

TITLE 267 – NEBRASKA OIL AND GAS CONSERVATION COMMISSION

CHAPTER 6 – PRACTICE AND PROCEDURE BEFORE THE COMMISSION

006 NOTICE OF HEARING

006.01 Time of Notice; Emergency Orders

Before any rule, regulation, or order, or amendment thereof, shall be made by the Commission, there shall be held a public hearing upon at least thirty (30) days notice at such time and place as may be prescribed by the Commission and any interested person shall be entitled to be heard, except that when an emergency requiring immediate action is found by the Commission to exist, the Commission may issue an emergency order, without notice of hearing, which shall be effective upon promulgation but shall remain effective for no more than thirty (30) days.

006.02 Manner of Notice and Contents

When a proceeding has been instituted, either by the Commission on its own motion or by a party, the Commission shall cause notice of the hearing before the Commission to be given by personal service or by one publication in a newspaper of general circulation in each county where the land affected, or some part thereof, is situated. Said notice shall be issued in the name of the State of Nebraska, shall be signed by a member of the Commission or the Secretary of the Commission and shall specify the style and number of the proceeding, the time and place of the hearing, the purpose of the proceeding and the issues involved.

006.03 Notice by Personal Service

Should the Commission elect to give notice by personal service as provided in Rule 6-006.02, such service may be made by any officer authorized to serve summons, or by any agent of the Commission, in the same manner and extent as is provided by law for the service of summons in civil actions in the District Courts in this State. Proof of Service by such agent shall be by his affidavit and Proof of Service by any officer shall be in the form required by law with respect to service of process in civil actions.

006.04 Service of Notice in Special Proceedings

006.04A In all cases where

006.04A1 there is an application for the entry of a pooling order under Section 57-909 R.S. Nebraska, or

006.04A2 there is an application for the entry of a unitization order under Section 57-910 to 57-910.12 R.S. Nebraska, notice of the hearing to be held on such application shall be served on the interested parties as hereinafter defined by certified mail at least thirty (30) days prior to the date of the hearing.

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For the purpose of pooling applications filed under Section 57-909, the term, "interested parties," shall mean those persons who own any oil or gas leasehold, mineral or royalty interest in the tracts to be pooled.

For the purpose of unitization applications filed under Section 57-910 to 57-910.12, the term, "interested parties," shall mean those persons whose names are required to be set forth in the application.

For the purpose of Carbon Dioxide Storage, the term "interested parties" shall mean those persons that own the Reservoir estate.

006.04B In all cases where a complaint is made to the Commission that any provision of the Act, or the GS Act, or any rule, regulation, or order of the Commission is being violated, notice of the hearing to be held on such complaint, or order to show cause, shall be served on the interested parties, as hereinafter defined, in the same manner as is provided in the Rules of Civil Procedure for the service of process in civil actions in the District Courts in this State, as the same may be implemented, interpreted and made specific by the Commission.

In such cases the party or parties complained against and such other persons as the Commission finds may be affected by the act, or GS Act complained of shall be deemed the interested party or parties.

006.04C In all cases where there is an application for an exception to an established well spacing pattern, in addition to notice of hearing as required by the Act, or the GS Act, the applicant shall serve notice of hearing upon all interested parties by certified mail. The term "interested parties" shall mean those persons who own any leasehold, mineral or royalty interest in contiguous or cornering tracts of the size established in the existing spacing pattern. Applicant shall file a certificate showing the names and addresses of the interested parties, as above defined, upon whom notice has been or is being served.

006.04C1 The Commission may on its own motion establish temporary spacing for wildcat reservoirs after notice and hearing. Notice in such cases shall be by publication in the legal newspaper of the county where the discovery is located.

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006.04D In all cases where there is an application for the approval of the commencement of an enhanced recovery project, or approval of any injection well under Chapter 4, in addition to any notice provided for in Rule 6-006.02, notice of the filing of such application shall be given by the applicant by certified mail or by personal delivery of a copy of the said notice to each person owning a fee, leasehold, mineral or royalty interest within the area which will be affected by the operation and of lands directly or diagonally offsetting said area or within one-half (1/2) mile of a proposed injection well, whichever is greater. Such notice shall state the time and place of hearing. Proof of the mailing or service of such notice shall be made by affidavit which shall be filed with the Commission.

006.04E All notices required by this Rule shall be given as soon as practicable after the filing of the application, but in any event at least fifteen (15) days prior to the date of hearing. Service of notice shall be deemed complete as of the date of mailing.

006.04F All notices required by this Rule shall contain the following statements: "Any person desiring to protest the granting of the application shall, at least five (5) days prior to the date of the hearing, file a written protest with the Commission, which shall briefly state the basis of the protest. Any person who files a protest with the Commission shall at the same time serve a copy thereof on the person filing the application. Such service shall be by mailing a copy of the protest, postage prepaid, to the applicant. Complete copies of the application in the above-styled cause may be obtained from the Nebraska Oil and Gas Conservation Commission, P. O. Box 399, Sidney, Nebraska 69162."

006.04G In all cases where there is an application for Geologic Storage, in addition to notice of hearing as required by the Act, the applicant shall serve notice of hearing upon all interested parties. The term "interested parties" shall mean those persons who own any reservoir estate, leasehold, mineral, royalty interest and land overlying the storage reservoir and within one-half mile of the storage reservoir boundaries. Applicant shall file a certificate showing the names and addresses of the interested parties, as above defined, upon whom notice has been or is being served.

006.04H In all cases where there is an application for Geologic Storage, the notice of hearing shall include a statement that amalgamation of all storage reservoir estates is required to operate the storage facility, that the

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commission may require that the storage reservoir estates owned by nonconsenting owners be included in the storage facility and subject to geologic storage, and that the amalgamation of storage reservoir estates will be considered at the hearing.

006.05 Additional Notices

When any proceeding other than those referred to in Rules 6-004.01 and 6-006.04 has been instituted in addition to the service or publication of the notice of hearing as required by the Act, or the GS Act, the applicant shall mail to each respondent or interested party and to all persons who have requested notification of such proceeding, as provided in Rule 6-006.06, a written notice of hearing. The term "Interested Party" shall mean those persons who own any leasehold, mineral or royalty interest in the lands affected.

006.06 Request for Notices

Any person desiring notification by mail from the Secretary of the hearings before the Commission shall request same in writing by filing with the Secretary his name and address and designating the area or areas in which interested and as to which he desires to receive such notice.

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CHAPTER 7 – GEOLOGIC STORAGE OF CARBON DIOXIDE