

1 STATE OF NEW MEXICO  
2 ENERGY AND MINERALS DEPARTMENT  
3 OIL CONSERVATION DIVISION  
4 STATE LAND OFFICE BLDG.  
5 SANTA FE, NEW MEXICO

6  
7  
8 18 September 1985

9 COMMISSION HEARING

10 IN THE MATTER OF:

11 The hearing called by the Oil Con- CASE  
12 servation Commission on its own mo- 8704  
13 tion to amend Rule 313 by the addi-  
14 tion of fresh waters to said rule.

15 BEFORE: Richard L. Stamets, Chairman  
16 Ed Kelley, Commissioner

17 TRANSCRIPT OF HEARING

18  
19 A P P E A R A N C E S

20 For the Division: Jeff Taylor  
21 Attorney at Law  
22 Legal Counsel to the Division  
23 State Land Office Bldg.  
Santa Fe, New Mexico 87501

24 For the NMO&G Asso.: W. Thomas Kellahin  
25 Attorney at Law  
KELLAHIN & KELLAHIN  
P. O. Box 2265  
Santa Fe, New Mexico 87501

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I N D E X

DAVID BOYER

Direct Examination by Mr. Taylor

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MR. STAMETS: Call next Case

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8704.

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In the matter of the hearing called by the Oil Conservation Commission on its own motion to amend Rule 313 by the addition of fresh waters to said rule.

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Call for appearances in this

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case.

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MR. TAYLOR: May it please the

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Commission, my name is Jeff Taylor. I'm counsel to the Oil Conservation Commission and I believe I'll have one witness on this case.

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MR. STAMETS: Are there other

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appearances in this case?

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MR. KELLAHIN: Mr. Chairman,

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I'm Tom Kellahin of Santa Fe, New Mexico, appearing on behalf of the New Mexico Oil and Gas Association.

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MR. STAMETS: Any other

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appearances?

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Have the witness take the

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stand, please.

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(Witness sworn.)

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DAVID BOYER,

being called as a witness and being duly sworn upon his  
oath, testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. TAYLOR:

MR. TAYLOR: May it please the  
Commission, I believe Case 8704 was at least partially heard  
at the last hearing; however, it wasn't advertised, and  
there was testimony presented on this. Mr. Boyer may just  
want to clarify or expand on this.

MR. BOYER: Yes.

Q Is it not correct that we did have testi-  
mony at the last hearing on this matter?

A Yes. For the record, my name is David  
Boyer and I'm a hydrogeologist with the Environmental Bureau  
of the Oil Conservation Division.

This rule was not advertised. Rule 313  
was not advertised at the last hearing and -- however, I did  
discuss the rule and to have it considered it would need to  
be properly advertised as it was done today.

I do have a copy of the proposed change  
to the rule and I'd like to enter that into the -- enter  
that into the record and give copies to anybody here, also,

1 that might want one.

2 MR. STAMETS: Mr. Boyer, your  
3 testimony was included in one or more of the cases that we  
4 talked about earlier this morning, 8643 through 8646, as I  
5 recall.

6 A Yes, sir.

7 MR. STAMETS: And at that time  
8 you were qualified to testify in matters related to protec-  
9 ting fresh water and the Division rules in regard to that  
10 end.

11 A Yes, sir.

12 MR. STAMETS: Is that correct?  
13 And you're still considered qualified in this case, then.

14 A Yes, sir.

15 In answer to Mr. Taylor's question, the  
16 rule is -- very simply just replaces the word "streams" with  
17 the words "fresh waters". This reflects the requirement in  
18 the Oil and Gas Act that the Oil Conservation Division pro-  
19 tect the fresh waters so designated by the State Engineer.

20 This particular change makes, now makes  
21 this rule consistent with the other rule changes that were  
22 heard on July 10th and are to be signed today by the Commis-  
23 sion.

24 That concludes my testimony.

25 MR. STAMETS: Any questions of

1 the witness?

2 You may be excused.

3 Does anyone have anything fur-  
4 ther they wish to offer in this case?

5 The case will be taken under  
6 advisement.

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8 (Hearing concluded.)

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C E R T I F I C A T E

I, SALLY W. BOYD, C.S.R., DO HEREBY CERTIFY that the foregoing Transcript of Hearing before the Oil Conservation Division was reported by me; that the said transcript is a full, true, and correct record of the hearing, prepared by me to the best of my ability.

Sally W. Boyd CSR

I do hereby certify that the foregoing is a complete record of the proceedings in the Examiner hearing of Case No. 8704 heard by me on SEPT. 11 1985.

Gilbert P. Quintana Examiner  
Oil Conservation Division