

MILLER, STRATVERT & TORGERSON, P.A.

LAW OFFICES

RANNE B. MILLER
ALAN C. TORGERSON
ALICE T. LORENZ
GREGORY W. CHASE
LYMAN G. SANDY
STEPHEN M. WILLIAMS
STEPHAN M. VIDMAR
ROBERT C. GUTIERREZ
SETH V. BINGHAM
JAMES B. COLLINS
TIMOTHY R. BRIGGS
RUDOLPH LUCERO
DEBORAH A. SOLOVE
GARY L. GORDON
LAWRENCE R. WHITE
SHARON P. GROSS
VIRGINIA ANDERMAN
MARTE D. LIGHTSTONE
J. SCOTT HALL
THOMAS R. MACK
TERRI L. SAUER
JOEL T. NEWTON

THOMAS M. DOMME
RUTH O. PREGENZER
JEFFREY E. JONES
MANUEL I. ARRIETA
ROBIN A. GOBLE
JAMES R. WOOD
DANA M. KYLE
KIRK R. ALLEN
RUTH FUESS
KYLE M. FINCH
H. BROOK LASKEY
KATHERINE W. HALL
FRED SCHILLER
PAULA G. MAYNES
MICHAEL C. ROSS
CARLA PRANDO
KATHERINE N. BLACKETT
JENNIFER L. STONE
ANDREW M. SANCHEZ
M. DYLAN O'REILLY
AMINA QUARGNALI-LINSLEY
BEATE BOUDRO

COUNSEL

PAUL W. ROBINSON
ROSS B. PERKAL
JAMES J. WIDLAND
BRADLEY D. TEPPER
GARY RISLEY

OF COUNSEL

WILLIAM K. STRATVERT
RALPH WM. RICHARDS

ALBUQUERQUE, NM

500 MARQUETTE N.W., SUITE 1100
POST OFFICE BOX 25687
ALBUQUERQUE, NM 87125-0687
TELEPHONE: (505) 842-1950
(800) 424-7585
FACSIMILE: (505) 243-4408

FARMINGTON, NM

300 WEST ARRINGTON, SUITE 300
POST OFFICE BOX 869
FARMINGTON, NM 87499-0869
TELEPHONE: (505) 326-4521
FACSIMILE: (505) 325-5474

SANTA FE, NM

150 WASHINGTON AVE., SUITE 300
POST OFFICE BOX 1986
SANTA FE, NM 87504-1986
TELEPHONE: (505) 989-9614
FACSIMILE: (505) 989-9857

LAS CRUCES, NM

500 S. MAIN ST., SUITE 800
POST OFFICE BOX 1209
LAS CRUCES, NM 88004-1209
TELEPHONE: (505) 523-2481
FACSIMILE: (505) 526-2215

PLEASE REPLY TO SANTA FE

June 15, 2000

BY HAND DELIVERY

Lori Wrotenberg, Director
New Mexico Oil Conservation Commission
2040 South Pacheco
Santa Fe, New Mexico 87505

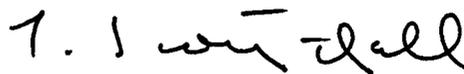
Re: NMOCC Case #s 12276 and 12277 consolidated; Applications of Burlington Resources Oil & Gas Company for Compulsory Pooling, San Juan County, New Mexico *De Novo*

Dear Ms. Wrotenberg:

Enclosed is Energen's Motion to Stay in the above-referenced matter.

Very truly yours,

MILLER, STRATVERT & TORGERSON, P.A.



J. Scott Hall

JSH/ao

Enclosure(s) – as stated

Cc: W. Thomas Kellahin
Steve Ross

6621/23699/Wrotenburyltr6.doc

00 JUN 15 PM 1:50
OIL CONSERVATION DIV.

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

IN THE MATTER OF THE APPLICATION OF
BURLINGTON RESOURCES OIL & GAS COMPANY
FOR COMPULSORY POOLING, SAN JUAN COUNTY,
NEW MEXICO

CASE No.s 12276 and 12277
consolidated

MOTION TO STAY

Energen Resources Corporation, ("Energen"), and Westport Oil and Gas, Inc., ("Westport"), by and through their counsel, Miller, Stratvert & Torgerson, P.A. (J. Scott Hall), move the Commission enter its order staying the de novo proceeding pending judicial resolution of certain matters. In support, Energen and Westport state:

1. Energen and Westport are the applicants for hearing de novo in these consolidated cases whereby Burlington Resources Oil and Gas Company, ("Burlington"), seeks to force pool certain working interests owned by Energen and Westport.
2. Throughout these proceedings, Energen and Westport have contended that their interests were previously committed under a voluntary agreement with Burlington, (the "GLA-46" Agreement), and consequently, their interests were not subject to compulsory pooling. Burlington, on the other hand, contended that the terms of the GLA-46 no longer applied. Burlington also contended, alternatively, that should GLA-46 be found to apply, the terms of that agreement should be modified by the Division pursuant to the authority found at NMSA 1978 Section 70-2-17(E).
3. On March 10, 2000, after hearing, the Division issued Orders No. R-11340 (Case No. 12276) and R-11341 (Case No. 12277). Both Orders contained virtually identical provisions as follows:

15 JUN 15 PM 1:50
OIL CONSERVATION DIV

____. Determining whether or not the GLA-46 Agreement applies is a matter of contract interpretation. The interpretation of GLA-46 should be deferred to the courts.

____. Unless a court determines there is an agreement among the parties to this proceeding, Burlington's compulsory pooling case against the GLA-46 Group is appropriate, and in order to consolidate all of the interest[s] within the proposed spacing units, the interest of [the] GLA-46 Group should be pooled by this order.

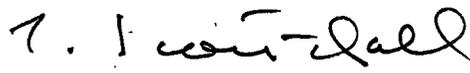
4. Pursuant to the above findings, Energen filed a declaratory judgment action with the 11th Judicial District Court seeking judicial resolution of the applicability of the GLA-46 Agreement among the parties. A copy of the Complaint for Declaratory Judgment is attached hereto as Exhibit A. Westport will join as a party to the declaratory judgment proceeding.
5. In view of the pendency of the judicial proceeding on the central issue to be brought before the Commission, it is appropriate the hearing de novo on the consolidated Applications be stayed. Holding the Commission hearing in abeyance until the 11th Judicial District Court has determined the applicability of the GLA-46 Agreement will avoid potentially unnecessary and duplicative proceedings and, further, the possibility of inconsistent results. Further, no prejudice to any party results from a temporary stay.
6. Counsel for Energen and Westport have sought Burlington's concurrence to this motion through Burlington's counsel, but Burlington, itself, has not yet responded to the request.

WHEREFORE, Energen and Westport request the Commission enter its order staying these consolidated cases pending the final determination of the declaratory judgment proceeding by the 11th Judicial District Court.

Respectfully submitted,

MILLER, STRATVERT & TORGERSON, P.A.

By



J. Scott Hall

Post Office Box 1986

Santa Fe, New Mexico 87504-1986

(505) 989-9614

Attorneys for Energen Resources Corp.

Certificate of Mailing

I hereby certify that a true and correct copy of the foregoing was forwarded to counsel of record on the 15 day of June, 2000, as follows:

W. Thomas Kellahin
Kellahin & Kellahin
117 North Guadalupe Street
Santa Fe, New Mexico 87501

Steve Ross
New Mexico Oil Conservation Commission
2040 South Pacheco
Santa Fe, New Mexico 87505

J. Scott Hall

J. Scott Hall