

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE APPLICATION :
OF HARVEY E. YATES COMPANY :
FOR AN EXCEPTION TO ORDER NO. R-3221, : CASE NO. 5720
AS AMENDED, EDDY COUNTY, NEW MEXICO. :
_____ :

APPLICATION FOR REHEARING

Applicant, by its attorneys, and in support hereof respectfully states:

1. That on August 24, 1976, the Oil Conservation Commission of New Mexico ("Commission") entered its Order No. R-5246, to which reference is here made, denying the application for an exception to Order (3) of Commission Order No. R-3221, as amended.

2. That Order No. R-5246 is erroneous, as follows:

(a) Contrary to Finding (8), there is no fresh water in the vicinity of the unlined pit for which a present or reasonably foreseeable beneficial use is or will be made.

(b) Contrary to Finding (10), there was evidence that subsurface drainage or percolation of water from the proposed unlined pit would not be toward nor affect fresh water, if any is present in the vicinity of the unlined pit.

(c) Contrary to Finding (11) and Order (1), applicant should have been permitted to dispose of salt water produced from its wells in an unlined surface pit located in the vicinity of said wells.

WHEREFORE, applicant prays:

A. That the Commission grant a rehearing and that notice of said rehearing be given as required by law;

B. That upon rehearing the Commission enter an order granting applicant an exception to Commission Order No. R-3221, as amended, to permit applicant to dispose of water produced from its wells in an unlined surface pit located in the vicinity of said wells; and

C. For such other and further relief as may be just in the premises.

HARVEY E. YATES COMPANY

By: 
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