

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 NM&O OPERATING  
COMPANY TO RE-OPEN CASE NUMBER  
15658 FOR COMPULSORY POOLING,  
RIO ARRIBA, NEW MEXICO.

CASE NO. 15658

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

June 22, 2017

Santa Fe, New Mexico

BEFORE: MICHAEL McMILLAN, CHIEF EXAMINER  
DAVID K. BROOKS, LEGAL EXAMINER

This matter came on for hearing before the  
New Mexico Oil Conservation Division, Michael McMillan,  
Chief Examiner, and David K. Brooks, Legal Examiner, on  
Thursday, June 22, 2017, at the New Mexico Energy,  
Minerals and Natural Resources Department, Wendell Chino  
Building, 1220 South St. Francis Drive, Porter Hall,  
Room 102, Santa Fe, New Mexico.

REPORTED BY: Mary C. Hankins, CCR, RPR  
New Mexico CCR #20  
Paul Baca Professional Court Reporters  
500 4th Street, Northwest, Suite 105  
Albuquerque, New Mexico 87102  
(505) 843-9241

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# APPEARANCES

FOR APPLICANT NM&O OPERATING COMPANY:

JAMES G. BRUCE, ESQ.  
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# INDEX

PAGE

Case Number 15658 Called	3
Exhibits Submitted	3
Proceedings Conclude	5
Certificate of Court Reporter	6

# EXHIBITS OFFERED AND ADMITTED

NM&O Operating Company Exhibit Letters A, B and C	5
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1 (9:33 a.m.)

2 EXAMINER McMILLAN: So we are now going to  
3 switch to Case Number 15658, application of NM&O  
4 Operating Company to re-open Case Number 15658 for  
5 compulsory pooling, Rio Arriba County, New Mexico.

6 Call for appearances.

7 MR. BRUCE: Mr. Examiner, Jim Bruce of  
8 Santa Fe representing the Applicant. I have no  
9 witnesses.

10 EXAMINER McMILLAN: Any other appearances?  
11 Please proceed.

12 MR. BRUCE: This case was heard in, I  
13 believe, May, and I trusted my client who gave me the  
14 wrong well location. The case was heard, but certain  
15 [sic] Examiner Brooks noticed that after the hearing and  
16 requested that I re-open the case so that the  
17 application would reflect the correct well location.  
18 And so testimony has already been presented on the  
19 efforts.

20 This case was applied merely for to obtain  
21 the signatures of working interest owners on a  
22 communitization agreement, which the BLM is requiring to  
23 be filed on this well. Evidence was previously  
24 testified. This was mainly for notice purposes, for the  
25 correct well location. Submitted as Exhibit A is my

1 Affidavit of Notice to the various working interest  
2 owners. I have not received a couple of the letters  
3 back yet, specifically Hooper, Kimball & Williams and  
4 Freeport-McMoRan. But I did publish notice in the "Rio  
5 Grande Sun" one time. Now, I asked for them to publish  
6 it on June 8th. They published it on June 15th. So the  
7 case will have to be continued for two weeks just to  
8 satisfy the publication requirements.

9 EXAMINER BROOKS: Consistently bad luck.

10 MR. BRUCE: Yeah (laughter).

11 And Exhibit C is simply -- this really  
12 relates to the -- at the first hearing, actual notice  
13 was received by all applicants, except Hooper, Kimball &  
14 Williams. So Exhibit C would be the Affidavit of Notice  
15 from the prior hearing showing that Hooper, Kimball &  
16 Williams did receive actual notice. And it also shows  
17 that in that case, all parties did receive actual  
18 notice, even though I haven't gotten a couple of green  
19 cards back on this one. Obviously, they've all received  
20 actual or constructive knowledge.

21 And so with that, I would ask that Exhibits  
22 A, B and C be admitted to the record and that the case  
23 be continued two weeks for further notice requirements  
24 and, at that time, be taken under advisement.

25 EXAMINER McMILLAN: Exhibits A, B and C

1 shall be accepted as part of the record.

2 (NM&O Operating Company Exhibit Letters A,  
3 B and C are offered and admitted into  
4 evidence.)

5 EXAMINER McMILLAN: Case Number 15658 shall  
6 be continued until July the 6th.

7 (Case Number 15658 concludes, 9:36 a.m.)

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1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO  
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4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court  
6 Reporter, New Mexico Certified Court Reporter No. 20,  
7 and Registered Professional Reporter, do hereby certify  
8 that I reported the foregoing proceedings in  
9 stenographic shorthand and that the foregoing pages are  
10 a true and correct transcript of those proceedings that  
11 were reduced to printed form by me to the best of my  
12 ability.

13 I FURTHER CERTIFY that the Reporter's  
14 Record of the proceedings truly and accurately reflects  
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither  
17 employed by nor related to any of the parties or  
18 attorneys in this case and that I have no interest in  
19 the final disposition of this case.  
20

21  
22 MARY C. HANKINS, CCR, RPR  
23 Certified Court Reporter  
24 New Mexico CCR No. 20  
25 Date of CCR Expiration: 12/31/2017  
Paul Baca Professional Court Reporters