

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: ) CASE NO. 12,991  
)  
APPLICATION OF MARATHON OIL COMPANY TO )  
VACATE DIVISION ADMINISTRATIVE ORDER )  
SWD-852, EDDY COUNTY, NEW MEXICO )  
\_\_\_\_\_ )

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
EXAMINER HEARING

BEFORE: MICHAEL E. STOGNER, Hearing Examiner

January 23rd, 2003

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, MICHAEL E. STOGNER, Hearing Examiner, on Thursday, January 23rd, 2003, 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

January 23rd, 2003  
Examiner Hearing  
CASE NO. 12,991

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\* \* \*

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

## FOR THE DIVISION:

DAVID K. BROOKS  
Attorney at Law  
Energy, Minerals and Natural Resources Department  
Assistant General Counsel  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

## FOR THE APPLICANT:

KELLAHIN & KELLAHIN  
117 N. Guadalupe  
P.O. Box 2265  
Santa Fe, New Mexico 87504-2265  
By: W. THOMAS KELLAHIN

\* \* \*

1           WHEREUPON, the following proceedings were had at  
2 8:20 a.m.:

3           EXAMINER STOGNER: At this time I'll call Case  
4 Number 12,991, which is the Application of Marathon Oil  
5 Company to vacate Division Administrative Order SWD-852,  
6 Eddy County, New Mexico.

7           At this time I'll call for appearances.

8           MR. KELLAHIN: Mr. Examiner, I'm Tom Kellahin of  
9 the Santa Fe law firm of Kellahin and Kellahin, appearing  
10 on behalf of Marathon Oil Company.

11           Mr. Carr represents Yates.

12           You should find a letter from Mr. Carr by which  
13 he and I have agreed that Yates concurs that the SWD order  
14 may be revoked.

15           EXAMINER STOGNER: You're referring to the  
16 January 17th letter?

17           MR. KELLAHIN: Yes, sir, that's the one I have.

18           EXAMINER STOGNER: And that is part of the record  
19 in this matter at this time.

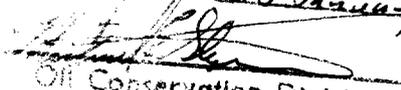
20           MR. KELLAHIN: With the submission of the  
21 agreement by Yates to dismiss their -- or ask the Division  
22 to vacate their SWD order, we would ask that you take this  
23 case under advisement and grant the Application as  
24 requested.

25           EXAMINER STOGNER: If there are no other

1 appearances in this matter, Case Number 12,991 will be  
2 taken under advisement, and we'll proceed to issue an order  
3 accordingly in this matter.

4 (Thereupon, these proceedings were concluded at  
5 8:21 a.m.)

6 \* \* \*

7  
8  
9  
10  
11 I hereby certify that the foregoing is a  
12 complete record of the proceedings in  
13 the examiner hearing of Case No. 12991  
14 made by me on 23 January 2003  
15  Examiner  
16 Oil Conservation Division  
17  
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## 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 January 23rd, 2003.



STEVEN T. BRENNER  
 CCR No. 7

My commission expires: October 16th, 2006