

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PRE-HEARING TRANSCRIPT

BEFORE: WILLIAM P. JONES, Chief Examiner  
DAVID K. BROOKS, Legal Examiner

September 20, 2012

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, WILLIAM P. JONES, Chief Examiner, and DAVID P. BROOKS, Legal Examiner, on Thursday, September 20, 2012, at the New Mexico Energy, Minerals and Natural Resources Department, 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

1 (8:20 a.m.)

2 EXAMINER JONES: This is Docket Number  
3 31-12, Examiner Hearing, Thursday, September 20th, 2012.  
4 I'm William P. Jones.

5 This (indicating) is David Brooks. He's  
6 the legal attorney today.

7 Let's first call the continuances and the  
8 dismissals. On the first page 1, Case Number 14898 is  
9 dismissed. Case Number 14899 is continued to October  
10 18th.

11 Page 3: Case 14883 is continued to October  
12 18th.

13 Page 4: Case Number 14902 is dismissed.  
14 Case 14887 is dismissed, and Case 14903 is dismissed.

15 Is that correct?

16 MR. BRUCE: It's to be -- I think it's to  
17 be dismissed and then handled -- processed  
18 administratively.

19 EXAMINER BROOKS: Yeah. That's the one  
20 where Cimarex has withdrawn their objection to the NSL.

21 MR. FELDEWERT: That was my understanding.  
22 Was that filed, Jim?

23 MR. BRUCE: Yeah, on Tuesday.

24 EXAMINER BROOKS: Okay. The hearing case  
25 is to be dismissed, and the application is remanded to

1 the administrative process, then.

2 EXAMINER JONES: Case 14889 is continued to  
3 October the 4th.

4 Any other continuances or dismissals?

5 MR. HALL: Mr. Examiner, speaking to 14904,  
6 14548, I had sent over a letter yesterday asking the  
7 case be continued to December 13th. I think one minute  
8 after the letter went out the door, I got a call from  
9 the attorneys for the Jicarilla Apache Nation who said  
10 they couldn't commit to that date. They wanted to do a  
11 prehearing conference as well. So I said, Let's  
12 continue it to a time to be determined after  
13 consultation with the Examiner. And counsels are  
14 mindful of the three continuance rule, so --

15 EXAMINER BROOKS: Okay. That would have --  
16 if you continue it indefinitely, of course, you'll have  
17 the consequence of renotice. Is there anybody you have  
18 to notice other than the tribe?

19 MR. HALL: Yes. Yes.

20 EXAMINER BROOKS: Okay. Well, if we don't  
21 continue it to a date certain, then we'll have to send  
22 out new notices if and when it goes to hearing.

23 MR. HALL: Yeah. That shouldn't be a  
24 problem. And we should confer with each other probably  
25 within a week or so, and I'll get back to you.

1 EXAMINER BROOKS: Okay.

2 MR. HALL: I assume you're taking this one?

3 EXAMINER BROOKS: Yeah. I think it seems  
4 to be a case principally of legal issues, so it would  
5 seem appropriate to be handled by the legal examiner.

6 Okay. We'll continue it indefinitely.  
7 We'll continue those two cases indefinitely.

8 EXAMINER JONES: For the record, that's  
9 Case 14904 and Case 14548.

10 MR. BRUCE: Mr. Examiner, on page 3, Case  
11 14900, please continue that to October 18th.

12 And on the top of the next page, Case  
13 14901, please continue that to October 4th.

14 EXAMINER JONES: Okay. Case 14900 is  
15 continued to October the 18th, and Case 14901 is  
16 continued to October the 4th.

17 That almost wipes out our docket. I think  
18 we have one more case.

19 (Pre-hearing proceedings concluded, 8:24  
20 a.m.)

21 I do hereby certify that the foregoing is  
22 a true and correct record of the proceedings in  
23 the hearing of Case No. \_\_\_\_\_  
24 heard by me on \_\_\_\_\_

25 \_\_\_\_\_ Examiner  
Oil Conservation Division

1 STATE OF NEW MEXICO

2 COUNTY OF BERNALILLO

3

4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, New Mexico Certified

6 Court Reporter No. 20, and Registered Professional

7 Reporter, do hereby certify that I reported the

8 foregoing proceedings in stenographic shorthand and that

9 the foregoing pages are a true and correct transcript of

10 those proceedings that were reduced to printed form by

11 me to the best of my ability.

12 I FURTHER CERTIFY that the Reporter's

13 Record of the proceedings truly and accurately reflects

14 the exhibits, if any, offered by the respective parties.

15 I FURTHER CERTIFY that I am neither

16 employed by nor related to any of the parties or

17 attorneys in this case and that I have no interest in

18 the final disposition of this case.

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*Mary C. Hankins*

MARY C. HANKINS, CCR, RPR

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New Mexico CCR No. 20

Date of CCR Expiration: 12/31/2012