

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 APPLICATION OF HARVEY E.)
YATES COMPANY FOR COMPULSORY POOLING,)
LEA COUNTY, NEW MEXICO)

CASE NO. 13,999
(Readvertised)

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: DAVID K. BROOKS, Jr., Hearing Examiner

October 3rd, 2007

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, DAVID K. BROOKS, Jr., Hearing Examiner, on Thursday, October 3rd, 2007, 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.

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I N D E X

October 3rd, 2007
 Examiner Hearing
 CASE NO. 13,999

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E X H I B I T

Applicant's	Identified	Admitted
Exhibit 9	4	4

* * *

A P P E A R A N C E S

FOR THE APPLICANT:

JAMES G. BRUCE
 Attorney at Law
 P.O. Box 1056
 Santa Fe, New Mexico 87504

FOR XTO Energy, Inc.:

HOLLAND & HART, L.L.P., and CAMPBELL & CARR
 110 N. Guadalupe, Suite 1
 P.O. Box 2208
 Santa Fe, New Mexico 87504-2208
 By: WILLIAM F. CARR

* * *

1 WHEREUPON, the following proceedings were had at
2 8:18 a.m.:

3 EXAMINER BROOKS: At this time we will call Case
4 Number 13,999, readvertised, Application of Harvey E. Yates
5 Company for compulsory pooling, Lea County, New Mexico.

6 Call for appearances.

7 MR. BRUCE: Mr. Examiner, Jim Bruce of Santa Fe,
8 representing the Applicant. I just have a short statement.

9 EXAMINER BROOKS: Okay.

10 MR. CARR: Mr. Examiner, I'm not trying to
11 surprise anybody. This morning I got a -- I discovered an
12 e-mail from Mr. Kellahin, who is in Egypt, asking me to
13 appear this morning, and enter an appearance for XTO
14 Energy, Inc., and I'm doing that, and that's the extent to
15 which I plan to participate in this case.

16 EXAMINER BROOKS: Very good. You may proceed,
17 Mr. Bruce.

18 MR. BRUCE: Mr. Examiner, this matter was heard
19 at the last hearing. It was continued because a new
20 publication notice was required, and the Hearing Examiner
21 had requested information on overhead rates.

22 To get the -- one thing out of the way, I am
23 requesting that this -- I went to the post office this
24 morning to determine if I had the new affidavit of
25 publication, and I had contacted the newspaper and they

1 said they were mailing it out today. So I need to ask for
2 a two-week continuance so that I can submit the new
3 affidavit of publication.

4 But since I'm here, I do have an affidavit from
5 the landman who testified regarding Ernst and Young
6 overhead rates, and I would ask that Exhibit 9 be made part
7 of the record.

8 EXAMINER BROOKS: Okay, Exhibit 9 will be made
9 part of the record, and -- will be admitted, and Case
10 Number 13,999 will be continued to October the 18th.

11 And you know, that just makes it unanimous to
12 make sure we don't get any cases under advisement today.

13 Anything further in Case Number 13,999?

14 MR. BRUCE: No, sir.

15 EXAMINER BROOKS: Very good, Case Number 13,999
16 is continued to October the 18th.

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

19 I do hereby certify that the foregoing is
20 a complete record of the proceedings in
21 the Examiner hearings of Case No. 13,999,
22 heard by me on Oct 3, 2007
23 David K. Brooks, Examiner
24 Oil Conservation Division
25

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 October 3rd, 2007.



STEVEN T. BRENNER
 CCR No. 7

My commission expires: October 16th, 2010