

Fasken vs. NMOCC & Mewbourne

CIV-98

**Devovo Cases No. 11723 and 11755
And Case No. 10872**

R-10872-B



Fifth Judicial District
State of New Mexico

Eleanor Jarnagin
Clerk of the District Court
Eddy County

October 2, 2000

P.O. Box 1838
Carlsbad, New Mexico 88221-1838
Telephone: (505) 885-4740
Fax: (505) 887-7095

Marilyn S. Hebert
Oil Conservation
2040 S. Pacheco
Sante Fe, New Mexico

Dear Ms. Hebert:

RE: **CV-98-54-JLS**

FASKEN OIL & RANCH LTD., ETAL

OIL CONSERVATION COMMISSION OF N.M., ETAL

This case is now complete, and we are returning your records and exhibits. Thank you.

Sincerely:


Joyce Hatfield: Chief Deputy Clerk

October 7, 1998
Litigation Update

Fasken v. OCC, Mewbourne and Texaco, CIV 98-54-JS, Fifth Judicial District, Eddy County —

Fasken filed its dismissal of its appeal of the Commission's order on September 3.

KELLAHIN AND KELLAHIN

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

W. THOMAS KELLAHIN*

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION
RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW

JASON KELLAHIN (RETIRED 1991)

TELEPHONE (505) 982-4285
TELEFAX (505) 982-2047

September 1, 1998

Honorable James L. Shuler
District Court Judge
P. O. Box 1626
Carlsbad, New Mexico 88220

Re: CIV 98-54-JS
Fasken Oil and Ranch, Ltd. and
Fasken Land and Minerals, Ltd. vs
Oil Conservation Commission
State of New Mexico, Mewbourne Oil Company
and Texaco Exploration and Production, Inc.

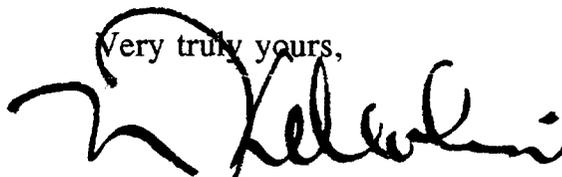
COPY

Dear Judge Shuler:

Please find enclosed the original of the stipulation and motion for dismissal of appeal which has now been signed by the parties and attorneys involved in the referenced matter. Also enclosed is a proposed order of dismissal.

Please call me if you have any questions.

Very truly yours,



W. Thomas Kellahin

cc: Oil Conservation Commission
Attn: Lyn Hebert, Esq.
Mewbourne Oil Corporation
Attn: James Bruce, Esq.
Texaco Exploration and Production
Attn: William F. Carr, Esq.

**FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF EDDY**

**FASKEN OIL AND RANCH, LTD. AND
FASKEN LAND AND MINERALS, LTD.,
Petitioners/Appellants**

vs.

No. CIV 98-54-JS

**OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO,
MEWBOURNE, OIL COMPANY and
TEXACO EXPLORATION AND PRODUCTION, INC.,
Respondents/Appellees**

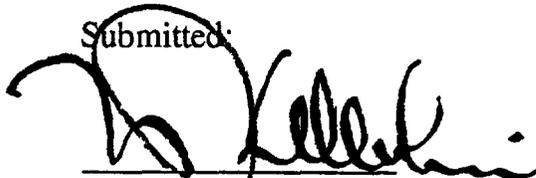
**ORDER OF DISMISSAL
OF APPEAL**

This matter having come before the Court upon the joint stipulation and motion for dismissal of appeal submitted by all parties involved in this matter and the Court being fully advised thereof;

IT IS THEREFORE ORDERED THAT motion for dismissal is hereby granted and this appeal is dismissed with prejudice.

James L. Shuler
District Court Judge

Submitted:



W. Thomas Kellahin, Esq.
Attorney for Appellants

**FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF EDDY**

**FASKEN OIL AND RANCH, LTD. AND
FASKEN LAND AND MINERALS, LTD.,
Petitioners/Appellants**

vs.

No. CIV 98-54-JS

**OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO,
MEWBOURNE, OIL COMPANY and
TEXACO EXPLORATION AND PRODUCTION, INC.,
Respondents/Appellees**

**STIPULATION
AND
MOTION FOR DISMISSAL OF APPEAL**

COMES NOW, FASKEN OIL AND RANCH, LTD. and FASKEN LAND AND MINERALS, LTD, (collectively "Fasken"), MEWBOURNE OIL COMPANY ("Mewbourne") and hereby move the Court for Dismissal of this appeal, stipulating as follows:

(1) This is an appeal by Fasken to the District Court of an order issued by the New Mexico Oil Conservation Commission being Order R-10872-B entered in Cases 11755(DeNovo), 11723(DeNovo) and 11868(DeNovo);

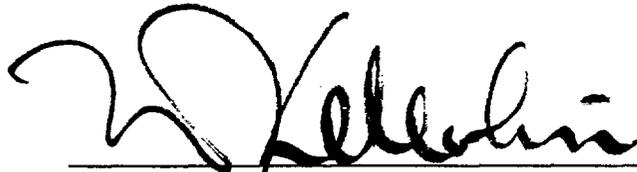
(2) Fasken and Mewbourne have agreed to settle this appeal and related litigation in Cause 41,601 in the 142nd Judicial District Court of Midland County, Texas;

(3) The parties have agreed to settle this matter only in order to avoid further trouble, litigation and expense;

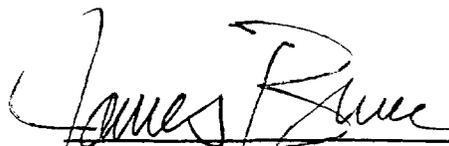
(4) It is agreed that by dismissing this appeal, neither Fasken nor Mewbourne is conceding or admitting the validity or invalidity of any issue raised in this appeal.

Wherefore, Fasken and Mewbourne jointly move that the Court dismiss this appeal with prejudice.

Respectfully submitted,



W. THOMAS KELLAHIN, Esq.
KELLAHIN & KELLAHIN
P. O. Box 2265
Santa Fe, New Mexico 87504
(505) 982-4285
ATTORNEYS FOR PETITIONERS/APPELLANTS



James Bruce, Esq.
P. O. Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043
ATTORNEY FOR MEWBOURNE OIL COMPANY, Appellee

Approved:

Robert Dickma CFH
Fasken Land and Minerals, Ltd.

Robert Dickma CFH
Fasken Oil and Ranch, Ltd.

Michael F. Shepard, General Counsel
Mewbourne Oil Company

Concurrence of counsel:

Marilyn S. Hebert
Marilyn S. Hebert, Esq. for
Oil Conservation Commission

William F. Carr
William F. Carr, Esq. for
Texaco Exploration and Production, Inc.

PROOF OF SERVICE

Pursuant to Rule 1-074-NMRA 1997, I, W. Thomas Kellahin, hereby certify that on the 19th day of September 1998, I hand delivered a copy of this Stipulation for Dismissal to all of the counsel of record in these proceedings as follows:

Lyn Hebert, Esq.
Oil Conservation Commission
2040 South Pacheco
Santa Fe, New Mexico 87505
(505) 827-1364
Attorney for the Commission

James Bruce, Esq.
612 Old Santa Fe Trail
Santa Fe, New Mexico 87501
(505) 982-2043
Attorney for Mewbourne Oil Company

William F. Carr, Esq.
510 Guadalupe
Santa Fe, New Mexico 87501
(505) 988-4421
Attorney for Texaco Exploration and Production, Inc.



W. Thomas Kellahin

Fasken v. OCC, Mewbourne and Texaco, CIV 98-54-JS, Fifth Judicial District, Eddy County –

During the July 8 telephone status conference, Mewbourne claimed the parties may settle. If not, the Judge will set a briefing schedule, possibly in August.

As of August 24, there was still no word from Mewbourne and the Judge had not set a briefing schedule.

KELLAHIN AND KELLAHIN

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

TELEPHONE (505) 982-4285
TELEFAX (505) 982-2047

W. THOMAS KELLAHIN*

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION
RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW

JASON KELLAHIN (RETIRED 1991)

August 27, 1998

Lyn Hebert, Esq.
Oil Conservation Commission
2040 South Pacheco
Santa Fe, New Mexico 87505

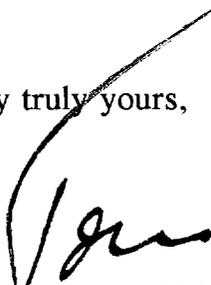
Re: CIV 98-54-JS
Fasken Oil and Ranch, Ltd. and
Fasken Land and Minerals, Ltd. vs
Oil Conservation Commission
State of New Mexico, Mewbourne Oil Company
and Texaco Exploration and Production, Inc.

Dear Lyn:

Enclosed is the original of the Stipulation and Motion for Dismissal of Appeal for the referenced case.

I would appreciate you signing the motion on behalf of the Commission and returning it to me for submittal to the court.

Very truly yours,



W. Thomas Kellahin

CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.
LAWYERS

MICHAEL B CAMPBELL
WILLIAM F CARR
BRADFORD C BERGE
MARK F SHERIDAN
MICHAEL H FELDEWERT
ANTHONY F MEDEIROS
PAUL R OWEN
KATHERINE M MOSS
JACK M CAMPBELL
OF COUNSEL

JEFFERSON PLACE
SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE (505) 988-442
FACSIMILE (505) 983-6043
E-MAIL ccbspa@ix.netcom.com

July 6, 1998

VIA FACSIMILE (505) 887-7095

The Honorable James L. Shuler
Fifth Judicial District Court
P.O. Box 1626
Carlsbad, NM 88220

Re: *Fasken Oil and Ranch, Ltd., et al. v. Oil Conservation Commission of The State of New Mexico, et al.*
Fifth Judicial District Court No. CV 98-54-JS

Dear Judge Shuler:

As you know, a scheduling hearing is set in this case for Wednesday, July 9, 1998. I would appreciate your scheduling the hearing on this motion at that time.

Very truly yours,



William F. Carr

WFC/ss

Enclosures

cc: All Counsel (Via Facsimile and U.S. Mail)



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

June 26, 1998

Ms. Ann Trew, Secretary
The Honorable James L. Shuler's Office
Fifth Judicial District
Post Office Box 1626
Carlsbad, New Mexico 88220

Re: Fasken Oil & Ranch, Ltd. et al. v. Oil Conservation Commission, et al.
No. CV 98-54-JS

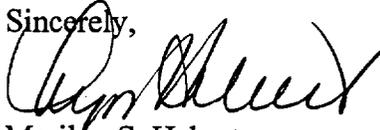
Dear Ms. Trew:

As you will recall, a hearing on the status of the above-referenced case will be held by telephone conference call on Wednesday, July 8, 1998, at 9:00 am. I have been informed by our state telephone service that Judge Shuler's office and the attorneys of record in this case must call (505) 827-4066 at 8:55 a.m. on July 8 so that all of us can be connected by 9:00 a.m. by way of an "external conference bridge."

By way of copies of this letter to the attorneys in this case, I am asking that each of them call the above "bridge" number so that we can proceed with the hearing.

Thank you for your assistance in this matter. Please contact me at 827-1364 if you have any questions or comments.

Sincerely,



Marilyn S. Hebert

cc: W. Thomas Kellahin
William F. Carr
James Bruce



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

May 28, 1998

Ms. Ann Trew, Secretary
The Honorable James L. Shuler's Office
Fifth Judicial District
Post Office Box 1626
Carlsbad, New Mexico 88220

Re: Fasken Oil & Ranch, Ltd. et al. v. Oil Conservation Commission, et al.
No. CV 98-54-JS

Dear Ms. Trew:

This letter is to confirm our conversation yesterday regarding the July 8, 1998 status conference setting before Judge Shuler. I understand Judge Shuler is agreeable to the counsel participating in this hearing by telephone. I shall initiate the conference call with the intent of connecting with Judge Shuler at 9:00 am on July 8, 1998.

Thank you for your assistance in this matter. Please contact me at 827-1364 if there has been any misunderstanding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marilyn S. Hebert".

Marilyn S. Hebert

cc: W. Thomas Kellahin
William F. Carr
James Bruce



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

April 29, 1998

The Honorable James L. Shuler
District Court Judge, Division V
Fifth Judicial District
Post Office Box 1626
Carlsbad, New Mexico 88220

**Re: Fasken Oil & Ranch, Ltd. et al. v. Oil Conservation Commission, et al.
No. CV 98-54 JS**

Dear Judge Shuler:

The above-referenced case is an appeal of a New Mexico Oil Conservation Commission decision brought in the District Court pursuant to NMSA 1978, § 70-2-25(B) and Rule 1-074 NMRA 1998. On April 28, 1998, I received a copy of a brief in chief filed with the Court by the Petitioner-Appellee Fasken Oil and Ranch, Ltd. and Fasken Land and Minerals, Ltd. However, NMSA 1978, § 70-2-25(B) has no reference to briefs to be filed by the parties. It has been the usual practice that the parties to these appeals file briefs based on a briefing schedule set by the District Court. No such schedule has been requested by any party or established by the Court in this appeal. Additionally, Rule 1-074 NMRA 1998(O) states: "**Briefs may be filed only by leave of the district court and upon such conditions as the court may direct.**"

I believe the parties need direction from the Court as to how to proceed in this matter. If the Court thinks briefs, in addition to the statements of appellate issues all parties have filed, are needed, I request that the parties file such briefs in accordance with a briefing schedule.

Thank you for your attention to this matter.

Sincerely,


Marilyn S. Hebert

cc: William F. Carr
James Bruce
W. Thomas Kellahin

KELLAHIN AND KELLAHIN

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

TELEPHONE (505) 982-4285
TELEFAX (505) 982-2047

W. THOMAS KELLAHIN*

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION
RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW

JASON KELLAHIN (RETIRED 1991)

April 25, 1998

FEDERAL EXPRESS

(505) 885-4740

Eleanor Jarnagin, Clerk
District Court Clerk
Eddy County Courthouse
100 N. Canal, Room 305
Carlsbad, New Mexico 88220

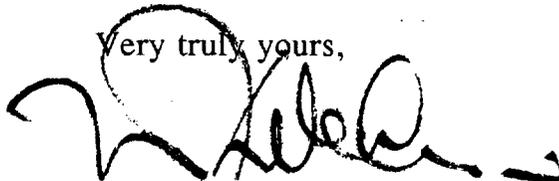
Re: CIV 98-54-JS
Fasken Oil and Ranch, Ltd. and
Fasken Land and Minerals, Ltd. vs
Oil Conservation Commission
State of New Mexico, Mewbourne Oil Company
and Texaco Exploration and Production, Inc.

Dear Ms. Jarnagin:

Please find enclosed for filing in the referenced case, Fasken's Brief in Chief. I have enclosed a copy of the cover sheet along with my stamped self addressed envelope. Please return a conformed copy to me showing the filing date.

Please call me if you have any questions.

Very truly yours,



W. Thomas Kellahin

cc: Oil Conservation Commission
Attn: Lyn Hebert, Esq.
Mewbourne Oil Corporation
Attn: James Bruce, Esq.
Texaco Exploration and Production
Attn: William F. Carr, Esq.



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

March 27, 1998

Eleanor Jarnagin, Clerk
Fifth Judicial District Court
Eddy County Courthouse
100 N. Canal, Room 305
Carlsbad, new Mexico 88220

Re: Fasken Oil & Ranch, Ltd. et al. v. Oil Conservation Commission, et al.
No. CV 98-54-JS

Dear Ms. Jarnagin:

Enclosed please find the original and a copy of the New Mexico Oil Conservation Commission's Statement of Appellate Issues. Please file the original in the above-referenced case and conform the copy and return to me in the enclosed envelope.

Thank you for your assistance.

Sincerely,

Marilyn S. Hebert

cc: W. Thomas Kellahin
William F. Carr
James Bruce

KELLAHIN AND KELLAHIN

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

TELEPHONE (505) 982-4285
TELEFAX (505) 982-2047

W. THOMAS KELLAHIN*

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION
RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW

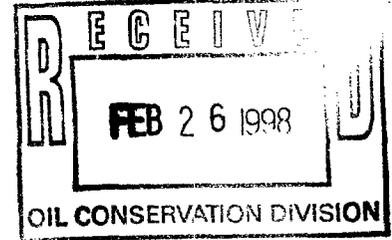
JASON KELLAHIN (RETIRED 1991)

February 26, 1998

FEDERAL EXPRESS

(505) 885-4740

Eleanor Jarnagin, Clerk
District Court Clerk
Eddy County Courthouse
100 N. Canal, Room 305
Carlsbad, New Mexico 88220



Re: CIV 98-54-JS
Fasken Oil and Ranch, Ltd. and
Fasken Land and Minerals, Ltd. vs
Oil Conservation Commission
State of New Mexico, Mewbourne Oil Company
and Texaco Exploration and Production, Inc.

Dear Ms. Jarnagin:

Please find enclosed Fasken's Statement of Appellate Issues to be filed in the referenced case.

I have enclosed a copy of the first page of this pleading and I would appreciate you endorsing it and mailing it back to me in the enclosed stamped envelope.

Please call me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Thomas Kellahin".

W. Thomas Kellahin

cc: counsel of record



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

February 12, 1998

Eleanor Jarnagin, Clerk
Fifth Judicial District Court
Eddy County Courthouse
100 N. Canal, Room 305
Carlsbad, new Mexico 88220

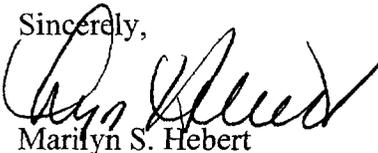
Re: Fasken Oil & Ranch, Ltd. et al. v. Oil Conservation Commission, et al.
No. CV 98-54-JS

Dear Ms. Jarnagin:

Enclosed please find for filing pursuant to Rule 1-074(H) NMRA 1998 the record on appeal of the proceedings being appealed to the district court from the New Mexico Oil Conservation Commission. Please file the original of the **Record on Appeal Contents**, conform the copy of that document only and return to me in the enclosed envelope.

Please call me if you have any questions at (505) 827-1364. Thank you for your assistance.

Sincerely,



Marilyn S. Hebert

cc: W. Thomas Kellahin - Record on Appeal Contents

William F. Carr " " " "

James Bruce " " " "

KELLAHIN AND KELLAHIN
ATTORNEYS AT LAW
EL PATIO BUILDING
117 NORTH GUADALUPE
POST OFFICE BOX 2265
SANTA FE, NEW MEXICO 87504-2265

TELEPHONE (505) 982-4285
TELEFAX (505) 982-2047

W. THOMAS KELLAHIN*
*NEW MEXICO BOARD OF LEGAL SPECIALIZATION
RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW
JASON KELLAHIN (RETIRED 1991)

February 12, 1998

Ms. Lyn Hebert, Esq.
Oil Conservation Commission
2040 South Pacheco
Santa Fe, New Mexico 87505

FACSIMILE 827-8177

James Bruce, Esq.
612 Old Santa Fe Trail
Santa Fe, New Mexico 87501

FACSIMILE 982-2151

William F. Carr, Esq.
510 North Guadalupe
Santa Fe, New Mexico 87501

FACSIMILE 983-6043

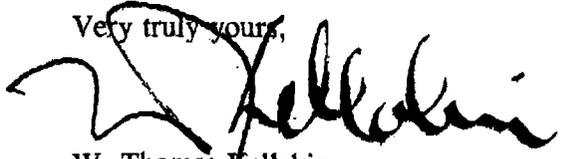
Re: *Fifth Judicial District Court Case CIV 98-54-JS*
Fasken Oil and Ranch, Ltd. and Fasken Land and Minerals, Ltd. vs
Oil Conservation Commission State of New Mexico, Mewbourne Oil Company
and Texaco Exploration and Production, Inc.

Dear Counsel of Record:

In accordance with Rule 1-074 NMRA 1997, on January 27, 1997 we delivered to each of you a copy of Fasken's Notice of Appeal in this referenced matter which was docketed on January 28, 1998 by the District Court Clerk as Case CIV 98-54-JS. I have enclosed an endorsed copy of the first page of the Notice of Appeal for your records.

Today I received notice that the Commission had filed the Record of Appeal. Thus in accordance with Rule 1-074 NMRA 1997, the Appellant's Statement of Appellate Issues is to be filed with the District Court on or before March 14, 1998.

In accordance with Rule 1-074 NMRA 1997, I would appreciate Ms. Hebert sending me a bill if there is any charge for the preparation of the transcript of proceedings which we will immediately pay. Please call me if you have any questions.

Very truly yours,

W. Thomas Kellahin

cfx: Fasken Land and Minerals, Ltd.
Attn: Sally Kvasnicka

**FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF EDDY**

FIFTH JUDICIAL DISTRICT
EDDY COUNTY NM
FILED IN MY OFFICE

98 JAN 28 PM 2:07

ELEANOR JARNAGIN
DISTRICT COURT CLERK

**FASKEN OIL AND RANCH, LTD. AND
FASKEN LAND AND MINERALS, LTD.,
Petitioners/Appellants**

vs.

No. CIV 98- 54 95

**OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO,
MEWBOURNE, OIL COMPANY and
TEXACO EXPLORATION AND PRODUCTION, INC.,
Respondents/Appellees**

**NOTICE OF APPEAL
AND
PETITION FOR REVIEW
OF A DECISION OF
THE OIL CONSERVATION COMMISSION OF NEW MEXICO**

COMES NOW, FASKEN OIL AND RANCH, LTD. and FASKEN LAND AND MINERALS, LTD, (collectively "Fasken"), pursuant to the provisions of Section 70-2-25(B) NMSA 1978 and Rule 1-074 NMRA 1997, files this Notice of Appeal and respectfully petitions the Court for review of the actions of the Oil Conservation Commission of New Mexico in Cases 11755 (DeNovo) 11723 (DeNovo) and 11868(DeNovo) on the Commission's docket and its Order R-10872-A entered therein.

KELLAHIN AND KELLAHIN

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

TELEPHONE (505) 982-4285
TELEFAX (505) 982-2047

W. THOMAS KELLAHIN*

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION
RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW

JASON KELLAHIN (RETIRED 1991)

January 27, 1998

FEDERAL EXPRESS

(505) 885-4740

Eleanor Jarnagin, Clerk
District Court Clerk
Eddy County Courthouse
100 N. Canal, Room 305
Carlsbad, New Mexico 88220

Re: *Fasken Oil and Ranch, Ltd. and
Fasken Land and Minerals, Ltd. vs
Oil Conservation Commission
State of New Mexico, Mewbourne Oil Company
and Texaco Exploration and Production, Inc.*

RECEIVED

JAN 28 1998

Oil Conservation Division

Dear Ms. Jarnagin:

Please find enclosed:

(a) Notice of Appeal and Petition for Review of a decision of the New Mexico Oil Conservation Commission

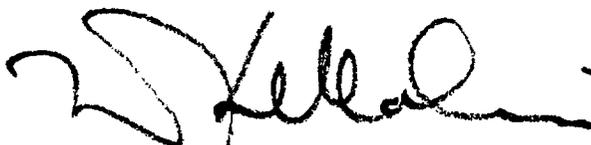
(b) my check in the amount of \$82.00 for the filing fee.

I would appreciate you calling my office to confirm filing of this appeal. The deadline for filing in your office is Friday, January 30, 1998.

I have also enclosed a copy of the first page of the Notice and I would appreciate you endorsing it and mailing it back to me in the enclosed stamped envelope.

Please call me if you have any questions.

Very truly yours,



W. Thomas Kellahin

June 2, 1998
Litigation Update

Fasken v. OCC, Mewbourne and Texaco, CIV 98-54-JS, Fifth Judicial District, Eddy County —

The Judge has set a status conference hearing for July 8 in Carlsbad. Lyn contacted the Judge's secretary and arranged to have the hearing by telephone. Lyn will initiate the call.

On 3/2/98 Tasker Oil Ranch: Tasker Land Minerals filed a Notice of Appeal: Petition for Review of an Order of the Oil Conservation Commission. This appeal is pursuant to MMSA 1978, § 70-2-25(B) and Rule 1-074 AMRA 1998.

Petitioners ^{Tasker}: Respondents OCC & Newbourn Oil Co. each filed Statements of Appellate Issues in accordance with Rule 1-074 (f)

In April, Petitioner Tasker filed its Brief in Chief.

By letter of 4/29/98, I requested direction from the Ct as Rule 1-074 (c) states that briefs are to be filed only by leave of the dist. Ct.

As the Petitioner has filed its brief, the Commission asks to be allowed to file an Answer Brief & that a briefing schedule be entered by order.

There is another matter, Texaco's M & B be excused from the case.

Tom is to report to Ct. in 2 wks or so on settlement. Tom & ~~will~~ ^{will} set a briefing if no settlement.

7/7/98 - Jim Bruce thinks companies have settled - all but paperwork. We should give them a month or so before doing briefs.