

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

**Meeting Minutes
Regular Meeting
January 17, 2019
Porter Hall
Wendell Chino Building
1220 S. St. Francis Drive
Santa Fe, New Mexico 87505**

MEMBERS PRESENT:

Gabriel Wade Chair, Oil Conservation Division
Allison Marks Designee, New Mexico State Land Commissioner

OTHERS PRESENT:

Bill Brancard, Counsel for the Commission

Item 1. Roll Call.

Roll was taken; a quorum was present.

Item 2. Approval of Agenda.

Action: Commissioner Marks moved adoption of the agenda. Chair Wade seconded the motion. The motion passed unanimously.

Item 3. Approval of minutes of December 4, 2018 special meeting and the January 8, 2019 special meeting.

Action: Commissioner Marks moved to approve the minutes of the December 4, 2018 special meeting and the minutes of the January 8, 2019 special meeting. Chair Wade seconded the motion. The motion passed unanimously.

Item 4. Adopt Annual Resolution setting forth reasonable notice standards for Commission Public Meetings.

Action: Commissioner Marks moved to adopt the 2019 Open Meetings Annual Resolution. Chair Wade seconded the motion. The motion passed unanimously. The resolution is attached to these minutes.

Item 5. Rehearing: Case No. 15855 (De Novo): Application of Delaware Energy LLC to Revoke the Injection Authority Granted Under SWD-1680 for the Alpha SWD No. 1 Well Operated by Alpha SWD Operating LLC, Eddy County, New Mexico.

Action: Appearances were made by Michael Feldewert for Delaware Energy LLC (Delaware) and Gary Larson for Alpha SWD Operating LLC (Alpha). Chair Wade requested Counsel Brancard to provide the procedural background of the case to the Commission. Counsel Brancard summarized the findings in Order No. R-14484-B entered by the previous

Commission on August 20, 2018, in which Administrative Order SWD-1680 was reinstated. He explained the issue raised by Alpha regarding the lack of standing of Delaware in the De Novo case.

After a motion by Chair Wade and a second to the motion by Commissioner Marks, the Commission voted unanimously to close the meeting pursuant to NMAC 1978, Section 10-15-1-H to deliberate on the case.

After a motion by Commissioner Marks and a second to the motion by Chair Wade, the Commission voted unanimously to go back into open session. Chair Wade announced that the only matter discussed during the closed session was De Novo Case 15855. He stated that the Commission reviewed the record and pleadings filed in the case and concluded that Order No. R-14484-B, which reversed and vacated Order No. R-14484-A and reinstated Administrative Order SWD-1680, was supported by the record. Commissioner Marks moved that Order No. R-14484-D, which granted the rehearing of the De Novo application, be quashed and Order No. R-14484-B be reinstated. Chair Wade seconded the motion, and it passed unanimously.

Mr. Feldewert requested that the Commission stay Administrative Order No. SWD-1680 for 60 days until an appeal of the case could be filed in District Court. A discussion was held on the matter of a stay being granted by the Commission or the District Court. Chair Wade made a motion to issue an order granting a stay of Order No. R-14484-B for 60 days from the issuance of the order. If an appeal is filed and a motion for stay filed with the District Court within the 60-day period, the stay will be extended until the District Court acts on the stay motion. Commissioner Marks seconded the motion. The motion passed unanimously. Commissioner Marks made a motion to authorize Chair Wade to sign the order as soon as it was prepared. Chair Wade seconded the motion, and it passed unanimously.

Requests to continue the following cases were received and all cases were continued to the February 14, 2019 Commission meeting:

Items 6 - 30 Case No. 15844 (De Novo), Case 16446, Cases No. 15992-15996, 15988, 16016-16018, 16115-16116, 16099-16104, 16169-16174

Item 31. Pending litigation

Action: Counsel Brancard updated the Commission on pending litigation including the Americulture, geothermal, Jalapeno, and Cano cases in District Court, and the Larry Marker case in the Court of Appeals.

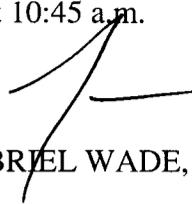
Item 32. Other business

Action: The Commission moved the March 14, 2019 Commission meeting date to March 12, 2019.

Item 33. Next meeting: February 14, 2019

Item 34. Adjournment

The chair adjourned the meeting at 10:45 a.m.

A handwritten signature in black ink, appearing to read 'GABRIEL WADE', written over the printed name below.

GABRIEL WADE, Chair