

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING CALLED BY)
THE OIL CONSERVATION DIVISION FOR THE)
PURPOSE OF CONSIDERING:)
APPLICATION OF BURLINGTON OIL AND GAS)
COMPANY, L.P., FOR SURFACE COMMINGLING,)
RIO ARRIBA COUNTY, NEW MEXICO)

CASE NO. 13,314

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: MICHAEL E. STOGNER, Hearing Examiner

October 21st, 2004

Santa Fe, New Mexico

2004 NOV 4 AM 11 54

This matter came on for hearing before the New Mexico Oil Conservation Division, MICHAEL E. STOGNER, Hearing Examiner, on Thursday, October 21st, 2004, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

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I N D E X

October 21st, 2004
 Examiner Hearing
 CASE NO. 13,314

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E X H I B I T S

Applicant's	Identified	Admitted
Exhibit A	4	4
Exhibit B	4	4

* * *

A P P E A R A N C E S

FOR THE APPLICANT:

KELLAHIN & KELLAHIN
 117 N. Guadalupe
 P.O. Box 2265
 Santa Fe, New Mexico 87504-2265
 By: W. THOMAS KELLAHIN

FOR CONOCOPHILLIPS:

MILLER, STRATVERT P.A.
 150 Washington
 Suite 300
 Santa Fe, New Mexico 87501
 By: J. SCOTT HALL

* * *

1 WHEREUPON, the following proceedings were had at
2 8:20 a.m.:

3 EXAMINER STOGNER: Let's go back to page 1. At
4 this time I'm going to call Case Number 13,314. This is
5 the Application of Burlington Oil and Gas Company, L.P.,
6 for surface commingling, Rio Arriba County, New Mexico.

7 I understand this case was heard by David
8 Catanach at the September 2nd hearing and was continued to
9 today's date.

10 I'll call for appearances.

11 MR. KELLAHIN: Mr. Examiner, I'm Tom Kellahin of
12 the Santa Fe law firm of Kellahin and Kellahin. I'm
13 appearing on behalf of the Applicant this morning.

14 MR. HALL: Mr. Examiner, Scott Hall, Miller
15 Stratvert, PA, Santa Fe, appearing on behalf of
16 ConocoPhillips Company.

17 EXAMINER STOGNER: Any other appearances?

18 Mr. Kellahin?

19 MR. KELLAHIN: Mr. Examiner, Mr. Catanach heard
20 the evidence on August 8th. We presented the documents and
21 the witnesses then.

22 Subsequent to the hearing, and in the process of
23 preparing the Order for approving this Application, Mr.
24 Catanach realized and brought it to my attention that we
25 had advertised in the wrong county. It was originally

1 filed in San Juan County, and it should have been Rio
2 Arriba County.

3 And so I'm here this morning, Mr. Stogner, to
4 present you with the new notice certificates. We
5 renotified all the interest owners for whom we had
6 addresses, sent those notices in time to indicate today's
7 hearing. I am aware of no objections to the notices sent.

8 In addition, pursuant to the Division's revised
9 Rules, we published in the Farmington paper a notice of
10 hearing. Unfortunately, the notice in the newspaper, in
11 order to give the 20-day notice period, requires that this
12 case be continued one more time to November 4th.

13 EXAMINER STOGNER: Mr. Hall?

14 MR. HALL: I have nothing.

15 EXAMINER STOGNER: With that, Case Number 13,314
16 will be again continued to the November 4th docket.

17 MR. KELLAHIN: With your permission, Mr. Stogner,
18 I'd like to move the introduction of Exhibits A and B,
19 which are the final notices in this case.

20 EXAMINER STOGNER: Any objections, any comments,
21 Mr. Hall?

22 MR. HALL: No objection, Mr. Examiner.

23 EXAMINER STOGNER: Exhibits A and B in Case
24 13,314 will be submitted into evidence at this time.

25 Anything further?

1 MR. KELLAHIN: No, sir.

2 EXAMINER STOGNER: Again, Case Number 13,314 will
3 be continued to the November 4th hearing. And I believe
4 it's come full circle and that will be Mr. Catanach as the
5 Hearing Examiner.

6 Thank you, Mr. Kellahin.

7 (Thereupon, these proceedings were concluded at
8 8:25 a.m.)

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I do hereby certify that the foregoing is
a complete record of the proceedings in
the Examiner hearing of Case No. 13314,
heard by me on 21 October 2004.
Michael A. Stogner
Examiner
Oil Conservation Division

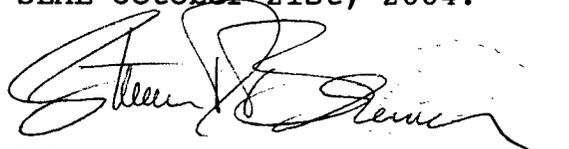
CERTIFICATE OF REPORTER

STATE OF NEW MEXICO)
) ss.
 COUNTY OF SANTA FE)

I, Steven T. Brenner, Certified Court Reporter and Notary Public, HEREBY CERTIFY that the foregoing transcript of proceedings before the Oil Conservation Division was reported by me; that I transcribed my notes; and that the foregoing is a true and accurate record of the proceedings.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties or attorneys involved in this matter and that I have no personal interest in the final disposition of this matter.

WITNESS MY HAND AND SEAL October 21st, 2004.



STEVEN T. BRENNER
 CCR No. 7

My commission expires: October 16th, 2006