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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:

ORIGINAL

APPLICATION OF LG&S OIL COMPANY, LLC
FOR APPROVAL OF A SALT WATER DISPOSAL
WELL, EDDY COUNTY, NEW MEXICO.

CASE 15345
(Cont'd from
December 17,
2015)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

January 7, 2016

Santa Fe, New Mexico

BEFORE: PHILLIP GOETZE, CHIEF EXAMINER
GABRIEL WADE, LEGAL EXAMINER

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This matter came on for hearing before the
New Mexico Oil Conservation Division, Phillip Goetze,
Chief Examiner, and Gabriel Wade, Legal Examiner, on
January 7, 2016, at the New Mexico Energy, Minerals, and
Natural Resources Department, Wendell Chino Building,
1220 South St. Francis Drive, Porter Hall, Room 102,
Santa Fe, New Mexico.

REPORTED BY: ELLEN H. ALLANIC
NEW MEXICO CCR 100
CALIFORNIA CSR 8670
PAUL BACA COURT REPORTERS
500 Fourth Street, NW
Suite 105
Albuquerque, New Mexico 87102

A P P E A R A N C E S

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For Applicant LG&S Oil Company:

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1 I N D E X

2 CASE NUMBER 15345 CALLED

3 LG&S OIL COMPANY, LLC
CASE-IN-CHIEF:

4 WITNESS BRIAN WOOD

5	Direct	Redirect	Further
6 By Mr. Padilla	10		

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13 Reporter's Certificate

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1 (Time noted 10:44 a.m.)

2 EXAMINER GOETZE: Back on the docket. Case
3 No. 15345, Application of LG&S Oil Company, LLC, for
4 Approval of a Salt Water Disposal Well, Eddy County, New
5 Mexico.

6 Call for appearances.

7 MR. PADILLA: Mr. Examiner, Ernest L.
8 Padilla for the applicant. I have two witnesses to be
9 sworn in.

10 MR. FELDEWERT: Mr. Examiner, Michael
11 Feldewert with the Santa Fe Office of Holland and Hart,
12 appearing on behalf of Devon Energy Production Company.
13 We have three witnesses here today.

14 EXAMINER GOETZE: Will the witnesses
15 identify --

16 MR. CARR: Mr. Examiner, William F. Carr. I
17 am entering my appearance for COG Operating, LLC. We
18 are appearing in support of Devon and in opposition to
19 the application. And we have no witnesses.

20 EXAMINER GOETZE: And we are taken aback.
21 Thank you very much.

22 Would the witnesses go ahead and stand and
23 identify yourself to the court reporter and we will have
24 you sworn in.

25 (WHEREUPON, the presenting witnesses

1 were administered the oath.)

2 MR. FELDEWERT: Mr. Examiner, I do have an
3 opening statement.

4 EXAMINER GOETZE: Would you like to have an
5 opening statement?

6 MR. PADILLA: No.

7 EXAMINER GOETZE: Mr. Feldewert.

8 MR. FELDEWERT: Mr. Examiner, I handed you
9 our exhibit package as well as Division order 14091,
10 which was entered by the Division in December of 2015.
11 I'm going to be referring briefly to that.

12 If you look at Devon Exhibit 1, and you open
13 that up in our exhibit package, it shows Devon's
14 leasehold acreage in the area in yellow.

15 And, in addition, it shows, for your
16 convenience, the proposed disposal wells listed on here
17 as the Keohani Federal No. 3 right below the Shugart Gas
18 Well. That is shown as a plug symbol, but, in fact,
19 that well has been producing from the Queen since 1972.

20 The hatched area with the red hatch shows
21 Devon's Queen rights in the acreage in section 28.
22 Devon is invested in this area. They have extensive
23 acreage holdings. They have drilled the well that you
24 see there in blue -- the two wells in blue into the Bone
25 Spring.

1 They have six -- or they have some
2 additional Bone Spring wells planned. They are shown on
3 the green line. Their thought when they started
4 developing was to start with the deeper zones and then
5 move shallower. But with the advent of this case and
6 with the oil prices, they are now actually examining
7 going directly to the Queen because it's actually
8 cheaper to drill in the Queen with horizontals and
9 deeper. We're going to have a witness testify to
10 that.

11 But the main point here is to show you that
12 this disposal well is right in the middle of their
13 acreage. LG&S operates, to my knowledge, two wells in
14 New Mexico on the 80-acre tract, which is the east half
15 of the northwest quarter. That's it.
16 Both of those wells have been producing from Queen for
17 some time now. And it's one of them that they seek to
18 now convert to a disposal well. If you take a look at
19 their C-108 application --

20 MR. FELDEWERT: Did you provide them with
21 your exhibits there?

22 MR. PADILLA: Yes, I did.

23 MR. FELDEWERT: The C-108 application, which
24 is their first Exhibit, I want to take you to a
25 statement in there, because I think it's important and I

1 think it's important to keep in mind as you go through
2 this. It's not paginated. But if you look in the upper
3 right-hand corner, there is a page 1 of their
4 application.

5 It is a couple of pages in. And in the
6 upper right-hand corner is page 1. And it starts their
7 description, their narrative description of what they're
8 doing here.

9 And what is important here is if you look at
10 the second paragraph, under Roman numeral I, it reflects
11 what the well was producing that they seek to now use
12 for injection in 2014, about halfway through the second
13 paragraph.

14 What I want to read to you is the next two
15 sentences, because what they say -- this is their words,
16 it's not mine -- as stated: "...is no longer economical
17 to operate the well as an oil well under current oil
18 prices. The plan is to dispose into the Queen from
19 3,280 to 3,570, the same interval that currently" -- but
20 they say -- "uneconomically now produces."

21 So we have no debate here that they're
22 seeking to dispose into a producing interval simply
23 because it's no longer economic to LG&S to produce this
24 well at today's prices. That's their words.

25 There is also no debate here that once you

1 inject into this proposed zone, you're going to start
2 condemning the Queen oil to nothing but a disposal
3 formation.

4 My point is your duty as a Division is to
5 prevent waste and protect correlative rights. And
6 "waste" is not defined by today's oil prices, and it's
7 not defined by what a company thinks is economic to them
8 at a certain point in time.

9 Your duty is to look long term. And as you
10 reflected in the order that I gave to you, Order 14091
11 issued by this Division in December, in that case you
12 were looking at a proposal to inject in the Brushy, in
13 the Cherry, and in the Bell Canyon formations.

14 And if you go to page 4 of that order, the
15 Division I think does a good -- articulates here what I
16 understand to be the standard now. It's under the
17 Division's conclusions in paragraphs, 25, 26, and 27.

18 Here's what the Division says, "Opponent's
19 testimony and evidence supported a viable potential for
20 occurrences of hydrocarbon resources in both the Cherry
21 Canyon and Brushy Canyon formations."

22 The next paragraph, paragraph 26, "Opponent
23 stated an interest in investigating both the Cherry
24 Canyon and Brushy Canyon Formation for hydrocarbon
25 resources with development using horizontal wells."

1 And then you talked about the Bell Canyon.
2 "Both the applicant and opponent confirmed low potential
3 in the area in the Bell Canyon Formation for hydrocarbon
4 resources that would support further investigation, in
5 other words, low potential for even investigation and
6 possible development."

7 You, therefore, allowed injection into the
8 Bell. You did not for the Cherry and the Brushy where
9 there was a viable potential for occurrences of
10 hydrocarbon resources in a party that is interested in
11 examining that formation for development using
12 horizontal wells.

13 That is what we got here. I think this
14 statement alone is enough to deny their application, but
15 Devon is going to present the three witnesses here
16 today, and they are going to show you, yes, we're
17 heavily invested, we believe the Queen's productive,
18 Devon strongly believes the Queen is productive in this
19 area. And they are going to show you why.

20 And we are also going to demonstrate that
21 there's some serious objections or issues with respect
22 to their proposed wellbore that they seek to use. We
23 are going to use an engineer to demonstrate that.

24 But I think, if you look at your statement
25 here in this order and you just look at the statement

1 they make in their application, the fact that they want
2 to inject into a currently producing formation, just
3 because they think it's uneconomic to them at today's
4 oil prices, does not meet the Division's test. I am
5 going to ask that you deny this application.

6 EXAMINER GOETZE: Thank you.

7 MR. PADILLA: That is an excellent closing
8 argument. We will call our first witness, Brian Wood.

9 BRIAN WOOD

10 having been first duly sworn, was examined and testified
11 as follows:

12 DIRECT EXAMINATION

13 BY MR. PADILLA:

14 Q. Mr. Wood, would you please state your name.

15 A. Yes. My name is Brian Wood.

16 Q. And have you testified before the Oil
17 Conservation Division previously?

18 A. Yes.

19 Q. In what capacity?

20 A. As a regulatory consultant.

21 Q. And have you prepared C-108s in the past that
22 have been submitted to the Division for approval?

23 A. Yes.

24 Q. And did you prepare the C-108 for LG&S in this
25 case?

1 A. Yes.

2 MR. PADILLA: We tender Mr. Wood as a
3 regulatory consultant for oil and gas matters.

4 MR. FELDEWERT: No objection.

5 EXAMINER GOETZE: Very good. He is so
6 qualified.

7 Q. Mr. Wood, let's turn our attention to Exhibit 1
8 and have you tell us what that is.

9 A. Exhibit A, is that what you're referring to or --

10 Q. Exhibit 1.

11 A. Okay. This is the C-108 application package that
12 I prepared. It includes the form itself and text and a
13 number of maps and exhibits.

14 Q. Let's start out with the first page. And that's
15 a standard C-108 with your signature at the bottom; is
16 that right?

17 A. Yes.

18 Q. And you have a number of attachments to this.
19 And I want you to start in the second page of the
20 application itself for authorization to inject. And
21 I'll ask you if this is the same application that you
22 filed as an administrative application before the
23 Division?

24 A. Yes.

25 Q. Were there any objections by anyone other than

1 Devon?

2 A. I believe that was the only one that I was aware
3 of.

4 Q. Did COG at any time prior to this hearing make
5 any objection, to your knowledge?

6 A. Not that I am aware of.

7 Q. Let's go to the first schematic that you have.
8 It is on the fourth page. What is that schematic about?

9 A. It depicts the wellbore as it currently exists,
10 which also happens to be the plan it approved.

11 It shows that the well was drilled at 3,650 feet.
12 It was plugged back to 3,600 feet. It is currently
13 perforated in the Queen Formation from 3,280 feet to
14 3,570 feet. That is an intended disposal zone.

15 Q. In looking at this -- what did you look at in
16 order to prepare this schematic?

17 A. I looked at the documents that are online on the
18 OCD website.

19 Q. In terms of the cementing program on this well,
20 that shows, as I see this, surface cement circulated to
21 259 feet?

22 A. Right.

23 Q. And then the first -- and then the next cementing
24 job is to where?

25 A. To the surface.

1 Q. Did you see anything in the well files concerning
2 this well that would give you some cause of concern that
3 would eliminate this well from being converted to a salt
4 water disposal well?

5 A. I did not.

6 Q. The following page is an injection well data
7 sheet. Could you briefly summarize what that contains?

8 A. It shows our proposed tubing; our type of packer;
9 packer setting depth; what was the well originally
10 drilled for. In this case a water well into the Queen.

11 It shows what we're proposing, which is a salt
12 water disposal Queen well; has it been perforated in the
13 past; overlying production zones; underlying producing
14 zones within the area of review.

15 Q. At the bottom of this page, at Number 5, the
16 formation above that is the Yates Formation. And I ask
17 you why did you list the Yates there?

18 A. It produces within the area of review and is
19 above the Queen Formation.

20 Q. And under you have the Morrow Formation at 11,582
21 feet. Is this well productive?

22 A. Yes.

23 Q. From the Morrow?

24 A. Well, not this well, not the Keohani 3; but the
25 offset well, which is 330 feet north, which is a Devon

1 well, does produce from the Morrow.

2 Q. Does Devon have any other wells in the area that
3 produce from the Queen Formation?

4 A. No.

5 Q. Where do the Devon wells produce from within the
6 area of review?

7 A. Let's see here.

8 Q. Is this further back in your analysis?

9 A. Yes, this would be object page 3. There is a
10 Devon well 330 feet north of the proposal that produces
11 from the Morrow and then there's a Devon well that is
12 1,403 feet away that produces from the Morrow. And that
13 was it as of April last year.

14 Q. Let's look at the page that Mr. Feldewert was
15 referring to in this application, and it's labeled page
16 1 at the top, and that's following the well data sheet.

17 Can you elaborate on why this well is no longer
18 economical?

19 A. In the operator's judgment, he cannot make money
20 off of it as an oil well.

21 Q. Do you know what the production, what the daily
22 production is on this well?

23 A. I do not currently.

24 Q. When you made the application, did you endeavor
25 to find out whether it was productive of oil in the

1 Queen?

2 A. Well, in 2014, it did produce 1,453 barrels of
3 oil from the Queen.

4 Q. Do you know what the costs of operating this well
5 are?

6 A. I do not.

7 Q. To your knowledge, have you been -- let me ask it
8 this way. Have you been informed as to what the
9 operating costs for operating this well would be?

10 A. I have not.

11 Q. Let's go on to the next page which is labeled
12 page 2. What does that contain that is significant in
13 terms of the injection interval?

14 A. It shows, first of all, where we are going to set
15 the packer; what the disposal zone is; the depth of the
16 disposal zone; that the well has been twice drilled as a
17 Queen oil well.

18 It shows the perforation details; that the Yates
19 is the only oil and gas in production above the Queen in
20 the area of review; that the Morrow is the only oil and
21 gas below the Queen that produces within the area of
22 review; that this is intended for disposal.

23 And, then, as we transition into Roman numeral V,
24 that's a tabulation of the leases and if there's any
25 Queen operations within the area of review.

1 Q. Are there any Queen operations within the area of
2 review?

3 A. Yes. There are two wells currently. One is
4 operated by LG&S. Although, if LG&S is successful in
5 getting approval for this as a Queen salt water disposal
6 well, it will then file an application for that to be a
7 Queen salt water disposal well.

8 And then there's a second Queen well, north of
9 that, that is operated by a Mr. Cone. There is no
10 address of record on the OCD website. It has not
11 produced since 2009. It had been part of a unit, and
12 that unit has been terminated by the BLM.

13 Q. Now, part 6 on page 3, what information is
14 contained there?

15 A. This lists all the existing wellbores within the
16 area of review. It's ranked by distance from the
17 proposed salt water disposal well. It indicates that
18 there is a total of 11 wellbores within the area of
19 review, ten of which penetrated the Queen and 7 of the
20 11 wells have been plugged and abandoned.

21 Q. Except for the LG&S wells in section 28, I
22 gathered from this that there is no Queen production?

23 A. No, not currently.

24 Q. What does section 7 contain on page 4?

25 A. This is just a quick summary of our proposed

1 disposal rates, pressures, where the water will come
2 from, history of the well. And I think earlier you had
3 asked about production. I do have here that in 2014 the
4 production averaged four barrels of oil per day.

5 Q. How much water has been produced in that well?

6 A. In 2014, it produced an average of 71 barrels of
7 water per day.

8 Q. Do you know where that water is going to?

9 A. I do not.

10 Q. Section 8 is what?

11 A. This is just kind of a quick geologic summary.
12 We talk about what the nature of the Queen sandstone is,
13 where underground drinking water is located, water
14 wells, and then just a list of the formations and their
15 depths.

16 Q. Do you have somewhere in here where there are
17 water wells?

18 A. There were no water wells found within a two-mile
19 radius. That is based on both a review of the State
20 Engineer's Office website and a field inspection.

21 Q. You actually went out?

22 A. I did not, but one of my hands did.

23 Q. Okay. In part 12 you state that you are not
24 aware of any geologic or engineering data that would
25 indicate that the Queen has a hydrologic connection with

1 any underground sources of water?

2 A. Correct.

3 Q. How did you come to that conclusion?

4 A. Examining just the wellbores nearby, this
5 particular wellbore, in particular; also looking at
6 where the closest quaternary fault is.

7 Q. Where is that?

8 A. It is about 75 miles to the --

9 MR. FELDEWERT: Let me object to the witness
10 here attempting to offer an opinion on geologic data
11 when he is only qualified as a -- I'm sorry -- what is
12 the qualification again?

13 THE WITNESS: Regulatory consultant.

14 MR. FELDEWERT: So I would object to a
15 discussion about the geology of the area.

16 EXAMINER GOETZE: I am going to ask Counsel,
17 your second witness is a geologist?

18 MR. PADILLA: He's an engineer.

19 EXAMINER GOETZE: That's sad.

20 MR. PADILLA: He is testifying in a trial in
21 El Paso today, and I couldn't continue this any further
22 today --

23 EXAMINER GOETZE: Well, let's look at this.
24 The application -- I assume you are going to enter this
25 exhibit -- the entity, LG&S, has to be a person of

1 competent knowledge to make the statement. So since we
2 are not an environmental scientist, a geologist, a PE, I
3 would ask that LG&S clarify this statement in an
4 individual submission and provide a person so qualified
5 to make the statement.

6 MR. PADILLA: We'll do that.

7 EXAMINER GOETZE: Thank you. We will
8 proceed with your questioning -- what?

9 (Discussion between Examiner Goetze and
10 Mr. Wade.)

11 EXAMINER GOETZE: Off the record for a
12 moment.

13 (Discussion off the record.)

14 EXAMINER GOETZE: In light of Counsel's
15 advice, since we are going to request this, we ought to
16 be looking at a continuance, but we are going to proceed
17 with what we have now.

18 My question to you, since you don't have a
19 geologist present and there is a lot of geology
20 involved, is there going to be a need to have him
21 provide testimony?

22 MR. PADILLA: If the same objection is going
23 to be made relating to our geologic submission, I inform
24 Mr. Feldewert that I do have that problem. I don't want
25 to do a geologic analysis in this case, but we do have

1 the cross sections that were prepared by Dr. Powers in
2 collaboration with Mr. Baxi, and they are intended only
3 to show where the injection interval and the cross
4 section is. But I am handicapped by not having Dr.
5 Powers here today.

6 MR. FELDEWERT: Mr. Examiner, I think you
7 can anticipate what I see as a problem, and that is they
8 have this application that has been signed by a
9 regulatory consultant that contains a number of geologic
10 opinions that have not been veri- -- and I just looked
11 through here. There is no verification of any of these
12 statements.

13 So, in my mind, they have not presented a
14 viable application for the Division to consider here
15 today. They don't have a witness that can introduce
16 this exhibit and verify the statements in this exhibit.
17 And I have no witness to cross-examine on the statements
18 in this exhibit.

19 EXAMINER GOETZE: Off the record again.

20 (Discussion off the record.)

21 EXAMINER GOETZE: Back on the record.

22 So what is the probability of that with a
23 two-week continuance your witness would be available so
24 that you would have full representation?

25 MR. PADILLA: He doesn't have any problem, I

1 think, after January 10th.

2 MR. FELDEWERT: I have just been informed
3 our witness cannot be here two weeks from now.

4 EXAMINER GOETZE: I know --

5 MR. WADE: So, Mr. Feldewert, going back to
6 your statement earlier, you said there is no
7 verification within the C-108?

8 MR. FELDEWERT: I haven't found one. Maybe
9 I missed it. I was paging through it while we were
10 going through this.

11 THE WITNESS: Exactly what topic, if I could
12 ask that question.

13 MR. FELDEWERT: Of any of the geologic and
14 engineering statements.

15 THE WITNESS: For instance, the formation
16 tops came from online OCD records.

17 EXAMINER GOETZE: I would suggest that the
18 affirmation statement regardless -- of any application
19 has to be made by a qualified person regardless of --
20 the remaining content if found to be public record can
21 be so submitted and considered.

22 I think at least we'll move forward, the
23 application has been made, and we accepted it before
24 with the administrative process, noting that we did need
25 to have the clarification of who made the affirmation

1 statement.

2 Let us proceed with the examination of the
3 C-108. And seeing how you folks are limited and you
4 folks are handicapped --

5 MR. WADE: Can I just ask --

6 EXAMINER GOETZE: Yes.

7 MR. WADE: Mr. Padilla, would you have had
8 Dr. Powers testify --

9 MR. PADILLA: He would have been here. He's
10 been here -- as a matter of fact, we had a problem
11 because he had to be back in Austin sometime in
12 December, and the case was continued for two weeks.

13 But our continuance on November 12th was
14 based on availability of witnesses. And I think the
15 case was called --

16 MR. WADE: What specifically would he have
17 testified to today or would testify to in the future?

18 MR. PADILLA: All geologic matters.

19 MR. WADE: And what part did he take in
20 preparing the C-108?

21 MR. PADILLA: I don't think he had one, but
22 he can certainly verify --

23 MR. WADE: The information in the --

24 MR. PADILLA: -- the information that's
25 there. We do have cross sections that he prepared, and

1 I was going to attempt to introduce them, not from a
2 geologic analysis but it would be helpful to absolutely
3 have them here because of his expertise in geology.

4 EXAMINER GOETZE: Let's take a five-minute
5 break.

6 (Brief recess.)

7 EXAMINER GOETZE: We're back on the record
8 again.

9 Having talked with Counsel, having looked at
10 what has been submitted as potential exhibits, geology
11 plays a significant role in this discussion. And I
12 think, not having Dr. Powers here to, at least, be able
13 to present as well as being able to cross represents a
14 big hindrance in this case; therefore, we are going to
15 ask for a continuance and a rescheduling where everybody
16 can come; we will even accommodate to the point of doing
17 it off docket.

18 I think if we wish to present even and good
19 information, we need to have all participants present.

20 So, Counselors, any idea?

21 MR. FELDEWERT: We were thinking
22 February 4th docket.

23 MR. PADILLA: That is fine with us.

24 EXAMINER GOETZE: Well, then let's do this.
25 At this point --

1 MR. PADILLA: I would like to verify with
2 Dr. Powers that he's available.

3 EXAMINER GOETZE: Well, go ahead -- what we
4 will do at this point is you will take your exhibits
5 back, hold on to them, we will continue to -- you
6 totally caught me off guard -- to the February 4th date
7 on the understanding that we will make sure that
8 everyone is available to do it.

9 And we'll make sure that we will make it
10 early in the docket so we make everyone else suffer.
11 Let's have everyone present. I think it's best for this
12 case, since this is a continuing issue with SWDs, that
13 we present both sides and be able to make a decision.

14 MR. PADILLA: Thank you.

15 EXAMINER GOETZE: Thank you.

16 And on that note, case 15345 is continued to
17 February 4th. And thank you all for attending and sorry
18 about this, but let's make it a good case.

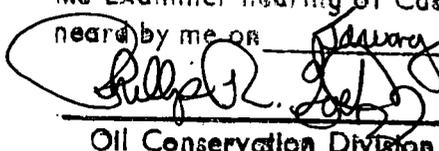
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(Time noted 11:20 a.m.)

22

I do hereby certify that the foregoing is
a complete record of the proceedings in
the Examiner hearing of Case No. 15345
heard by me on January 7, 2016

Billie R. Goetze, Examiner
Oil Conservation Division

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1 STATE OF NEW MEXICO)
 2) ss.
 3 COUNTY OF BERNALILLO)
 4
 5
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7 REPORTER'S CERTIFICATE

8
 9 I, ELLEN H. ALLANIC, New Mexico Reporter CCR
 10 No. 100, DO HEREBY CERTIFY that on Thursday, January 7,
 11 2016, the proceedings in the above-captioned matter were
 12 taken before me, that I did report in stenographic
 13 shorthand the proceedings set forth herein, and the
 14 foregoing pages are a true and correct transcription to
 15 the best of my ability and control.

16
 17 I FURTHER CERTIFY that I am neither employed by
 18 nor related to nor contracted with (unless excepted by
 19 the rules) any of the parties or attorneys in this case,
 20 and that I have no interest whatsoever in the final
 21 disposition of this case in any court.

22
 23
 24
 25


ELLEN H. ALLANIC, CSR
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