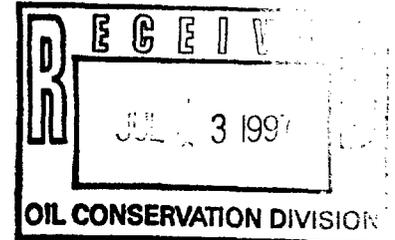


**BEFORE THE  
OIL CONSERVATION DIVISION  
NEW MEXICO DEPARTMENT OF ENERGY, MINERALS  
AND NATURAL RESOURCES**

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



**CASE NO. 11808**

**CASE NO. 11809**

**RE: APPLICATION OF BURLINGTON RESOURCES  
OIL AND GAS COMPANY FOR COMPULSORY  
POOLING AND A NON-STANDARD PRORATION  
AND SPACING UNIT, SECTIONS 8 AND 9, T31N-  
R10W, NMPM, SAN JUAN COUNTY, NEW MEXICO**

**MOTION TO DISMISS**

Lee Wayne Moore and Joann Montgomery Moore, Trustees and Timothy B. Johnson, Trustee for Ralph A. Bard, Jr. Trust U/A/D February 12, 1983 et al. (hereinafter sometimes collectively referred to as "Movants") by and through their attorneys, GALLEGOS LAW FIRM, P.C., hereby move the New Mexico Oil Conservation Division to dismiss the referenced applications of Burlington Resources Oil and Gas Company ("Burlington") for compulsory pooling and non-standard proration and spacing units, Sections 8 and 9, T31N-R10W, NMPM, and in support of this Motion state:

1. Contrary to accepted practice before the Division and in violation of Section 70-2-17(C) NMSA (1978), Burlington has prematurely instituted a compulsory pooling action against the Movants without first undertaking a good

faith and reasonable effort to obtain a voluntary agreement for the future development of this acreage.

2. In its Order No. R-10815, the Commission ordered that "Rule 104 as amended shall be effective on the date of its publications in the New Mexico Register." On the dates that Burlington filed its applications in cases 11808 and 11809, June 12th and 11th, respectively, Rule 104 as amended had not been published in the New Mexico Register. As of the date of filing this Motion, Rule 104 as amended had still not been published in the New Mexico Register. As such, pursuant to Order R-10815, Rule 104 as amended is not yet effective. Compulsory pooling is available only for spacing units consistent with the well spacing adopted by the Division. See NMSA 1978 §70-2-18(A). Under the controlling Rule 104, wildcat gas well spacing in San Juan County is limited to 160 acres. Therefore, Burlington has no basis upon which to request, and the Division as no authority upon which to grant, an Order compulsory pooling, inter alia, the Movant's acreage in Sections 8 and 9, T31N-R10W, NMPM.

WHEREFORE, Movants respectfully request that the Division enter an Order dismissing the Applications of Burlington in these cases.

Respectfully submitted,



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