

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. 13,024  
)  
APPLICATION OF TRILOGY OPERATING, INC., )  
FOR COMPULSORY POOLING, LEA COUNTY, )  
NEW MEXICO )  
\_\_\_\_\_)

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: DAVID K. BROOKS, JR., Hearing Examiner

March 13th, 2003

Santa Fe, New Mexico

**RECEIVED**

MAR 27 2003

Oil Conservation Division

This matter came on for hearing before the New Mexico Oil Conservation Division, DAVID K. BROOKS, JR., Hearing Examiner, on Thursday, March 13th, 2003, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, 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

March 13th, 2003  
Examiner Hearing  
CASE NO. 13,024

PAGE

REPORTER'S CERTIFICATE

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\* \* \*

## A P P E A R A N C E S

## FOR THE DIVISION:

DAVID K. BROOKS, JR.  
Attorney at Law  
Energy, Minerals and Natural Resources Department  
Assistant General Counsel  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

## FOR THE APPLICANT:

MONTGOMERY & ANDREWS, P.A.  
Attorneys at Law  
325 Paseo de Peralta  
P.O. Box 2307  
Santa Fe, New Mexico 87504-2307  
By: PAUL R. OWEN

\* \* \*

## ALSO PRESENT:

MICHAEL E. STOGNER  
Hearing Examiner  
New Mexico Oil Conservation Division  
1220 South Saint Francis Drive  
Santa Fe, NM 87505

\* \* \*

1           WHEREUPON, the following proceedings were had at  
2 11:35 a.m.:

3           EXAMINER BROOKS: At this time we'll call Case  
4 Number 13,024, Application of Trilogy Operating, Inc., for  
5 compulsory pooling, Lea County, New Mexico.

6           Call for appearances.

7           MR. OWEN: Paul R. Owen of the Santa Fe law firm  
8 of Montgomery and Andrews, appearing on behalf of  
9 Applicant, Trilogy Operating, Inc.

10          EXAMINER BROOKS: Other appearances?

11          And this is being presented on certificate, so  
12 you do not have any witnesses; is that correct?

13          MR. OWEN: That is correct, Mr. Examiner, this  
14 case is being presented in accordance with Rule  
15 107.A.(1).(b).

16          EXAMINER BROOKS: Okay, you may proceed.

17          MR. OWEN: Mr. Examiner, Trilogy has proposed a  
18 well and has satisfied the requirements of Rule  
19 107.A.(1).(b). Certain of the interest owners in the  
20 subject acreage have been unlocatable.

21          An affidavit certifying all of the facts and all  
22 of the requirements of Rule 107.A.(1).(b) was attached as  
23 Exhibit B to the Application which was filed on February  
24 18th, 2003. That affidavit contains specific statements  
25 satisfying all of the requirements in addition to

1 supporting documentation. I move at this time that the  
2 Division accept that exhibit as Exhibit B to this hearing.

3 In addition, there was one party that was  
4 represented. It is a trust that has an address -- I  
5 believe it is Wells Fargo Bank -- and we did provide notice  
6 of this hearing by certified mail, return receipt  
7 requested, within the time requirements as required by the  
8 OCD. I will submit an affidavit of notice immediately  
9 following the hearing. I did not prepare that before the  
10 hearing.

11 With those things being said, the Application  
12 appears to be complete, and we request the Division take  
13 the Application under advisement.

14 EXAMINER BROOKS: And the notice, is that this  
15 Snyder-Flood Trust?

16 MR. OWEN: That is correct.

17 EXAMINER BROOKS: And the others you have no  
18 address for?

19 MR. OWEN: That is correct. Within the  
20 affidavit, which was attached as Exhibit A, the Applicant  
21 details the efforts in which it engaged to locate these  
22 people on the third page of the exhibit, under 7.(iii).

23 EXAMINER BROOKS: Okay. Now, except for these  
24 interests that are listed in item 4 on the chronology, has  
25 everyone else joined?

1 MR. OWEN: That is correct.

2 EXAMINER BROOKS: Okay. Anything?

3 EXAMINER STOGNER: I have no questions.

4 EXAMINER BROOKS: Very good, Case Number 13,024  
5 will be taken under advisement.

6 MR. OWEN: Thank you, Mr. Examiner.

7 (Thereupon, these proceedings were concluded at  
8 11:36 a.m.)

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March 13, 2003  
13024  
David K. Brooks

## 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 March 14th, 2003.



STEVEN T. BRENNER  
 CCR No. 7

My commission expires: October 16th, 2006