

Approve and Adopt Order in Case 15357 and  
15365

Case No. 15327 De Novo (Continued from  
the October 8, 2015, Commission Hearing)

Reporters Certificate

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1 (Time noted 9:04 a.m.) prehrgr tr

2 COMMISSIONER CATANACH: Good morning. This  
3 is a meeting of the New Mexico Oil Conservation  
4 Commission. My name is David Catanach, Chairman of the  
5 Commission. The time is about 9:04 a.m. Today's date  
6 is November 5, 2015. This meeting is being conducted in  
7 Porter Hall within the Wendell Chino State Building.

8 At this time, I will take roll. Will the  
9 Commissioners please introduce themselves.

10 COMMISSIONER PADILLA: Patrick Padilla,  
11 designated the New Mexico State Land Commissioner.

12 COMMISSIONER BALCH: Dr. Robert Balch,  
13 designated the Secretary of Energy and Minerals.

14 COMMISSIONER CATANACH: Also present today  
15 is Mr. Bill Brancard, the Commission attorney and the  
16 general counsel for the Energy, Minerals and Natural  
17 Resources Department.

18 Commissioners, in your packet, you should  
19 have an agenda for today's meeting. Have you had a  
20 chance to review that? Do I hear a motion to adopt the  
21 agenda?

22 COMMISSIONER PADILLA: So moved.

23 COMMISSIONER BALCH: And seconded.

24 COMMISSIONER CATANACH: All in favor?

25 COMMISSIONER PADILLA: Aye.

1 COMMISSIONER BALCH: Aye.

2 COMMISSIONER CATANACH: Aye.

3 Motion to adopt today's agenda has passed.

4 Also in your packet, Commissioners, are  
5 draft minutes from the October 7th through the 9th,  
6 2015, Commission meeting.

7 Commissioners, if you've had a chance to  
8 review this, do you have any changes to the minutes,  
9 and, if not, is there a motion and a second to adopt the  
10 minutes?

11 COMMISSIONER BALCH: I have no changes and I  
12 would move to adopt them.

13 COMMISSIONER PADILLA: And I would second  
14 that.

15 COMMISSIONER CATANACH: Okay. All in favor.

16 COMMISSIONER PADILLA: Aye.

17 COMMISSIONER BALCH: Aye.

18 COMMISSIONER CATANACH: Aye.

19 Motion to adopt the minutes from the October  
20 7th through the 9th, 2015, Commission meeting has  
21 passed.

22 The next order of business today is a review  
23 of a draft order in Commission cases No. 15357 and  
24 15365. This draft order was prepared by Mr. Bill  
25 Brancard and was distributed to the Commission prior to

1 this hearing.

2 At this time, I would just like to thank  
3 Mr. Brancard for the work he did preparing this draft  
4 order. This order is a culmination of four plus days of  
5 extensive legal and technical evidence presented by  
6 Lightning Dock, AmeriCulture, Inc., the OCD, and Hildago  
7 Soil and Water Conservation District.

8 I know that Mr. Brancard did an extensive  
9 amount drafting this order, and we appreciate that.

10 Is it the pleasure of the Commission to review,  
11 amend and finalize this draft order at this time?

12 COMMISSIONER PADILLA: Yes.

13 COMMISSIONER BALCH: I think yes. It might  
14 be appropriate to go into closed session for review.

15 COMMISSIONER CATANACH: Do I have a second  
16 for the --

17 COMMISSIONER PADILLA: I second the motion.

18 COMMISSIONER CATANACH: All in favor.

19 COMMISSIONER PADILLA: Aye.

20 COMMISSIONER BALCH: Aye.

21 COMMISSIONER CATANACH: Aye.

22 Okay. That motion has passed. So at this  
23 point, we will go into closed executive session.

24 (Closed Executive Session 9:06 a.m. to  
25 9:40 a.m.)

1           COMMISSIONER CATANACH: At this time, we  
2 will go back on the record. I call the hearing back to  
3 order.

4           For the record, I will state that while we  
5 were in executive session, the Commission only discussed  
6 the proposed order in cases 15357 and 15365. The  
7 Commission --

8           MR. BRANCARD: Mr. Chairman, I think we need  
9 an official motion to back into open session.

10          COMMISSIONER BALCH: I will make a motion to  
11 go back into open session.

12          COMMISSIONER PADILLA: I will second that.

13          COMMISSIONER CATANACH: All in favor. Aye.

14          COMMISSIONER BALCH: Aye.

15          COMMISSIONER PADILLA: Aye.

16          COMMISSIONER CATANACH: Thank you,  
17 Mr. Brancard.

18          The Commission made no changes to the order  
19 itself in executive session. We made small, slight  
20 changes to the conditions of approval that will be  
21 attached as, I believe, Exhibit A to the order. And  
22 those will be revised and will be available later on  
23 today.

24          But the order itself is ready to be  
25 approved. Can I get a vote on the approval of this

1 order or can I get a motion?

2 COMMISSIONER BALCH: I would make a motion  
3 to approve the order.

4 COMMISSIONER PADILLA: I would second it.

5 COMMISSIONER CATANACH: All in favor. Aye.

6 COMMISSIONER PADILLA: Aye.

7 COMMISSIONER BALCH: Aye.

8 COMMISSIONER CATANACH: The motion has  
9 passed. This order will be signed at that time.

10 And I guess the order will be available just  
11 later on today, Mr. Brancard?

12 MR. BRANCARD: I will e-mail Exhibit A to  
13 Ms. Davidson during the break and then she can  
14 incorporate that into the order.

15 COMMISSIONER CATANACH: Thank you. So I  
16 guess we are done with this case.

17 So the next order of business today is case  
18 No. 15327.

19 (See separate booklet for case 15327  
20 proceedings.)

21

22 (Time noted 9:42 a.m.)

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1 STATE OF NEW MEXICO )  
2 ) ss.  
3 COUNTY OF BERNALILLO )  
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7 REPORTER'S CERTIFICATE

8  
9 I, ELLEN H. ALLANIC, New Mexico Reporter CCR  
10 No. 100, DO HEREBY CERTIFY that on Thursday, November 5,  
11 2015, the proceedings in the above-captioned matter were  
12 taken before me, that I did report in stenographic  
13 shorthand the proceedings set forth herein, and the  
14 foregoing pages are a true and correct transcription to  
15 the best of my ability and control.  
16

17  
18 I FURTHER CERTIFY that I am neither employed by  
19 nor related to nor contracted with (unless excepted by  
20 the rules) any of the parties or attorneys in this case,  
21 and that I have no interest whatsoever in the final  
22 disposition of this case in any court.  
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ELLEN H. ALLANIC, CSR  
NM Certified Court Reporter No. 100  
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