

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 APPLICATION OF HARVEY E. )  
 YATES COMPANY FOR COMPULSORY POOLING, )  
 LEA COUNTY, NEW MEXICO )

CASE NO. 13,999  
 (Readvertised)

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: DAVID K. BROOKS, Jr., Hearing Examiner

October 3rd, 2007

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, DAVID K. BROOKS, Jr., Hearing Examiner, on Thursday, October 3rd, 2007, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

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## I N D E X

October 3rd, 2007  
Examiner Hearing  
CASE NO. 13,999

## PAGE

REPORTER'S CERTIFICATE

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## E X H I B I T

Applicant's	Identified	Admitted
Exhibit 9	4	4

\* \* \*

## A P P E A R A N C E S

## FOR THE APPLICANT:

JAMES G. BRUCE  
Attorney at Law  
P.O. Box 1056  
Santa Fe, New Mexico 87504

## FOR XTO Energy, Inc.:

HOLLAND & HART, L.L.P., and CAMPBELL & CARR  
110 N. Guadalupe, Suite 1  
P.O. Box 2208  
Santa Fe, New Mexico 87504-2208  
By: WILLIAM F. CARR

\* \* \*

1 WHEREUPON, the following proceedings were had at  
2 8:18 a.m.:

3 EXAMINER BROOKS: At this time we will call Case  
4 Number 13,999, readvertised, Application of Harvey E. Yates  
5 Company for compulsory pooling, Lea County, New Mexico.

6 Call for appearances.

7 MR. BRUCE: Mr. Examiner, Jim Bruce of Santa Fe,  
8 representing the Applicant. I just have a short statement.

9 EXAMINER BROOKS: Okay.

10 MR. CARR: Mr. Examiner, I'm not trying to  
11 surprise anybody. This morning I got a -- I discovered an  
12 e-mail from Mr. Kellahin, who is in Egypt, asking me to  
13 appear this morning, and enter an appearance for XTO  
14 Energy, Inc., and I'm doing that, and that's the extent to  
15 which I plan to participate in this case.

16 EXAMINER BROOKS: Very good. You may proceed,  
17 Mr. Bruce.

18 MR. BRUCE: Mr. Examiner, this matter was heard  
19 at the last hearing. It was continued because a new  
20 publication notice was required, and the Hearing Examiner  
21 had requested information on overhead rates.

22 To get the -- one thing out of the way, I am  
23 requesting that this -- I went to the post office this  
24 morning to determine if I had the new affidavit of  
25 publication, and I had contacted the newspaper and they

1 said they were mailing it out today. So I need to ask for  
2 a two-week continuance so that I can submit the new  
3 affidavit of publication.

4 But since I'm here, I do have an affidavit from  
5 the landman who testified regarding Ernst and Young  
6 overhead rates, and I would ask that Exhibit 9 be made part  
7 of the record.

8 EXAMINER BROOKS: Okay, Exhibit 9 will be made  
9 part of the record, and -- will be admitted, and Case  
10 Number 13,999 will be continued to October the 18th.

11 And you know, that just makes it unanimous to  
12 make sure we don't get any cases under advisement today.

13 Anything further in Case Number 13,999?

14 MR. BRUCE: No, sir.

15 EXAMINER BROOKS: Very good, Case Number 13,999  
16 is continued to October the 18th.

17 (Thereupon, these proceedings were concluded at  
18 8:19 a.m.)

19 I do hereby certify that the foregoing is  
20 a complete record of the proceedings in  
21 the Examiner hearing of Case No. 13999.  
22 heard by me on Oct 3, 2007  
23 David K. Brooks, Examiner  
24 Oil Conservation Division  
25


## CERTIFICATE OF REPORTER

STATE OF NEW MEXICO    )  
                                  )   ss.  
COUNTY OF SANTA FE    )

I, Steven T. Brenner, Certified Court Reporter and Notary Public, HEREBY CERTIFY that the foregoing transcript of proceedings before the Oil Conservation Division was reported by me; that I transcribed my notes; and that the foregoing is a true and accurate record of the proceedings.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties or attorneys involved in this matter and that I have no personal interest in the final disposition of this matter.

WITNESS MY HAND AND SEAL October 3rd, 2007.



STEVEN T. BRENNER  
CCR No. 7

My commission expires: October 16th, 2010