

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

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**APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION THROUGH THE
SUPERVISOR OF DISTRICT II FOR AN
EMERGENCY ORDER SUSPENDING CERTAIN
APPROVED APPLICATIONS FOR PERMITS TO
DRILL, AND FOR ADOPTION OF SPECIAL RULES
FOR DRILLING IN CERTAIN AREAS FOR THE
PROTECTION OF FRESH WATER, CHAVES AND
EDDY COUNTIES, NEW MEXICO**

**ORDER NO. E-42
CASE NO. 15487**

**PECOS VALLEY ARTESIAN CONSERVANCY DISTRICT'S PRE-HEARING
STATEMENT**

Pecos Valley Artesian Conservancy District (PVACD), submits its Pre-Hearing Statement pursuant to the rules of the Oil Conservation Division.

I. PARTIES AND APPEARANCES

1. APPLICANT

Oil Conservation Division

ATTORNEY

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2. INTERESTED PARTY

PVACD

ATTORNEYS

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3. **INTERESTED PARTY**

COG Operating LLC

ATTORNEYS

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4. **INTERESTED PARTY**

OXY USA Inc.

ATTORNEYS

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II. STATEMENT OF CASE

The Oil Conservation Division seeks an order establishing minimum casing and cementing requirements that will adequately protect fresh water aquifers in the Designated Area in Chaves and Eddy Counties, New Mexico. Applicant has not yet proposed special rules, therefore PVACD is not able to state a position on this case. PVACD asserts that the proposed rules should comply with the provisions of 19.15.16.9 and 19.15.16.10 NMAC; and 19.27.4.29, 19.27.4.30 and 19.27.4.31 NMAC.

III. WITNESSES AND PROPOSED EVIDENCE

A. WITNESSES

Name

Evidence

Jack Atkins, P.E.
Atkins Engineering Associates, Inc.

Mr. Atkins is a licensed well driller and an expert who may testify as to water rights administration, historical use of water, hydrology, geohydrology, and well design and construction. Exhibits have not been identified.

John Shomaker, PhD
John Shomaker & Associates, Inc.

Mr. Shomaker is an expert who may testify as to water rights administration, historical use of water, well design and construction, and hydrology. Exhibits have not been identified.

Bill Netherlin
Chairman,
PVACD Board of Directors *and*
Water right owner

Mr. Netherlin will testify as to PVACD public policy and well requirements.

B. ESTIMATED TIME:

The estimated time required for the presentation of evidence by PVACD is two (2) hours.

IV. PROCEDURAL MATTERS

None at this time.

Respectfully submitted

HENNIGHAUSEN & OLSEN, L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Pre-Hearing Statement* was served via electronic mail on May 4, 2016 to the following parties:

/s/ A.J. Olsen

HENNIGHAUSEN & OLSEN, L.L.P.

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