

NEW MEXICO OIL CONSERVATION DIVISION

EXAMINER HEARINGSANTA FE, NEW MEXICOHearing Date FEBRUARY 3, 2000 Time 8:15 A.M.

NAME	REPRESENTING	LOCATION
Bill Pierce	Penwell Energy	Midland, Tx.
Bill Owen	David Per.	Roswell
Celia McMill	McMillan Prod. Inc	Roswell
Kenneth E. McCarney	David Per.	Roswell
Reed Meek	Yates Petroleum Corp.	Artesia
William F. Jones	Tampabay, Inc., Eugene, Ore.	Santa Fe
Jerry Edgar	Nearburg	Midland
Bob Hall	"	"
Scott Hall	Wickham	SF
John B. Jones	—	SF
Mark Whitman	Nearburg	Midland
W. K. Kellum	Kellum	Santa Fe
Gayle Pigg	Devon Energy Corp.	OKla. City, OK

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:)

CASE NO. 12,308

APPLICATION OF POGO PRODUCING COMPANY)
FOR COMPULSORY POOLING, EDDY COUNTY,)
NEW MEXICO)

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: DAVID R. CATANACH, Hearing Examiner

February 3rd, 2000

Santa Fe, New Mexico

OIL CONSERVATION DIV.
00 FEB 17 AM 9:00

This matter came on for hearing before the New Mexico Oil Conservation Division, DAVID R. CATANACH, Hearing Examiner, on Thursday, February 3rd, 2000, 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.

* * *

I N D E X

February 3rd, 2000
Examiner Hearing
CASE NO. 12,308

PAGE

APPEARANCES

3

REPORTER'S CERTIFICATE

6

* * *

E X H I B I T

Applicant's

Identified

Admitted

Exhibit A

5

-

* * *

A P P E A R A N C E S

FOR THE DIVISION:

LYN S. HEBERT
Legal Counsel to the Division
Energy, Minerals and Natural Resources Department
2040 South Pacheco
Santa Fe, New Mexico 87505

FOR THE APPLICANT:

JAMES G. BRUCE, Attorney at Law
3304 Camino Lisa
Santa Fe, New Mexico 87501
P.O. Box 1056
Santa Fe, New Mexico 87504

NEARBURG EXPLORATION COMPANY:

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 8:20 a.m.:

3 EXAMINER CATANACH: Call the hearing to order
4 this morning for Docket Number 04-00.

5 At this time I'll call the dismissals and
6 continuances.

7 (Off the record)

8 EXAMINER CATANACH: Okay, at this time we'll call
9 Case 12,308

10 MS. HEBERT: This is the Application of Pogo
11 Producing Company for compulsory pooling, Eddy County, New
12 Mexico.

13 EXAMINER CATANACH: Call for appearances in this
14 case.

15 MR. BRUCE: Mr. Examiner, Jim Bruce of Santa Fe,
16 representing the Applicant. I just have an affidavit and a
17 short statement.

18 MR. CARR: May it please the Examiner, I'd like
19 the record to show the appearance of Nearburg Exploration
20 Company in this matter.

21 MR. BRUCE: Mr. Examiner, this case was heard six
22 weeks ago, and due to some short notice it was continued to
23 the January 6th hearing. Since then, Pogo has continued it
24 again twice to this hearing, since you were the original
25 Hearing Examiner on it.

1 I've submitted as Exhibit A, which I ask to be
2 introduced into evidence, an affidavit from the landman
3 stating the current status of negotiations with the parties
4 and the parties they seek to pool at this time. They have
5 come to terms with most of them, but there is currently no
6 operating agreement signed.

7 They would like the matter to be taken under
8 advisement and order issued, and at such time as operating
9 agreements or leases or other arrangements are made with
10 the parties, they will notify the Division if those parties
11 are no longer subject to the order.

12 EXAMINER CATANACH: Mr. Carr, do you have
13 anything in this case?

14 MR. CARR: No, I do not.

15 EXAMINER CATANACH: Okay. Any additional
16 appearances?

17 There being nothing additional in this case, Case
18 12,308 will be taken under advisement.

19 (Thereupon, these proceedings were concluded at
20 8:23 a.m.)

21 * * *

22 I do hereby certify that the foregoing is
23 a complete record of the proceedings in
the Examiner hearing of Case No. 12308,
24 heard by me on February 3, 1990
David R. Catanch, Examiner
25 Oil Conservation Division

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 February 4th, 2000.



STEVEN T. BRENNER
 CCR No. 7

My commission expires: October 14, 2002

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

**APPLICATION OF POGO PRODUCING
COMPANY FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.**

Case No. 12,308

AFFIDAVIT

STATE OF TEXAS)
) ss.
COUNTY OF MIDLAND)

Garland H. Lang III, being duly sworn upon his oath, deposes and states:

1. I am over the age of 18, and have personal knowledge of the matters stated herein.

2. I am a landman for applicant, and I testified in this case at the hearing on December 16, 1999.

3. The interest owners in the proposed well, other than applicant, are as follows:

Nearburg Exploration Company, L.L.C.
Mr. and Mrs. James T. Jennings
Leona Curtis Living Trust
Ralph Nix
Devon Energy Corporation (Nevada)
Roberts & Koch
Jack C. Cartwright
Wayman W. Buchanan
Gene F. Lang & Co.
David T. Holt
Kirby Minerals, LLC

4. I have called or written each interest owner, and the status of each party is as follows:


Still in negotiations with Nearburg (last contact 2/1/00)
Jennings desires to participate, but has not signed an AFE (last contact 1/14/00)
Curtis Trust wants to lease to Pogo, but negotiations are still being conducted over lease terms
Nix leased to Pogo
Devon, Roberts & Koch, Cartwright, Buchanan, and Lang have agreed to participate, and have signed AFEs
Holt desires to participate, but has not signed an AFE

NEW MEXICO
OIL CONSERVATION DIVISION
Pogo EXHIBIT A
CASE NO. 12308


Kirby still has not responded to any letter or phone call

The parties who have signed AFEs have not yet signed an operating agreement.

5. As a result, applicant requests an order pooling all interest owners except Ralph Nix. Applicant will notify the Division when parties sign an operating agreement or otherwise commit their interests to the well, so that they are not subject to a pooling order.


Garland H. Lang III

SUBSCRIBED AND SWORN TO before me this 2nd day of February, 2000, by Garland H. Lang III.


Notary Public

My Commission Expires:

9-30-00

