

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:

ORIGINAL

APPLICATION OF ENCANA OIL & GAS
USA, INC. FOR APPROVAL OF THE
BLANCO WASH UNIT, CREATION OF A
NEW POOL FOR HORIZONTAL DEVELOPMENT
WITHIN THE UNIT AREA, AND FOR
ALLOWANCE OF 330-FOOT SETBACKS
FROM THE EXTERIOR OF THE PROPOSED
UNIT, SAN JUAN COUNTY, NEW MEXICO.

CASE NO. 15212

REPORTER'S TRANSCRIPT OF PROCEEDING
EXAMINER HEARING
October 2, 2014
Santa Fe, New Mexico

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BEFORE: SCOTT DAWSON, CHIEF EXAMINER
GABRIEL WADE, LEGAL EXAMINER

This matter came on for hearing before the
New Mexico Oil Conservation Division, Scott Dawson,
Chief Examiner, and Gabriel Wade, Legal Examiner, on
Thursday, October 2, 2014, 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
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APPEARANCES

FOR APPLICANT ENCANA OIL & GAS USA, INC.:

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FOR INTERESTED PARTY R&R ROYALTY LIMITED:

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ALLOTTEES ALSO PRESENT: Ms. Lillie Rose Martinez
Ms. Ruth Maggard
Ms. Betonie (and Family,
Ms. Seresa M. Yazzie)
Ms. Lenora Mace

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1 (10:20 a.m.)

2 EXAMINER DAWSON: Okay. We'll move forward
3 with Case 15212 at this time.

4 MS. MACE: I would like to request the
5 Blanco Wash exhibits.

6 EXAMINER DAWSON: Okay.

7 MS. MACE: My name is Lenora Mace.

8 EXAMINER DAWSON: Can you spell that,
9 please?

10 MS. MACE: L-E-N-O-R-A, M-A-C-E.

11 EXAMINER DAWSON: Thank you so much.

12 Ms. Mace, exhibits have been provided.
13 That should take care of your question.

14 MS. MACE: (Indicating.)

15 MS. MAGGARD: Sir, I'd like to have that
16 one, the Blanco Wash.

17 EXAMINER DAWSON: Okay.

18 MS. MAGGARD: Ruth Maggard.

19 EXAMINER DAWSON: Can you spell your name,
20 please?

21 MS. MAGGARD: R-U-T-H, M-A-G-G-A-R-D.

22 EXAMINER DAWSON: Okay. Ms. Maggard,
23 exhibits have been provided to you. Thank you very
24 much.

25 Go ahead, Ms. Gerholt.

1 MS. GERHOLT: Mr. Examiner, may I approach
2 to provide exhibits of the Blanco Wash Unit?

3 EXAMINER DAWSON: You sure may.

4 Thank you.

5 Now we'll go forward with Case 15212. Case
6 15212 is the application of Encana Oil & Gas USA,
7 Incorporated for approval of the Blanco Wash Unit,
8 creation of a new pool for horizontal development within
9 the unit area, and for allowance of 330-foot setbacks
10 from the exterior of the proposed unit, San Juan County,
11 New Mexico.

12 And at this time I will ask for appearances
13 and witnesses.

14 MS. GERHOLT: Gabrielle Gerholt on behalf
15 of Encana Oil & Gas.

16 MR. BRUCE: Mr. Examiner, Jim Bruce
17 representing R&R Royalty. I have no witnesses.

18 EXAMINER DAWSON: Okay, Mr. Bruce.

19 MS. GERHOLT: And, Mr. Examiner, I have two
20 witnesses with me this morning Ms. Mona Binion and
21 Mr. Erik Graven.

22 EXAMINER DAWSON: Okay. Can the witnesses
23 please stand to be sworn in?

24 (Ms. Binion sworn; Mr. Graven previously
25 sworn.)

1 MS. GERHOLT: I'd call Ms. Binion to the
2 stand at this time.

3 EXAMINER DAWSON: Okay. Ms. Binion, thank
4 you.

5 You may proceed, Ms. Gerholt.

6 MS. GERHOLT: Thank you.

7 MONA L. BINION,
8 after having been previously sworn under oath, was
9 questioned and testified as follows:

10 DIRECT EXAMINATION

11 BY MS. GERHOLT:

12 Q. Ms. Binion, would you please state your name
13 for the record?

14 A. Mona Binion.

15 Q. And by whom are you employed and in what
16 capacity?

17 A. Encana Oil & Gas as a land negotiator.

18 Q. Have you previously testified before the Oil
19 Conservation Division?

20 A. I have.

21 Q. And at that time were your credentials as a
22 petroleum landman accepted by the Division?

23 A. It was. They were.

24 Q. And at that time you were qualified as an
25 expert landman?

1 A. Yes, ma'am.

2 MS. GERHOLT: Mr. Examiner, I would request
3 that Ms. Binion be recognized as an expert witness in
4 petroleum land matters in this case.

5 MR. BRUCE: No objection.

6 EXAMINER DAWSON: No objections?

7 Ms. Binion is so admitted.

8 Q. (BY MS. GERHOLT) If I could draw your attention
9 to Exhibit Number 1, would you please identify that
10 exhibit and orient us, please?

11 A. Exhibit Number 1 is a map which identifies the
12 outline for the Blanco Wash Unit, in addition to the
13 areas and outlines for the oil pools and then the gas
14 pool within the unit and around the unit.

15 Q. And where is the Blanco Wash Unit located?

16 A. It's located in parts of Township 24 North,
17 Range 9 West, and Township 24 North, Range 8 West.

18 Q. And is that within San Juan County?

19 A. Correct.

20 Q. What are the three things Encana's requesting
21 in the Blanco Wash Unit application?

22 A. Encana's requesting the approval of the unit,
23 the formation of a new pool for horizontal development
24 of the unit area and 330-foot setbacks around the
25 exterior boundary of the unit.

1 Q. Does Encana expect to produce oil from this
2 unitized area?

3 A. Yes.

4 Q. Is that why Encana is asking for the standard
5 330-foot setbacks as an exception in this case?

6 A. Yes.

7 Q. Would Encana have any objection to offset
8 operators drilling 330 feet from the outer boundaries of
9 the Blanco Wash Unit?

10 A. No.

11 Q. I now draw your attention to Exhibit Number 2.
12 What is Exhibit Number 2?

13 A. Exhibit Number 2 is the form of Federal
14 Undivided Exploratory Unit Agreement.

15 Q. And does it conform with the federal form?

16 A. It conforms with the federal form with the
17 exception that it provides for some [sic] of the
18 unitized interval and it's limited to horizontal
19 development. And it provides for a single participating
20 area, and it allows for the inclusion of the Indian
21 leases.

22 Q. So this unit will cover federal acreage,
23 allotted Indian acreage and fee acreage; is that
24 correct?

25 A. Correct. There is some splintered, minute

1 percentage of fee acreage under the two allotted tracts.

2 Q. To start, how will the production be allocated
3 within the unit?

4 A. The production will be allocated proportionally
5 across all the tracts on a surface acre basis.

6 Q. I now draw your attention to Exhibit B of the
7 unit agreement. Does Exhibit B identify the ownership
8 way down within the unit area?

9 A. Correct. According to our records at this
10 stage in the game, Exhibit B reflects the ownership
11 within the unit area on a tract basis.

12 Q. And how many federal leases are within the
13 unit?

14 A. There are eight federal tracts within the unit,
15 federal leases.

16 Q. And how many Indian allotted leases?

17 A. There are 11 allotted Indian leases.

18 Q. And then you said there's just a minute portion
19 of the fee acreage?

20 A. Correct. And it's a partial mineral interest
21 under the allotted tracts.

22 Q. Okay. How many acres would be dedicated to
23 this proposed unit?

24 A. 4,803 acres, approximately, more or less.

25 Q. If I can now draw your attention to Exhibit C

1 of the unit agreement, what is Exhibit C?

2 A. Exhibit C is the type log that identifies the
3 unitized interval.

4 Q. Is there any unleased acreage within this unit
5 boundary?

6 A. No.

7 Q. Does Encana hold all the interest in the
8 acreage?

9 A. No.

10 Q. So, therefore, there are other working interest
11 owners?

12 A. There is one other working interest owner.

13 Q. And has that other working interest owner
14 agreed to commit to this unit?

15 A. Yes.

16 Q. Were you here when Mr. Fast testified for the
17 Betonie Tsosie Wash Unit application?

18 A. Yes.

19 Q. And in regards to the Blanco Wash, this also
20 includes Indian allotted leases; is that correct?

21 A. Yes.

22 Q. And FIMO will be administering these leases?

23 A. Yes.

24 Q. And will FIMO be a signatory to this unit
25 agreement?

1 A. Yes.

2 Q. Will the BLM?

3 A. Yes.

4 Q. Have you received a preliminary approval letter
5 from the BLM?

6 A. Yes, we have.

7 Q. Is that identified in Exhibit 3?

8 A. Yes. That is the December 12th, 2013 BLM
9 approval of the area and depth application of this unit.

10 Q. And does this letter identify whether or not
11 the BLM provided notice of their preliminary approval to
12 FIMO?

13 A. Yes.

14 Q. And is FIMO familiar with Encana's proposed
15 Blanco Wash Unit?

16 A. Yes.

17 Q. In your discussions with the BLM, were the
18 unitized development plans gone over?

19 A. Yes.

20 Q. Was FIMO part of those discussions?

21 A. FIMO was present and participated in the
22 initial meetings on the area and depth that we had with
23 the BLM.

24 Q. And in your discussion with FIMO and the BLM,
25 was the request made of Encana to drill an obligation

1 well?

2 A. Yes.

3 Q. Has that well been drilled?

4 A. No.

5 Q. Is it on the schedule?

6 A. It is.

7 Q. Do you know the location of that proposed well?

8 A. I'll defer to Mr. Graven for the exact location
9 at this point.

10 Q. And has the company undertaken efforts to
11 notify the Indian allottee interest owners within the
12 unit of this application in the hearing?

13 A. We have.

14 Q. And approximately how many allottee interest
15 owners are within this unitized areas?

16 A. There were approximately 698 allottees within
17 that unit area.

18 Q. And where did you obtain that information?

19 A. We obtained it from the Federal Indian Minerals
20 Office.

21 Q. And was that the TSRs?

22 A. The title search record, yes.

23 Q. And in your opinion as a landman, is that the
24 best resource for identifying these individuals?

25 A. Yes.

1 Q. And has notice of this application been
2 provided to the allottees Indian interest owners as a
3 courtesy?

4 A. As a courtesy, yes.

5 Q. Is there any requirement to do so?

6 A. No.

7 Q. Will they be receiving an additional notice
8 from Encana?

9 A. Yes. We will provide notice when the unit is
10 closer to being finally approved by the BLM.

11 Q. And is that a federal government requirement?

12 A. That is a federal government requirement under
13 the Register. CFR, Code of Federal Regulations, not the
14 Register. Sorry.

15 Q. Thank you for the clarification.

16 Now, in regards to the encroachment to the
17 outer boundaries of the unit area, did Encana also
18 identify the operators and the lessees in the spacing
19 units surrounding the entire unit area?

20 A. The operators, the lessees and the mineral
21 owners, because there were a couple of tracts that were
22 unleased.

23 Q. Is it possible that some Indian allottee
24 mineral owners received notice of this application as an
25 offset?

1 A. Yes.

2 Q. So there may be some that are not within this
3 particular unit?

4 A. Correct.

5 Q. If I can now draw your attention to Exhibit
6 Number 4, which is that large well file in front of you,
7 and if you'll take a moment to look through Exhibit
8 Number 4. Does that include letters sent by my office
9 to Indian allottee owners and to offsetting interest
10 owners, lessees and mineral owners?

11 A. Yes, it does.

12 Q. And does it include certified return receipts?

13 A. Yes, it does.

14 Q. And does it include a list of names?

15 A. Yes, it does.

16 Q. I will now draw your attention to Exhibit
17 Number 5. Were there certain owners for whom Encana
18 lacked addresses?

19 A. Yes.

20 Q. And was notice of this hearing and application
21 provided in the general newspaper of circulation, the
22 Daily Times, in Farmington?

23 A. Yes.

24 Q. And is that what Exhibit 5 is?

25 A. That's correct.

1 Q. Were Exhibits 1 through 3 prepared by you or
2 compiled under your direction and supervision?

3 A. Yes.

4 Q. And is it your opinion as a petroleum landman
5 that it's in the best interest of conservation and the
6 prevention of waste to approve this application as
7 presented?

8 A. Yes.

9 MS. GERHOLT: Mr. Examiner, I would ask
10 that Encana Exhibits 1 through 5, which includes my
11 notice of mailing and the Notice of Publication from the
12 Farmington Daily Times, be admitted into evidence.

13 EXAMINER DAWSON: Any objections?

14 MR. BRUCE: No objection.

15 EXAMINER DAWSON: Exhibits 1 through 5 and
16 the notices will be admitted as evidence.

17 (Encana Exhibit Numbers 1 through 5
18 were offered and admitted into evidence.)

19 MS. GERHOLT: Thank you, Mr. Examiner.

20 EXAMINER DAWSON: You're welcome.

21 Thank you.

22 MS. GERHOLT: That concludes my examination
23 of this witness.

24 MR. BRUCE: No questions.

25 EXAMINER DAWSON: I have no questions.

1 Thank you, Ms. Binion. You may be excused.

2 Would you like to call your next witness?

3 MS. GERHOLT: Erik Graven one more time.

4 EXAMINER DAWSON: Erik, come on up.

5 ERIK P. GRAVEN,

6 after having been previously sworn under oath, was

7 questioned and testified as follows:

8 MS. GERHOLT: And, Mr. Examiner, I would
9 respectfully request that Mr. Graven be deemed an expert
10 in petroleum geology in this case as well.

11 EXAMINER DAWSON: He will be deemed an
12 expert, as he was the last two cases.

13 Thanks, Mr. Graven.

14 MS. GERHOLT: Thank you. Thanks so much.

15 DIRECT EXAMINATION

16 BY MS. GERHOLT:

17 Q. Are you familiar with the application filed,
18 the Blanco Wash Unit application?

19 A. Yes.

20 Q. And have you conducted a geologic study of the
21 area in question?

22 A. Yes, I have.

23 Q. Are you familiar with the horizon being
24 unitized in the Blanco Wash Unit?

25 A. Yes, I am.

1 Q. All right. I'll draw your attention to Encana
2 Exhibit Number 6. Would you please identify this type
3 log for the Examiners?

4 A. Yes. This is a type log for the proposed
5 Blanco Wash Unit from the Escrito P-16 well. It shows
6 the resistivity curve on the far right track -- I'm
7 sorry -- the gamma ray curve on the far right track, the
8 resistivity curve in the central track, and neutron and
9 density porosity curves in the right-hand track. And on
10 that density curve, the red shading is an indicator of
11 increased porosity.

12 This type log also shows our proposed
13 Blanco Wash Unit depths on the far left edge with the
14 bracket. These depths extend from 100 feet below the
15 top of the Mancos Shale, down through the Gallup,
16 Juana Lopez, Carlile and Greenhorn limestone, with the
17 bottom of the proposed unitized interval being the base
18 of the Greenhorn limestone at the top of the Graneros
19 Shale.

20 Q. I'll draw your attention to Exhibit Number 7.
21 What is Exhibit Number 7?

22 A. Exhibit Number 7 is a structured contour map on
23 top of the Mancos Shale. It shows the unit outline in
24 red. It shows two cross sections, A, A prime, in blue.
25 This cross section extends from just west of the unit

1 edge to a couple miles east of the unit edge. And cross
2 section B, B prime, shown in orange, is a north-to-south
3 cross section extending from just north of the unit edge
4 to about two miles south of the unit edge.

5 Q. And I see that Exhibit 7 identifies the type
6 log well, and that it is outside of the unit area. Why
7 is that?

8 A. Yes. We do not have any wells within the unit
9 that extends through the entire unitized or proposed
10 unitized interval. That well, we did have a complete
11 log set on, and it is just over a mile away from the
12 edge. So it's fairly close.

13 Q. So you expect that it is a good identification
14 of the geological interval within the unit area?

15 A. Yes, I do.

16 Q. I now draw your attention to Exhibit 8. Would
17 you please identify Exhibit 8 and walk us through it?

18 A. Yes. Exhibit 8 is another structure contour
19 map on top of the Gallup Formation -- or the Gallup
20 Unit. It shows the same cross sections, the same unit
21 boundary and the type log location. It also shows
22 structure contours at a contour interval of 20 feet with
23 very gentle dips less than two degrees, again to the
24 north-northeast.

25 Q. Moving on to Exhibit Number 9, what does

1 Exhibit 9 identify for us?

2 A. Exhibit 9 is a cross section, A, A prime, shown
3 on the previous two exhibits. It shows the same logs
4 that were shown in the type log. It also shows the same
5 proposed unit depths that are shown on the type log.
6 A number of wells, again, are missing parts of the data
7 set, gamma ray or density logs, but each of the wells
8 has a complete resistivity log across the complete
9 unitized interval. That is with the exception of the
10 Escrito P-16, which is missing a small piece of the
11 resistivity log at the top of the unitized interval.
12 It's a very small interval that's missing, and we do
13 expect that to extend across the entire unit.

14 Q. Okay. Now moving to Exhibit Number 10, would
15 you please walk us through Exhibit 10?

16 A. Yes. Exhibit 10 is cross section B, B prime
17 shown on the two structure maps. Again, there are some
18 wells that have some missing data, but each of the wells
19 has a continuous resistivity log across the entire
20 proposed unitized interval. And those logs show very
21 good continuity of the unitized interval across the
22 entire cross section and the unit.

23 Q. So, Mr. Graven, is it your opinion today that
24 the interval Encana seeks to unitize continuous across
25 the proposed unit area?

1 A. Yes.

2 Q. Is it also your opinion that there are no
3 faults, pinch-outs or other geologic impediments that
4 would prevent this acreage from contributing to the
5 overall production from the interval?

6 A. Correct.

7 Q. And can this unitized area effectively and
8 efficiently be developed under a unit plan?

9 A. Yes.

10 Q. Ms. Binion testified previously about an
11 obligation well. Do you know the proposed location of
12 that obligation well?

13 A. Right now our proposed unit obligation well
14 will be in Section 11 of the unit. That is in the
15 northwestern corner of the unit. And right now we
16 expect that well to be a horizontal well drilled from
17 the northwestern corner of Section 11 down to the
18 southeastern corner of Section 11.

19 Q. And do you know if it's on the rig schedule?

20 A. I am not aware if it is on the rig schedule or
21 not. I expect that it is, but I am not sure of its
22 specific position in the rig schedule.

23 Q. And based upon your experience, is there the
24 potential for a change in the obligation well?

25 A. Certainly we do run into a number of permitting

1 issues, and this could certainly cause us to change the
2 location or the specific unit obligation well that we
3 would drill.

4 Q. I now draw your attention to Exhibit Number 11.
5 We've seen this a couple of times already this morning.
6 If we can now focus in on the Blanco Wash and the
7 proposed unit boundary. Which pools are currently
8 within the proposed unit boundary?

9 A. The White Wash-Mancos-Dakota pool is outlined
10 in brown. That is covering part of the northwestern
11 corner of the Blanco Wash Unit and the Basin Mancos gas
12 pool extends across the white area of the Blanco Wash
13 unit.

14 Q. Are the reservoir fluids consistent between
15 these pools within the unitized area?

16 A. Yes. The BTU values and oil API values shown
17 on this map are very consistent across the entire area
18 indicating that the reservoir fluids are very similar.

19 Q. And, again, is Encana expecting to be producing
20 oil wells -- or drilling and producing oil wells in this
21 proposed unit area?

22 A. Yes.

23 Q. And are the technical characteristics of the
24 hydrocarbons within the White Wash-Mancos-Dakota and the
25 Basin-Mancos gas pool essentially identical?

1 A. Yes, they are.

2 Q. Are the pools that are within the unitized
3 interval in the same vertical horizon?

4 A. Yes, they are.

5 Q. And will the pressure gradients be relatively
6 the same within the unitized area?

7 A. Yes. There are publicly available pressure
8 maps that show a constant pressure gradient across this
9 entire area.

10 Q. And do you anticipate cross flow to be an
11 issue?

12 A. No. Each individual horizontal well will
13 target a single geologic interval with a constant
14 pressure gradient, and there will be no vertical
15 commingling of each individual well.

16 Q. And will the combination of those pools into
17 one single pool for the purpose of horizontal
18 development result in waste or loss of reserves?

19 A. No, it will not.

20 Q. In your opinion, will Encana's request to
21 create a new pool within the unit for horizontal
22 development prevent waste?

23 A. Yes. It will prevent waste.

24 Q. And will Encana be providing the Division with
25 information regarding well communications and the like?

1 A. Yes.

2 Q. In your opinion, is it in the best interest of
3 conservation and the prevention of waste to approve the
4 Blanco Wash Unit and create a single pool for horizontal
5 development within the proposed unit area and allow for
6 wells to be located anywhere within the unit area so
7 long as they're no longer than 330 feet from the outer
8 boundary of the unit?

9 A. Yes.

10 Q. Were Encana's Exhibits 6 through 11 prepared by
11 you or compiled under your direction and supervision?

12 A. Yes, they were.

13 MS. GERHOLT: Mr. Examiner, I would move
14 the admission of Encana Exhibits 6 through 11 at this
15 time.

16 EXAMINER DAWSON: Any objection?

17 MR. BRUCE: No objection.

18 EXAMINER DAWSON: Exhibits 6 through 11 are
19 so admitted.

20 (Encana Exhibit Numbers 6 through 11 were
21 offered and admitted into evidence.)

22 MS. GERHOLT: That concludes my examination
23 of this witness.

24 EXAMINER DAWSON: Mr. Bruce, any questions?

25 MR. BRUCE: No, I don't.

CROSS-EXAMINATION

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BY EXAMINER DAWSON:

Q. I just have one question. Encana will not be opposed to offset operators and offsetting proration units locating horizontal wells in the unitized interval for 330-foot setbacks to the exterior boundary?

A. No, it will not.

Q. And that data regarding well interference or communication, that will be made available to the Division as soon as possible?

A. Yes.

Q. I just have one general question. I noticed on the cross sections of the logs that were provided, it looks like the porosity, as you head north -- as you go north in the unitized interval, the porosity seems to decrease some. Is that your opinion? What's your opinion on that? It looks like a little less than down there in the south, in the other two units that were requested.

A. Yes, it does. It does still fall within what we consider a producible, paying reservoir, though, so I -- it does appear to decrease.

Q. That's all the questions I have.

MS. GERHOLT: That concludes my presentation in this case.

1 EXAMINER DAWSON: Okay. Case Number 15 --
2 Can you please -- I'm sorry. Can you
3 please provide a draft -- proposed draft order by
4 October 16th --

5 MS. GERHOLT: Yes, sir.

6 EXAMINER DAWSON: -- 2014?

7 And that concludes -- Case Number 15212
8 will be taken under advisement, and that concludes Case
9 15212. Thank you very much.

10 That concludes today's hearings.

11 (Case Number 15212 concludes, 10:45 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. _____
heard by me on _____
_____, Examiner
Oil Conservation Division

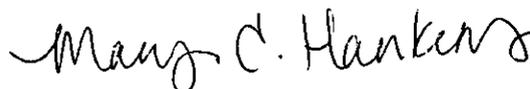
1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

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.

19
20 

21 MARY C. HANKINS, CCR, RPR
22 Paul Baca Court Reporters, Inc.
23 New Mexico CCR No. 20
24 Date of CCR Expiration: 12/31/2014
25