

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

CASE NOS. 13,402 (Continued) and 13,359 (Dismissed)

CONTINUED AND DISMISSED CASES

TRANSCRIPT OF PROCEEDINGS

BEFORE: MARK E. FESMIRE, CHAIRMAN  
JAMI BAILEY, COMMISSIONER

April 14th, 2005

Santa Fe, New Mexico

2005 APR 28 PM 1 37

These matters came on for hearing before the Oil Conservation Commission, MARK E. FESMIRE, Chairman, on Thursday, April 14th, 2005, 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.

\* \* \*

STEVEN T. BRENNER, CCR  
(505) 989-9317

## I N D E X

April 14th, 2005  
 Commission Hearing  
 CASE NOS. 13,402 (Continued) and 12,601 (Dismissed)

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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

## FOR LOCO HILLS GSF:

HOLLAND & HART, L.L.P., and CAMPBELL & CARR  
 110 N. Guadalupe, Suite 1  
 P.O. Box 2208  
 Santa Fe, New Mexico 87504-2208  
 By: WILLIAM F. CARR

\* \* \*

1 WHEREUPON, the following proceedings were had at  
2 10:50 a.m.:

3 CHAIRMAN FESMIRE: The next cause before the  
4 Commission is Case Number 13,402, consolidated Application  
5 of Loco Hills GSF for an exemption to the liner and leak  
6 detection requirements of 19.15.2.50.C NMAC and approval of  
7 stage 1 and 2 abatement plans, with provisional alternate  
8 abatement standards, Eddy County, New Mexico.

9 I understand that this case is to be continued,  
10 and Mr. Carr, you represent Loco Hills in this?

11 MR. CARR: Yes, I do.

12 CHAIRMAN FESMIRE: And is my understanding  
13 correct on the continuance?

14 MR. CARR: We request a continuance.

15 MR. BROOKS: As I had indicated to the  
16 Commission, there is no objection on the part of the  
17 Division to that.

18 CHAIRMAN FESMIRE: Okay. Commissioner Bailey,  
19 would there be a -- Is there a need to draft an order --

20 MR. BROOKS: No --

21 CHAIRMAN FESMIRE: -- for the continuance?

22 MR. BROOKS: -- I believe not. I believe under  
23 Rule -- I believe it's 1209, it can be continued by  
24 announcement at the meeting and should be continued to the  
25 May docket.

1 CHAIRMAN FESMIRE: Okay. Case Number 13,402 will  
2 be continued until the May 12th, 2005, Commission meeting.

3 \* \* \*

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5 CHAIRMAN FESMIRE: The next case before the  
6 Commission is Case Number 13,359, the *de novo* Application  
7 of Mewbourne Oil Company for compulsory pooling, Lea  
8 County, New Mexico.

9 Is there an appearance in that case?

10 MR. BROOKS: There is no one here representing  
11 any of the parties in that case, Mr. Chairman. Mr. Bruce  
12 was here earlier, and he presented me with a stipulated  
13 order of dismissal in that case, which is signed by all of  
14 the attorneys of record on the case. It is not on the  
15 legal-sized, hole-punched paper that Commission orders are  
16 normally entered upon, but it has been signed by all  
17 parties.

18 You might wish to ask Ms. Davidson how that can  
19 be handled to preserve it in the manner in which we  
20 normally preserve Commission orders, but it seems  
21 appropriate to dismiss it pursuant to agreement.

22 MS. DAVIDSON: We can just file it in the book  
23 along with the other orders. Better if it's on the regular  
24 paper, but it's okay this way.

25 MR. BROOKS: Okay.

1 CHAIRMAN FESMIRE: Okay. Commissioner Bailey,  
2 would you like to review that?

3 COMMISSIONER BAILEY: I move we accept it.

4 CHAIRMAN FESMIRE: Counsel Brooks, this directs  
5 us to vacate a previous order. Is there any concern to the  
6 Commission for that vacation?

7 MR. BROOKS: I don't see that there would be,  
8 since it's signed by all counsel of record in the case.

9 CHAIRMAN FESMIRE: Okay.

10 MR. BROOKS: It would be if it were not an agreed  
11 order, but it is an agreed order.

12 CHAIRMAN FESMIRE: Okay. Commissioner Bailey,  
13 did you move that we adopt this stipulated order of  
14 dismissal?

15 COMMISSIONER BAILEY: Yes, I do.

16 CHAIRMAN FESMIRE: I second. All those in favor?

17 COMMISSIONER BAILEY: Aye.

18 CHAIRMAN FESMIRE: Opposed? Let the record  
19 reflect that stipulated order of dismissal in Case Number  
20 13,359 will be signed by the Commission.

21 Also let the record reflect that there's a place  
22 on here for Commissioner Chavez to sign -- Commissioner  
23 Chavez is absent today -- but that Commissioner Bailey and  
24 I have both signed, and that it is -- two members of the  
25 Commission are a sufficient quorum to invoke the stipulated

1 order.

2 Is there any further business before the  
3 Commission today?

4 Commissioner Bailey, is there a motion to  
5 adjourn?

6 COMMISSIONER BAILEY: I move we adjourn.

7 CHAIRMAN FESMIRE: I was worried what would have  
8 happened if you didn't.

9 Second.

10 All those opposed?

11 The motion carries, and the meeting is adjourned  
12 at 10:56 a.m. Thank you.

13 (Thereupon, these proceedings were concluded at  
14 10:56 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 April 17th, 2005.



STEVEN T. BRENNER  
CCR No. 7

My commission expires: October 16th, 2006