

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

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
PRE-HEARING STATEMENT

BEFORE: RICHARD EZEANYIM, Hearing Examiner
DAVID K. BROOKS, Legal Examiner

April 26, 2012

8:20 AM

Santa Fe, New Mexico

This matter came on for hearing before the
New Mexico Oil Conservation Division, RICHARD EZEANYIM,
Hearing Examiner, and DAVID K. BROOKS, Legal Examiner,
on Thursday, April 26, 2012, at the New Mexico Energy,
Minerals and Natural Resources Department, 1220 South
Street Francis Drive, Room 102, Santa Fe, New Mexico.

REPORTED BY: Lisa Reinicke
PAUL BACA PROFESSIONAL COURT REPORTERS
500 Fourth Street, NW, Suite 105
Albuquerque, NM 87102

1 MR. EXAMINER: Good morning, everybody.

2 This hearing will come to order. We're going to go into
3 the docket. I want to make a brief announcement for the
4 general consumption. Take a seat, take a seat.

5 As you all know, we have a new rule and it's in
6 effect now and there are certain implementations that we
7 need to make sure that you understand. From now on
8 whenever you are presenting an interval well, you know,
9 something like from that kind of a case, I would
10 appreciate it if you could give us the well construction
11 diagram at the hearing so that we know where the
12 completed interval is at.

13 As you all know, a completed interval is a new
14 term where we implemented a new rule. It's not just for
15 this area. Therefore, you can present the well any way
16 you want it as long as you give us the construction and
17 tell us where the completed interval is. That would be
18 really appreciated.

19 Most of the cases we have today, the information
20 is for that area and the drilling of the well. And you
21 may not have that well complete and you may submit after
22 the hearing. But I want you to do it to make sure that
23 you present the well construction in the area and not
24 after the fact.

25 As you all know, this is a new rule and it might

1 be subject to interpretation. Here we have a technical
2 examiner to help you; Mr. Brooks is here. And we can
3 also help you with any technical interpretation that you
4 may have in trying to comply with that rule or trying to
5 present your case before the OCD or the OCC, whatever
6 the case may be. So if you need any interpretation
7 please let us know. We did one on Monday, and we would
8 appreciate it if you understand how they can implement
9 the project. I really liked it. We are working with
10 you.

11 Okay. And I want to remind everybody, I have a
12 full house today, about the new policy that was put in
13 place just this February about this issue of continuing
14 applications and the cases dismissed without prejudice.
15 So I want to make sure everybody understands that some
16 of the cases stay on the docket for years and then it's
17 crossed off the docket.

18 And the recommended decision is that we need to
19 continue for only three times or four times and then it
20 has to be heard or dismissed without prejudice. So I
21 want to make sure -- I think I told you that we
22 grandfathered any continuances before February 2nd. So
23 if you are continued for 10 times or 20, it didn't
24 count. So whenever you think your case has been
25 continued for three times, please make sure you prepare

1 to get it heard or dismiss it yourselves or we will
2 dismiss it for you without prejudice.

3 You know, I talked about an example that I see of
4 what is going on in the field about operations, how
5 negotiations are going on. I see one thing placed on
6 you, the fact that we would like you to, you know,
7 negotiate. So coming to the hearing and if you actually
8 come to the hearing, because you have the right. Of
9 course you have the right to come to a hearing. Nobody
10 is saying don't come to the hearing.

11 But in the interest of similar processes I would
12 appreciate it if you guys can try to negotiate. And
13 when it's broken down in negotiations come to the
14 hearing. Not everything is coming to the hearing and
15 then the docket is closed out that we are -- you know,
16 we have short staff. We don't have enough to deal with
17 every process of the case that you may have that could
18 have been settled if you negotiate the case. So I
19 always talk about this. And I think it helps you so
20 much if you bring it to the hearing, we decide it, and
21 you may not like it. So I encourage you to negotiate
22 among yourselves.

23 Now I wanted to say, are there any questions or
24 comments? Anything that anybody can do or any questions
25 that we can handle?

1 Okay, then we're going to call today's docket.

2 Today is April 26th and we're going to call Docket
3 Number 13-12. And first order of business is to call
4 the dismissals and continuances.

5 On page 1, case 14657 is dismissed. On page 2,
6 case number 14814 is continued to May 10th. Then go to
7 page 4, case number 14810 is dismissed. All the cases
8 from case number 14819 up to 14824, all those cases are
9 continued to May 10th; 14819, 14820, 14821, 14822, 14823
10 and 14824 are all continued to May 10th.

11 On page 5, case number 14825 is continued to
12 May 10th. Case number 14826 is continued to May 10th.
13 Case number 14828 is dismissed. Page 6, case number
14 14829 is dismissed. Case number 14830 is dismissed. On
15 page 7, case number 14687 will be dismissed without
16 prejudice. And I want to read this out for the record
17 to tell you what I just said about continuing for three
18 times and then four times they continue the hearing. So
19 it had to be dismissed without prejudice.

20 Let me read it into the record, the case that
21 will be dismissed without prejudice. This is
22 application of Cimarex Energy Company for a non-standard
23 oil spacing and proration unit and compulsory pooling
24 for, Chaves County, New Mexico will be dismissed without
25 prejudice.

1 On page 8, case number 14804 will be dismissed.

2 And are there any other dismissals at this time?

3 MR. RANKIN: Mr. Examiner, Adam Rankin on
4 behalf of OXY USA. We'd like to dismiss case 14798.

5 MR. EXAMINER: What page? What page?

6 MR. RANKIN: It's on page 4.

7 MR. EXAMINER: 14798, correct.

8 MR. RANKIN: That's correct, to dismiss.

9 MR. EXAMINER: Dismissed, okay. Let the
10 record reflect that case number 14798 is dismissed.

11 MR. BRUCE: Mr. Examiner, on page 4 at the
12 top, I can't remember if you got this case or not. But
13 the Mewbourne Oil Company case 14810, that should be
14 dismissed.

15 MR. EXAMINER: Yes, I didn't say that. Any
16 other dismissals.

17 Case number 14798, yes, I'm going to take it from
18 the pile. I don't have to hear it anymore.

19 Any other dismissals, continuances? Now what we
20 are going to do, we have a bunch of cases today, much
21 are contested. So what I will do first is to call case
22 number 14812. That case, we're not going to hear it
23 today. We heard it last time and I just need to call it
24 to collect some new information.

25 And then we have two cases, 14613 and 14647, then

1 we are going to follow the order of the docket. But I
2 was informed of this one by Mr. Hall that -- everyone is
3 present now, Mr. Hall?

4 MR. HALL: Yes, sir.

5 MR. EXAMINER: They are here now?

6 MR. HALL: Yes.

7 MR. EXAMINER: Okay. So after these cases
8 are done then we're going to go to the docket. We're
9 going to call it that way. Is that going to present any
10 problem for anybody?

11 MR. HALL: You're going to do the Division's
12 cases first?

13 MR. EXAMINER: Yes. So you are ready to go.

14 MR. HALL: Yes, sir.

15 MR. EXAMINER: Okay. So we're going to
16 continue that way and see where we get today. I want to
17 warn everybody that it might spill over into Friday, so
18 I hope everybody can stay here until Friday. We don't
19 know.

20 [Pre-Hearing statements conclude.]

21
22 I hereby certify that the foregoing is
23 a complete record of the proceedings in
24 the Examiner hearing of Case No. 412 612
25 heard by me on 4/12/12
[Signature] Examiner
Oil Conservation Division

REPORTER'S CERTIFICATE

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I, Lisa Reinicke, New Mexico Provisional
Reporter, License #P-405, working under the direction
and direct supervision of Paul Baca, New Mexico CCR
License #112, Official Court Reporter for the US
District Court, District of New Mexico, do hereby
certify that I reported the foregoing proceedings in
stenographic shorthand and that the foregoing pages are
a true and correct transcript of those proceedings and
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I FURTHER CERTIFY that I am neither employed by
nor related to any of the parties or attorneys in this
case and that I have no interest whatsoever in the final
disposition of this case in any court.



Lisa R. Reinicke,
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Ex count: