

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

RANNE B. MILLER
ALAN C. TORGERSON
ALICE T. LORENZ
GREGORY W. CHASE
LYMAN G. SANDY
STEPHEN M. WILLIAMS
STEPHAN M. VIDMAR
SETH V. BINGHAM
TIMOTHY R. BRIGGS
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ANDREW M. SANCHEZ
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AMINA QUARGNALI-LINSLEY
JENNIFER D. HALL
JENNIFER L. OLSON
TODD A. SCHWARZ
JULIE A. COLEMAN
TIMOTHY L. BUTLER

COUNSEL

ROSS B. PERKAL
JAMES J. WIDLAND
BRADLEY D. TEPPER
GARY RISLEY

OF COUNSEL

WILLIAM K. STRATVERT
JAMES B. COLLINS

ALBUQUERQUE, NM

500 MARQUETTE N.W., SUITE 1100
POST OFFICE BOX 25687
ALBUQUERQUE, NM 87125-0687
TELEPHONE: (505) 842-1950
(800) 424-7585
FACSIMILE: (505) 243-4408

FARMINGTON, NM

300 WEST ARRINGTON, SUITE 300
POST OFFICE BOX 869
FARMINGTON, NM 87499-0869
TELEPHONE: (505) 326-4521
FACSIMILE: (505) 325-5474

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

LAS CRUCES, NM

500 S. MAIN ST., SUITE 800
POST OFFICE BOX 1209
LAS CRUCES, NM 88004-1209
TELEPHONE: (505) 523-2481
FACSIMILE: (505) 526-2215

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- * NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN NATURAL RESOURCES - OIL & GAS LAW
- ** NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN REAL ESTATE LAW

January 18, 2002

Lori Wrotenbery, Director
New Mexico Oil Conservation Division
1220 St. Francis Drive
Santa Fe, New Mexico 87505

Hand Delivered

Re: NMOCD Case No. 12802; Application of D.J. Simmons, Inc. for Compulsory Pooling, Rio Arriba County, New Mexico (SE/4 Sec. 25, T-25-N, R-3-W, NMPM; Bishop Federal 25 No. 2 well)

Dear Ms. Wrotenbery:

Enclosed are an original and two copies of the Pre-Hearing Statement of D.J. Simmons, Inc. in the above referenced matter.

Thank you for your attention to this matter.

Yours very truly,

MILLER, STRATVERT & TORGERSON, P.A.



J. Scott Hall

JSH/glb
Enclosures
cc: John Byrom (w/encl.)

8/1/02
PM 4:18
MILLER, STRATVERT & TORGERSON, P.A.

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

IN THE MATTER OF THE APPLICATION OF
D. J. SIMMONS, INC. FOR COMPULSORY POOLING,
RIO ARriba COUNTY, NEW MEXICO

CASE NO. 12802

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Miller, Stratvert & Torgerson, P.A.,
attorneys for D. J. Simmons, Inc., as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT'S ATTORNEY

J. Scott Hall, Esq.
Miller, Stratvert & Torgerson, P.A.
Post Office Box 1986
Santa Fe, New Mexico 87504
(505) 989-9614

APPLICANT

D. J. Simmons, Inc.
Post Office Box 1469
Farmington, New Mexico 87401
(505) 326-3753

OPPONENT'S ATTORNEY

William F. Carr, Esq.
Michael Feldewert, Esq.
Holland & Hart, LLP and Campbell & Carr
P.O. Box 2208
Santa Fe, New Mexico 87504
(505) 988-4421

OPPONENT

McElvain Oil & Gas Properties, Inc.
Denver, Colorado

OTHER PARTY'S ATTORNEY

None to date/unknown

OTHER PARTY

02 JUN 18 PM 6:49
NO. 12802-10070

STATEMENT OF THE CASE

APPLICANT

Applicant seeks an order pooling all mineral interests from the surface to the base of the Gallup-Dakota formation in the SE/4 of Section 25, Township 25 North, Range 3 West, NMPM, for all formations and or pools developed on 160-acre spacing, including, but not necessarily limited to, the Pictured Cliffs, Chacra, and the Gallup-Dakota formations. Said units are to be dedicated to Applicant's Bishop Federal 25-2 well to be drilled at a standard location in the NW/4 SE/4 of said Section 25 to a depth sufficient to test all formations in the pooled intervals, including the Gallup-Dakota formation, West Lindrith Gallup-Dakota Oil Pool. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk involved in drilling said well. The units are located approximately 5 miles southwest of Lindrith, New Mexico.

OPPOSITION OR OTHER PARTY

McElvain Oil and Gas Properties, Inc. has pending an application for the compulsory pooling the E/2 of Section 25, T-25-N, R-3-W, NMPM in Case. No. 12801.

PROPOSED EVIDENCE

APPLICANT

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
Lisa Gusek, Geologist	25 minutes	5
Ed Dunn, Landman	25 minutes	6
Tom Mullins, Reservoir Engineer	25 minutes	5

OPPOSITION

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
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PROCEDURAL MATTERS

(Please identify any procedural matters which need to be resolved prior to hearing.)

D. J. Simmons has filed a Motion to Dismiss McElvain's Application for a N/2 unit in the same section in Case No. 12747 and has moved to continue the hearing on McElvain's Application for an E/2 unit in Section 25 in Case No. 12801.

Respectfully submitted,

MILLER, STRATVERT & TORGERSON, P.A.

By 
J. Scott Hall
Attorneys for D. J. Simmons, Inc.
Post Office Box 1986
Santa Fe, New Mexico 87504-1986
(505) 989-9614

Certificate of Mailing

I hereby certify that a true and correct copy of the foregoing was mailed to counsel of record on the 18th day of January, 2002, as follows:

Michael Feldewert, Esq.
P.O. Box 2208
Santa Fe, New Mexico 87504

J. Scott Hall