



**MONTGOMERY  
& ANDREWS**  
LAW FIRM

**J. SCOTT HALL**  
Cell: (505) 670-7362  
Email: [shall@montand.com](mailto:shall@montand.com)  
[www.montand.com](http://www.montand.com)

---

October 26, 2016

**HAND-DELIVERED**

Florene Davidson  
New Mexico Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505

**Re: IN THE MATTER OF THE APPLICATION OF ENERGEN  
RESOURCES CORPORATION TO AMEND COMPULSORY POOLING  
ORDER NO. R-10154, SAN JUAN COUNTY, NEW MEXICO  
OCD CASE NO. 15072**

Dear Ms. Davidson:

Enclosed please find for filing the original and one copy of a Joint Motion to Dismiss for entry by the Division in the referenced matter.

Thank you.

Very truly yours,

J. Scott Hall

Enclosures

cc: David Brooks, Esq. (via hand-delivery, w/encs.)  
Stephen Ingram, Esq. (via email, w/encs.)

---

**REPLY TO:**

325 Paseo de Peralta  
Santa Fe, New Mexico 87501  
Telephone (505) 982-3873 • Fax (505) 982-4289

Post Office Box 2307  
Santa Fe, New Mexico 87504-2307

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

IN THE MATTER OF THE APPLICATION OF  
ENERGEN RESOURCES CORPORATION TO  
AMEND COMPULSORY POOLING ORDER NO.  
R-10154, SAN JUAN COUNTY, NEW MEXICO

CASE NO. 15072

RECEIVED  
2016 OCT 26 PM 3:00

**JOINT MOTION TO DISMISS**

Applicant, Energen Resources Corporation and Respondents, Frank A. King and Paula S. Elmore, f/k/a Paula S. King together move the Division enter its order dismissing this matter, *nunc pro tunc*. In support of this motion, Energen and Respondents state:

On August 22, 2016, all parties to the litigation in the matter of *King v. Gilbreath*, No. 1:13-CV-00862-JCH-LAM (D.N.M) agreed to the settlement and dismissal of all claims and related proceedings.

Among other matters, Energen agreed to file a motion for the dismissal of this case and the Respondents agreed to join in the motion. In addition, Respondents agreed their unleased mineral interests within the Fruitland Coal formation underlying the S/2 of Section 19, Township 30 North, Range 11 West, NMPM, San Juan County will be contributed to two existing operating agreements for the Flora Vista 19 Well No. 2 and the Flora Vista 19 Well No. 3 located on the referenced lands, thereby obviating the need for the compulsory pooling of the Respondents interests.

WHEREFORE, Applicant and Respondents move the Division enter its order of dismissal *nunc pro tunc* to December 10, 2013, the date of the filing of the Application herein, and further vacating any and all orders not previously vacated in Case No. 15072.

Respectfully submitted

MONTGOMERY & ANDREWS, P.A.

By: T. Scott Hall

J. Scott Hall

Sharon T. Shaheen

P.O. Box 2307

Santa Fe, New Mexico 87504-2307

(505) 982-3873

[shall@montand.com](mailto:shall@montand.com)

[sshaheen@montand.com](mailto:sshaheen@montand.com)

*Attorneys for Energen Resources Corporation*

AGREED

By: Stephen D. Ingram

Stephen D. Ingram

Cavin & Ingram, P.A.

P.O. Box 1216

Albuquerque, NM 87103

[cilawfirm@aol.com](mailto:cilawfirm@aol.com)

*Attorneys for Frank A. King and Paula S. Elmore*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on the following counsel of record by electronic mail on October 26, 2016:

Stephen D. Ingram

Cavin & Ingram, P.A.

P.O. Box 1216

Albuquerque, NM 87103

[cilawfirm@aol.com](mailto:cilawfirm@aol.com)

T. Scott Hall

J. Scott Hall