

This rule was filed as Rule G-402.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 14 GEOTHERMAL POWER
PART 82 RATABLE TAKE

19.14.82.1 ISSUING AGENCY: Energy and Minerals Department, Oil Conservation Division, P.O. Box 2088, Santa Fe, New Mexico.
[Recompiled 12/31/01]

19.14.82.2 SCOPE: [RESERVED]
[Recompiled 12/31/01]

19.14.82.3 STATUTORY AUTHORITY: [RESERVED]
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19.14.82.4 DURATION: [RESERVED]
[Recompiled 12/31/01]

19.14.82.5 EFFECTIVE DATE: [November 15, 1983]
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19.14.82.6 OBJECTIVE: [RESERVED]
[Recompiled 12/31/01]

19.14.82.7 DEFINITIONS: [RESERVED]
[Recompiled 12/31/01]

19.14.82.8 RATABLE TAKE:

A. Any person now or hereafter engaged in purchasing geothermal resources from one or more producers within a single geothermal reservoir shall be a common purchaser within that geothermal reservoir, and shall purchase geothermal resources of like quality, quantity and pressure lawfully produced from that geothermal reservoir and tendered to such common purchaser at a reasonable point. Such purchase shall be made without reasonable discrimination in favor of one producer against another in the price paid, quantities taken, the bases of measurement or the facilities offered.

B. In the event such purchaser is also a producer, he is prohibited to the same extent from discriminating in favor of himself with respect to geothermal resource wells in which he has an interest, direct or indirect, as against other geothermal resource wells in the same geothermal reservoir.

C. For the purposes of this rule, reasonable differences in prices paid or facilities afforded, or both, shall not constitute unreasonable discrimination if such differences bear a fair relationship to difference in quality, quantity, or pressure of the geothermal resource available or to the relative lengths of time during which such geothermal resources will be available to the purchaser.

D. Any common purchaser taking geothermal resources produced from wells within a geothermal reservoir shall take ratably under such rules, regulations and orders, concerning quantity, as may be promulgated by the division after due notice and public hearing. The division, in promulgating such rules, regulations and orders may consider the quality and the quantity of the geothermal resources available, the pressure and temperature of the product at the point of delivery, acreage attributable to the well, market requirements and other pertinent factors.

E. Nothing in this Rule shall be construed or applied to require, directly or indirectly, any person to purchase geothermal resources of a quality or under a pressure or under any other condition by reason of which such geothermal resource cannot be economically and satisfactorily used by such purchaser by means of his geothermal utilization facilities then in service.

[Recompiled 12/31/01]

HISTORY OF 19.14.82 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives:

Rule G-402, Ratable Intake, 11/1/83.

History of Repealed Material: [RESERVED]