

**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 GRUY PETROLEUM MANAGEMENT CASE NO. 12015  
FOR AN UNORTHODOX WELL LOCATION AND  
SIMULTANEOUS DEDICATION, LEA COUNTY, NEW MEXICO.**

**APPLICATION OF GRUY PETROLEUM MANAGEMENT CASE NO. 12017  
FOR AN UNORTHODOX WELL LOCATION AND  
SIMULTANEOUS DEDICATION, LEA COUNTY, NEW MEXICO.**

**PRE-HEARING STATEMENT**

This pre-hearing statement is submitted by ARMSTRONG ENERGY CORPORATION, as required by the Oil Conservation Division.

**APPEARANCE OF PARTIES**

**APPLICANT**

**ATTORNEY**

Gruy Petroleum Management Co.

William F. Carr, Esq.

**INTERESTED PARTY**

**ATTORNEY**

Doyle Hartman

Michael Condon, Esq.

**INTERESTED PARTY**

**ATTORNEY**

Armstrong Energy Corporation  
P. O. Box 1973  
Roswell New Mexico 88202  
(505) 623-8726  
attn: Robert Armstrong

W. Thomas Kellahin  
KELLAHIN & KELLAHIN  
P.O. Box 2265  
Santa Fe, NM 87504  
(505) 982-4285

### STATEMENT OF CASE

Armstrong Energy Corporation ("Armstrong") is the operator of certain oil wells in the Rhodes Oil Pool and owns interests in the oil rights from the surface to 4,000 feet in Section 8, T26S, R37E. Armstrong is concerned about Gruy Petroleum Management Co.'s application which includes the following allegation:

"Until the rules for these pools can be amended and, perhaps the Oil Pool even abolished, Guys seeks an exception ...."

Arguably, Armstrong is subject to complex and onerous agreements which would cause Armstrong to forfeit its interest in any oil production should the Rhodes Oil Pool be abolished. In addition, these agreements can be interpreted such that if Armstrong drills a well in the Yates-Seven Rivers formation, then Gruy is entitled to the gas produced from that well. However, if Gruy drills the well, Gruy keeps both the oil and gas. By Gruy attempting to drill wells in excess of the number permitted by the rules for the Rhodes-Yates Seven Rivers Gas Pool, it will create the opportunity for Gruy to confiscate Armstrong's rights to any oil production.

Accordingly, Armstrong is opposed to any attempt by Gruy to circumvent the rules for these pools or to otherwise obtain exceptions, amendments or abolishment of these rules. Such action by Gruy will violate the correlative rights of Armstrong.

### PROPOSED EVIDENCE

WITNESSES

EST. TIME

EXHIBITS

None

### PROCEDURAL MATTERS

None anticipated

KELLAHIN AND KELLAHIN

By: 

W. Thomas Kellahin

P.O. Box 2265

Santa Fe, New Mexico 87504

(505) 982-4285