

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: )  
APPLICATION OF TRILOGY OPERATING, INC., )  
FOR COMPULSORY POOLING, LEA COUNTY, )  
NEW MEXICO )

CASE NO. 13,063

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

RECEIVED

BEFORE: WILLIAM V. JONES, JR., Hearing Examiner

FEB 19 2004

February 5th, 2004  
Santa Fe, New Mexico

Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

This matter came on for hearing before the New Mexico Oil Conservation Division, WILLIAM V. JONES, JR., Hearing Examiner, on Thursday, February 5th, 2004, 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.

\* \* \*

## I N D E X

February 5th, 2004  
 Examiner Hearing  
 CASE NO. 13,063

	PAGE
STATEMENT BY MR. OWEN	3
REPORTER'S CERTIFICATE	5

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## E X H I B I T

Applicant's	Identified	Admitted
Exhibit C	4	-

\* \* \*

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

## 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

\* \* \*

1           WHEREUPON, the following proceedings were had at  
2 8:28 a.m.:

3           EXAMINER JONES: Okay, let's call Case 13,063,  
4 which was continued a couple of times, and it's the  
5 Application of Trilogy Operating, Incorporated, for  
6 compulsory pooling, Lea County, New Mexico.

7           Call for appearances.

8           MR. OWEN: May it please the Examiner, Paul R.  
9 Owen with the Santa Fe law firm of Montgomery and Andrews,  
10 appearing on behalf of the Applicant, Trilogy Operating,  
11 Inc. I have no witnesses in this matter.

12           EXAMINER JONES: Any other appearances? There  
13 being none, go ahead, Mr. Owen.

14           MR. OWEN: Mr. Examiner, this case was originally  
15 heard all the way back in May of -- May 8th, 2003. At that  
16 time I presented the case on its merits, primarily by  
17 affidavit, since it was a noncontested compulsory pooling  
18 case.

19           Since that time there was a dispute about the  
20 notice. The case was reopened and heard on January 22nd.

21           When the case was docketed for January the 22nd,  
22 the deadline for my renoticing the interest owners who were  
23 being pooled had already passed. So I appeared at the  
24 January 22nd docket and requested that the case be  
25 continued to this hearing, because I had already provided

1 notice to the interest owners of today's hearing.

2 The only thing I have with me is the notice  
3 affidavit stating that notice has been given and that the  
4 interests have not changed since the May, 2003, hearing.  
5 So the interest is still the same as it was presented at  
6 that hearing.

7 With that, I think that the notice matter has  
8 been taken care of and request that the matter be taken  
9 under advisement if possible and an expedited order be  
10 issued in this matter.

11 EXAMINER JONES: Okay, we'll make note of the  
12 testimony at the previous case that was presented in March  
13 the 8th of 2003 to Examiner Mr. David Brooks.

14 Thank you very much, Mr. Owen. With that, we'll  
15 take 13,063 under advisement, and we'll try to get an  
16 expedited order out.

17 MR. OWEN: Thank you very much, Mr. Examiner.

18 (Thereupon, these proceedings were concluded at  
19 8:30 a.m.)

20 \* \* \*

21 I do hereby certify that the foregoing is  
22 a complete record of the proceedings in  
23 the Examiner hearing of Case No. \_\_\_\_\_  
24 heard by me on \_\_\_\_\_

25 \_\_\_\_\_, Examiner  
Oil Conservation Division

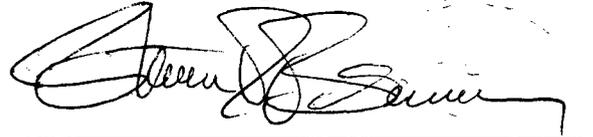
CERTIFICATE OF REPORTER

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 February 5th, 2004.



STEVEN T. BRENNER  
CCR No. 7

My commission expires: October 16th, 2006