

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

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IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF CONSIDERING:

APPLICATION OF ENERGEN RESOURCES  
CORPORATION TO AMEND THE COST RECOVERY  
PROVISIONS OF COMPULSORY POOLING ORDER  
NO. R-1960, TO DETERMINE REASONABLE COSTS,  
AND FOR AUTHORIZATION TO RECOVER COSTS  
FROM PRODUCTION OF POOLED MINERAL  
INTERESTS, RIO ARRIBA COUNTY, NEW MEXICO.

Case No. 13,957

AMENDED PRE-HEARING STATEMENT

This pre-hearing statement is submitted by opponent as required by the Oil Conservation Division.

APPEARANCES

APPLICANT

Energen Resources Corporation

APPLICANT'S ATTORNEY

J. Scott Hall

OPPONENT

Estate of Joseph A. Sommer  
Joseph A. Sommer Revocable Trust  
JAS Oil and Gas Co., LLC  
P.O. Box 1984  
Santa Fe, New Mexico 87504

OPPONENT'S ATTORNEY

James Bruce  
P.O. Box 1056  
Santa Fe, New Mexico 87504  
(505) 982-2043

Attention: Kurt A. Sommer  
(505) 982-4676

STATEMENT OF THE CASE

APPLICANT

The SW/4 of Section 2, Township 25 North, Range 3 West, NMPM is subject to Commission Order No. R-1960. Applicant allegedly seeks and order "clarifying" or "amending" certain provisions of the order.

OPPONENT

Opponents are in litigation with applicant concerning the subject lands and the provisions of Order No. R-1960. The case is being litigated in the following First Judicial District Court case:

**THE ESTATE OF JOSEPH A. SOMMER,  
deceased, THE JOSEPH A. SOMMER  
REVOCABLE TRUST, and JAS OIL &  
GAS CO., LLC, a New Mexico limited  
liability company,**

**Plaintiffs,**

**v.**

**Case No. D-117-CV-2007-00128**

**ENERGEN RESOURCES CORPORATION,  
an Alabama corporation,**

**Defendant.**

The thrust of the complaint is that applicant has (i) failed to comply with the terms of Order No. R-1960, (ii) engaged in unfair trade practices, (iii) converted property, and (iv) violated the Oil and Gas Act and the Proceeds Payment Act.

Opponents are unclear of applicant's position in this case. However, it is opponents' position that the terms of Order No. R-1960 are clear and unambiguous, and that applicant has violated same on an ongoing basis. Because the matter is in litigation, and because any relief which could possibly be afforded by the Division would be prospective in nature, no action should be taken by the Division which interferes with matters now in litigation.

**PROPOSED EVIDENCE**

APPLICANT

WITNESSES

EST. TIME

EXHIBITS

OPPONENT

WITNESSES

EST. TIME

EXHIBITS

Kurt A. Sommer  
(possible witness)

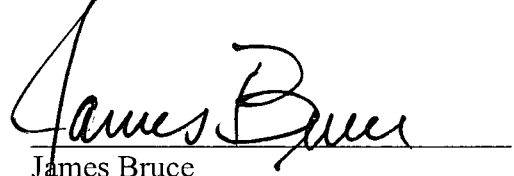
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Approx. 2

## PROCEDURAL MATTERS

The Division has continued this matter indefinitely. Applicant has requested a pre-hearing conference. However, counsel for applicant has been on vacation for over two weeks, and the conference has not been scheduled.

Respectfully submitted,



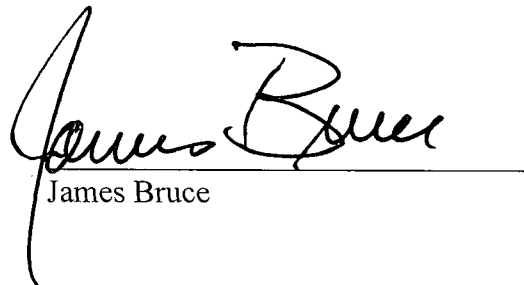
James Bruce  
Post Office Box 1056  
Santa Fe, New Mexico 87504  
(505) 982-2043

Attorney for Opponents

## CERTIFICATE OF SERVICE

The foregoing pleading was served upon the following counsel of record this 13<sup>th</sup> of August, 2007 by U.S. Mail:

J. Scott Hall  
Suite 300  
150 Washington Avenue  
Santa Fe, New Mexico 87501  
(505) 989-9857



James Bruce