

NEW MEXICO OIL CONSERVATION DIVISION

Examiner Hearing
 Santa Fe, New Mexico
 May 27, 1999 -- 8:15 A.M.

ILLEGIBLE

Name	Representing	Location
Bob Coates	Eastman	Albany
SLOTT HALL	MILLER, STRAUBER	ST
DAVE BONEAU	YATES PETROLEUM	ARTESIA
W. Kellaher	Kellaher	Santa Fe
D Cromwell	Energen	Birmingham, AL
BARNEY KAHN	ENERGEN	BIRMINGHAM, AL
Ken Gray	"	Midland, TX
G. Squires	Squires	New BS
William A. Jan	Jan	Santa Fe
James Bruce	—	"
Lynn S. Charle	Charles B. Gillespie Jr	Midland, TX
James Regue	Harding Pet. Svc.	Midland, Tex
JOHN McDERMOTT	Gillespie	Midland, TX
MARK ALMOCKA	Gillespie Oil, Inc.	MIDLAND, TEX.

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 CHESAPEAKE OPERATING,)
 INC., FOR COMPULSORY POOLING,)
 LEA COUNTY, NEW MEXICO)

CASE NO. 12,186

ORIGINAL

99 JUN 4 PM 2:52
 OIL CONSERVATION DIV

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: MICHAEL E. STOGNER, Hearing Examiner

May 27th, 1999

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, MICHAEL E. STOGNER, Hearing Examiner, on Thursday, May 27th, 1999, at the New Mexico Energy, Minerals and Natural Resources Department, Porter Hall, 2040 South Pacheco, 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

May 27th, 1999
Examiner Hearing
CASE NO. 12,186

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A P P E A R A N C E S

FOR THE DIVISION:

RAND L. CARROLL
Attorney at Law
Legal Counsel to the Division
2040 South Pacheco
Santa Fe, New Mexico 87505

FOR THE APPLICANT:

KELLAHIN & KELLAHIN
117 N. Guadalupe
P.O. Box 2265
Santa Fe, New Mexico 87504-2265
By: W. THOMAS KELLAHIN

FOR AMERISTATE OIL AND GAS:

CAMPBELL, CARR, BERGE and SHERIDAN, P.A.
Suite 1 - 110 N. Guadalupe
P.O. Box 2208
Santa Fe, New Mexico 87504-2208
By: WILLIAM F. CARR

* * *

1 WHEREUPON, the following proceedings were had at
2 8:17 a.m.:

3 EXAMINER STOGNER: At this time I'll call the
4 hearing to order for Docket Number 16-99. Please note
5 today's date, Thursday, May 27th, 1999. I'm Michael
6 Stogner, appointed Hearing Examiner for today's cases.

7 Go up to the to the top of the page and the
8 second case and at this time call Case Number 12,186.

9 MR. CARROLL: Application of Chesapeake
10 Operating, Inc., for compulsory pooling, Lea County, New
11 Mexico.

12 EXAMINER STOGNER: Call for appearances.

13 MR. KELLAHIN: Mr. Examiner, I'm Tom Kellahin of
14 the Santa Fe law firm of Kellahin and Kellahin, appearing
15 on behalf of the Applicant.

16 MR. CARR: May it please the Examiner, my name is
17 William F. Carr with the Santa Fe law firm Campbell, Carr,
18 Berge and Sheridan. I represent Ameristate Oil and Gas.

19 EXAMINER STOGNER: Any other appearances?

20 Okay, I believe there's some issues in this case
21 that need to be resolved today. I believe there was a
22 subpoena issued last week at the request of Ameristate; is
23 that correct?

24 MR. CARR: That's correct.

25 MR. KELLAHIN: That's correct.

1 MR. CARR: Mr. Examiner, we also at that time
2 requested a continuance. Yesterday afternoon I was served
3 with a Motion to Quash. Mr. Kellahin has agreed to the
4 continuance, so with your permission we would request that
5 the case be continued to June the 10th, and in the meantime
6 we'll pursue the information concerning the subpoena
7 information.

8 EXAMINER STOGNER: Okay, at this time Case Number
9 12,186 will be continued to June the 10th.

10 MR. CARROLL: Mr. Carr, Mr. Kellahin, you said
11 you are going to work on the issue of the subpoena. So
12 you're going to try to come to some agreement or --

13 MR. CARR: I'm going to respond to the Motion to
14 Quash and discuss with Mr. Kellahin where we stand on the
15 data we're seeking. If he can report on the temp order at
16 that time, we'll have to have an argument on the Motion to
17 Quash.

18 MR. CARROLL: We'll you'll need --

19 MR. KELLAHIN: We need a time frame --

20 MR. CARROLL: -- an argument prior to that time,
21 right.

22 MR. KELLAHIN: We need a time frame, Mr.
23 Examiner, for Mr. Carr to respond to the Motion to Quash.

24 MR. CARR: We will respond -- We can respond next
25 week. We'll do it within a week and then advise you at

1 that time where we stand on the issue of the subpoena.

2 EXAMINER STOGNER: Is that satisfactory?

3 MR. KELLAHIN: That's fine with me, sir.

4 EXAMINER STOGNER: Okay. And also I believe
5 there was a request to dismiss the Ameristate case?

6 MR. KELLAHIN: Yes, sir.

7 EXAMINER STOGNER: That will be deferred until
8 that time also.

9 MR. CARR: Correct.

10 EXAMINER STOGNER: Okay.

11 (Thereupon, these proceedings were concluded at
12 8:20 a.m.)

13 * * *

14
15
16
17 I do hereby certify that the foregoing is
a complete record of the proceedings of the
18 the Assembly hearing on Case No. 12186
heard by me on 37 May 1999
19 *Michael E. Stogner*
Off. Conservation Division
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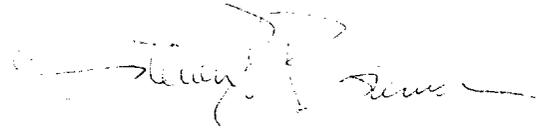
CERTIFICATE OF REPORTER

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 May 29th, 1999.



STEVEN T. BRENNER
CCR No. 7

My commission expires: October 14, 2002