

Leaving on motions & etc

How does the Comm. distinguish Udden?

is there adequate due process? Udden was
spacing also. - ~~that there~~ spacing applies must
notify "known" int. owners

Tom thinks 70-2-25(B) & Rule 74 can be reconciled

Gallegos Angel Fire, E.D. & Juerg

all involve the admin. steps req'd ^{like not being able to appeal an} OCS order
cases go to timing - nec. steps at the admin. level

Maples is the only case that deals w/ conflict b/w
SC Rule & statute: ⁱⁿ it ~~was~~ ^{the SC} decided that the
Rule prevailed over the statute

Tom Amoco - Trinidad Coal Gas - 1400 acres

this was Udden - it was not a general rule
change as is Johnson v. Burlington

Burlington's M to Strike

extraneous information - not complying w/
Rule 74

Johnson's M to Stay

* No response - SC Rule 7.1 requires the moving ptg to
determine whether or not a motion is opposed

Tom from the base of Dakota down

He chose not to put on any witnesses $\rightarrow$ I want to sit on
sidelines & see if well is profitable

Judge

Does B have any special duty when it knows of int. owners
& has plans that will affect their prop. rts.
all the notice was done ~~after~~ ^{after} to the spacing &
Udden is very particular about the wrong in
Burlington, on its face, nothing wrong; but as
time spacing rule was made, B knows about it

requirements

Don Uhlen - sp, pool rule, confined to limited area: was actually being produced - Mrs. Uhlen was already sharing in production

~~Gallegos~~ Judge after spacing rule was in effect, they were able to file for hearing w/ OCC - request deemed denied by no action by OCC
Once OCC knows of a specific int, does OCC have some sp. duty to hear the matter?

Gallegos thought OCC wld grant hearing bcs int. was so palpable
Uhlen - spacing order, not pooling order, harmed Uhlen

Judge if it were to grant the stay, it's the ~~pooling order~~ spacing order, not the pooling order, that the Ct. will stay

Don stay wld be as to Act. 9, only

procedural question vis a vis the Rule v. statute
- whether to answer or
" " submit a record on appeal

Judge: until such time that statute is completely complied w/ (accomplished)
at that point, does not make much difference
if I have not, Mr. G will provide what is missing (statute result of lobbying, etc.)

pends: under circumst. of this case in which Burlington knew of its plan to pool prior to spacing, Uhlen binds Court totally - no notice clearly a violation of due process

impose on Burlington duty to inform those of whom

orders stay of spacing rule only as it applies to
61 parties - all other parties rec'd off. notice
by publication

B must make actual notice

Oct. 6th - 7th - oral arg. on briefs - stay will run til 10/7/97
; suspended then unless there is further order of
the Court

briefing schedule - G : K to confer
to present testimony