

HOLLAND & HART LLP  
ATTORNEYS AT LAW

DENVER • ASPEN  
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DENVER TECH CENTER  
BILLINGS • BOISE  
CHEYENNE • JACKSON HOLE  
SALT LAKE CITY • SANTA FE  
WASHINGTON, D.C.

P.O. BOX 2208  
SANTA FE, NEW MEXICO 87504-2208  
110 NORTH GUADALUPE, SUITE 1  
SANTA FE, NEW MEXICO 87501-6525

TELEPHONE (505) 988-4421  
FACSIMILE (505) 983-6043

William F. Carr

wcarr@hollandhart.com

August 13, 2002

**BY HAND DELIVERY**

**RECEIVED**

AUG 13 2002

Oil Conservation Division

Ms. Lori Wrotenbery, Director  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

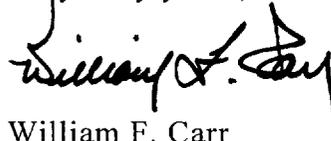
Re: New Mexico Oil Conservation Division Case 12908: Division  
Nomenclature Case, August 1, 2002.

New Mexico Oil Conservation Division Case 12622 (De Novo):  
Application of Nearburg Exploration Company, L.L.C. for approval  
of two non-standard 160-acre gas spacing and proration units, Lea  
County, New Mexico.

Dear Ms. Wrotenbery:

Enclosed is the Response of Nearburg Exploration Company, L.L.C.,  
Great Western Drilling Company and CL&F Resources, L.P. to the Joint  
Motion of Redrock Operating Ltd, Co. and Raptor Natural Pipeline L.L.C. to  
Dismiss, in part, Case 12908 or, in the Alternative, to Re-open the Case and  
their Motion to Consolidate for Hearing the Re-opened Portions of Case 12980  
with Case 12622 (de novo).

Very truly yours,



William F. Carr

cc: Michael E. Stogner, Hearing Examiner  
David Brooks, Esq.  
W. Thomas Kellahin, Esq.  
J. Scott Hall, Esq.  
Robert Shelton  
Nearburg Exploration Company, L.L.C.

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

IN THE MATTER OF THE HEARING  
CALLED BY THE OIL CONSERVATION  
DIVISION FOR THE PURPOSE OF  
CONSIDERING:

AUG 13 2002

Oil Conservation Division

CASE NO. 12908

APPLICATION OF THE OIL CONSERVATION  
DIVISION FOR AN ORDER CREATING AND  
EXTENDING CERTAIN POOLS,  
LEA COUNTY, NEW MEXICO.

**RESPONSE OF NEARBURG EXPLORATION COMPANY, L.L.C. TO THE  
JOINT MOTION OF REDROCK OPERATING LTD, CO.  
AND RAPTOR NATURAL PIPELINE L.L.C.  
TO DISMISS, IN PART, CASE 12908  
OR IN THE ALTERNATIVE TO RE-OPEN THE CASE  
AND  
MOTION TO CONSOLIDATE FOR HEARING THE RE-OPENED PORTIONS  
OF CASE 12908 WITH CASE 12622 (DE NOVO)**

Comes now Nearburg Exploration Company, L.L.C., Great Western Drilling Company and CL&F Resources, L.P. (hereinafter collectively referred to as "Nearburg") and hereby (1) respond to the Joint Motion of Redrock Operating Ltd, Co. and Raptor Natural Pipeline L.L.C. (Raptor") to Dismiss, In Part, Case 12908 or in the Alternative to Re-Open the Case, and (2) move the Division for an order consolidating for hearing re-opened portions of Case 12908 with the *de novo* hearing in Case 12622 currently scheduled for August 30, 2002.

1. On August 9, 2002, the attorney for Redrock Operating Ltd., Co. ("Redrock") contacted counsel for Nearburg and advised that it was filing a motion to dismiss or, in the alternative, reopen the portions of Oil Conservation Division Case 12908 which contract the boundaries of the East Grama Ridge Morrow Pool and concurrently extend the boundaries of the Grama Ridge-Morrow Gas Pool into areas which are the subject of Case No. 12622 that is scheduled for *de novo* review by the Oil Conservation Commission on August 30, 2002. Redrock advised it could not delay the filing of the motion while Nearburg was contacted to determine whether it would concur therein because a Division order could be entered in the case at any time.

2. The motion filed by Redrock and Raptor Natural Pipeline L.L.C. has been review by Nearburg which concurs in and supports the portion of the motion that seeks the re-opening of paragraphs (bb) and (cc) of Case 12908. These paragraphs, if approved by the Division, would contract the East Grama Ridge-Morrow Pool and

extend the Grama Ridge-Morrow Pool to include all of Section 34, Township 22 South, Range 34 East, NMPM.<sup>1</sup> This change in the pool boundaries would affect the issues between Nearburg and Redrock in Case 12622 concerning the development of the Morrow reserves under this section.

3. Division Order No. R- 11768 entered on May 22, 2002 in Case 12622 denied the application of Nearburg for the creation of two non-standard 160-acre spacing units in the E/2 of said Section 34. Finding (13) of this Order provides:

“All past and any future Morrow gas production from the Nearburg Grama Ridge East “34” State Well No. 1, as described above, should be allocated to either (i) the N/2 of Section 34, being a standard 320-acre lay-down gas spacing unit, in either the East Grama Ridge-Morrow Pool or the Grama Ridge-Morrow pool, **depending on the necessary adjustment to the pool boundaries to be sought through the Division’s nomenclature process**; or (ii) the E/2 of Section 34, being a standard 320-acre standup gas spacing unit in the East Grama ridge Morrow Gas Pool. (emphasis added)

Nearburg has sought *de novo* review of this order.

4. The language of Finding (13) concerning the adjustment of the boundaries of the Grama Ridge-Morrow Gas Pool makes it clear that even the Division recognized that a determination of the proper pool boundaries is necessary to a full resolution of the issues concerning the proper development of the Morrow reserves under Section 34.

5. To resolve all issues between the parties, paragraphs (bb) and (cc) of Nomenclature Case No. 12908 should be continued and consolidated with the *de novo* review of Nearburg’s application for two non-standard units in the E/2 of this section.

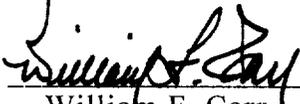
6. The Nearburg Grama Ridge East “34” State Well No. 1 has now been shut in for more than 13 months pending a resolution of the dispute between the parties. To have a separate hearing on the proper boundaries of these pools instead of consolidating all issues in one hearing concerning the development of the Morrow reserves under Section 34 would result in unnecessary additional hearings and further delay a final resolution of the issues between the parties.

WHEREFORE, Nearburg Exploration Company, L.L.C., Great Western Drilling Company and CL&F Resources, L.P. request that the Oil Conservation Division (1) grant the motion of Redrock Operating, Ltd. and Raptor Natural Pipeline, L.L.C. to reopen paragraphs (bb) and (cc) of Case 12908, and (2) grant their motion to consolidate the hearing on these re-opened paragraphs with the *de novo* hearing on Nearburg’s appeal of Division order No. R-11768.

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<sup>1</sup> Dismissal of paragraphs (bb) and (cc) of Case 12908 would only delay a final resolution of the issues in this dispute for, once dismissed, Nearburg would have to file a separate application seeking this change and request that the cases be consolidated for hearing.

Respectfully submitted,  
HOLLAND & HART LLP

By:   
William F. Carr

ATTORNEYS FOR NEARBURG  
EXPLORATION COMPANY, L.L.C., GREAT  
WESTERN DRILLING COMPANY AND  
CL&F RESOURCES, L.P.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been transmitted by facsimile or hand delivery this 13th day of August to the following:

Michael E. Stogner  
Hearing Examiner  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

David K. Brooks, Esq.  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

W. Thomas Kellahin, Esq.  
Kellahin & Kellahin  
Post Office Box 2265  
Santa Fe, New Mexico 87504-2265  
FAX NO. (505) 982-2047

J. Scott Hall, Esq.  
Miller, Stratvert & Torgerson, P.A.  
Post Office Box 1986  
Santa Fe, New Mexico 87504-1986  
FAX No. (505) 989-9857

  
William F. Carr