

**MILLER, STRATVERT & TORGERSON, P.A.**  
LAW OFFICES

RANNE D. MILLER  
ALAN C. TORGERSON  
ALICE T. LORENZ  
GREGORY W. CHASE  
LYMAN G. SANDY  
STEPHEN M. WILLIAMS  
STEPHAN M. VIDMAR  
ROBERT C. GUTIERREZ  
SETH V. BINGHAM  
JAMES B. COLLINS  
TIMOTHY R. BRIGGS  
RUDOLPH LUCERO  
DEBORAH A. SOLOVE  
GARY L. GORDON  
LAWRENCE R. WHITE  
SHARON P. GROSS  
VIRGINIA ANDERMAN  
MARTY D. LIGHTSTONE  
J. SCOTT HALL  
THOMAS R. MACK  
TERRI L. SAUER  
JOEL T. NEWTON

THOMAS M. DOMME  
RUTH O. PREGENZER  
JEFFREY E. JONES  
MANUEL I. ARRIETA  
ROBIN A. GOBLE  
JAMES R. WOOD  
DANA M. KYLE  
KIRK R. ALLEN  
RUTH FUESS  
KYLE M. FINCH  
H. BROOK LASKEY  
KATHERINE W. HALL  
FRED SCHILLER  
PAULA G. MAYNES  
MICHAEL C. ROSS  
CARLA PRANDI  
KATHERINE N. BLACKETT  
JENNIFER L. STONE  
ANDREW M. SANCHEZ  
M. DYLAN O'REILLY  
AMINA GUARNALI-LINSLEY  
BEATE BOUDRO

COUNSEL

PAUL W. ROBINSON  
ROSS B. PERKAL  
JAMES J. WIDLAND  
DRALEY D. TEPPER  
GARY RISLEY

OF COUNSEL

WILLIAM K. STRATVERT  
RALPH WM. RICHARDS

**ALBUQUERQUE, NM**

500 MARQUETTE N.W., SUITE 1100  
POST OFFICE BOX 25687  
ALBUQUERQUE, NM 87125-0687  
TELEPHONE: (505) 842-1950  
(800) 424-7685  
FACSIMILE: (505) 243-4408

**SANTA FE, NM**

150 WASHINGTON AVE., SUITE 300  
POST OFFICE BOX 1986  
SANTA FE, NM 87504-1986  
TELEPHONE: (505) 989-9614  
FACSIMILE: (505) 989-9857

**FARMINGTON, NM**

300 WEST ARRINGTON, SUITE 300  
POST OFFICE BOX 889  
FARMINGTON, NM 87499-0869  
TELEPHONE: (505) 326-4521  
FACSIMILE: (505) 326-5474

**LAS CRUCES, NM**

500 S. MAIN ST., SUITE 800  
POST OFFICE BOX 1209  
LAS CRUCES, NM 88004-1209  
TELEPHONE: (505) 523-2481  
FACSIMILE: (505) 528-2215

PLEASE REPLY TO SANTA FE

July 12, 2000

**BY FACSIMILE TRANSMISSION: 827-8177**

Mark Ashley.  
New Mexico Oil Conservation Division  
2040 S. Pacheco  
Santa Fe, New Mexico 87505

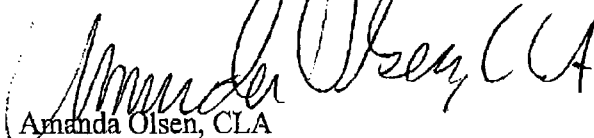
Re: Application of Fuel Products, Inc. for Compulsory Pooling, Eddy County,  
New Mexico NMOCD No. 12446

Dear Mr. Ashley:

Attached, for fax filing, in the above-referenced matter, are an Entry of Appearance on behalf of Nearburg Exploration Company and its Response to Phillips Petroleum Company's Motion to Dismiss.

Sincerely,

MILLER, STRATVERT & TORGERSON, P.A.

  
Amanda Olsen, CLA  
Paralegal

/ao

Enclosures — as stated

cc: W. Thomas Kellahin, Esq. (by facsimile transmission/with enclosures)  
Paul R. Owen, Esq. (by facsimile transmission/with enclosures)  
Marilyn Hebert, Esq. (by facsimile transmission/with enclosures)

2742/25036/Letters/Ashley ltr.doc

W. Thomas Kellahin, Esq.

07/12/00

Page 2

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

IN THE MATTER OF THE APPLICATION OF  
FUEL PRODUCTS, INC. FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO

CASE No. 12446

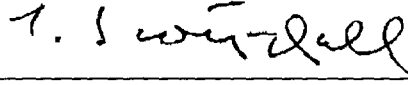
**ENTRY OF APPEARANCE**

Comes now NEARBURG EXPLORATION COMPANY, LLC, by and through its  
undersigned attorneys, Miller, Stratvert & Torgerson, P.A., and hereby enters its appearance in  
the above cause.

Respectfully submitted,

MILLER, STRATVERT & TORGERSON, P.A.

By

  
\_\_\_\_\_  
J. Scott Hall  
Post Office Box 1986  
Santa Fe, New Mexico 87504  
(505) 989-9614

ATTORNEYS FOR NEARBURG EXPLORATION

**Certificate of Mailing**

I hereby certify that a true and correct copy of the foregoing was sent by facsimile transmission to counsel of record on the 17 day of July, 2000, as follows:

W. Thomas Kellahin, Esq.  
Kellahin and Kellahin  
P.O. Box 2265  
Santa Fe, New Mexico 87504-2265

Paul R. Owen, Esq.  
Montgomery & Andrews, P.A.  
P. O. Box 2307  
Santa Fe, New Mexico 87504-2307

Marilyn Hebert, Esq.  
New Mexico Oil Conservation Division  
2040 S. Pacheco  
Santa Fe, New Mexico 87501

*J. Scott Hall*

---

J. Scott Hall

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

IN THE MATTER OF THE APPLICATION OF  
FUEL PRODUCTS, INC. FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO

CASE No. 12446

NEARBURG'S RESPONSE  
TO  
PHILLIPS PETROLEUM COMPANY'S  
MOTION TO DISMISS

Nearburg Exploration Company, LLC, ("Nearburg), for its response to the motion to dismiss filed on behalf of Phillips Petroleum Company, states.

Nearburg is the owner of certain oil and gas leasehold working interests in the E/2 of Section 18, T-18-S, R-28-E, NMPM, in Lea County, New Mexico. Nearburg's interests were acquired under a farmout agreement that requires the drilling of a well by August 15, 2000. Otherwise, certain of Nearburg's farmout rights will terminate.

Dismissal of the Fuel Products Application or a continuance of the July 13, 2000 hearing on the application will result in prejudice to the rights of Nearburg.

WHEREFORE, Nearburg Exploration Company, LLC requests that the Motion To Dismiss be denied.

Respectfully submitted,

MILLER, STRATVERT & TORGERSON, P.A.

By



J. Scott Hall  
Post Office Box 1986  
Santa Fe, New Mexico 87504  
(505) 989-9614

ATTORNEYS FOR NEARBURG EXPLORATION

**Certificate of Mailing**

I hereby certify that a true and correct copy of the foregoing was sent by facsimile transmission to counsel of record on the 17 day of July, 2000, as follows:

W. Thomas Kellahin, Esq.  
Kellahin and Kellahin  
P.O. Box 2265  
Santa Fe, New Mexico 87504-2265

Paul R. Owen, Esq.  
Montgomery & Andrews, P.A.  
P. O. Box 2307  
Santa Fe, New Mexico 87504-2307

Marilyn Hebert, Esq.  
New Mexico Oil Conservation Division  
2040 S. Pacheco  
Santa Fe, New Mexico 87501



J. Scott Hall