

STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION  
CASE 9860

EXAMINER HEARING

IN THE MATTER OF:

Application of Yates Petroleum Corporation  
for Compulsory Pooling, Eddy County,  
New Mexico

TRANSCRIPT OF PROCEEDINGS

BEFORE: DAVID R. CATANACH, EXAMINER

STATE LAND OFFICE BUILDING

SANTA FE, NEW MEXICO

February 7, 1990

**ORIGINAL**

CUMBRE COURT REPORTING  
(505) 984-2244

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

FOR THE DIVISION:

ROBERT G. STOVALL  
Attorney at Law  
Legal Counsel to the Divison  
State Land Office Building  
Santa Fe, New Mexico

FOR THE APPLICANT:

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Artesia, New Mexico 82210

## I N D E X

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## Appearances

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CY COWAN

Examination by Mr. Vandiver

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RAY BECK

Examination by Mr. Vandiver

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DR. DAVID FRANCIS BONEAU

Examination by Mr. Vandiver

18

Examination by Examiner Catanach

21

## Certificate of Reporter

25

## E X H I B I T S

## APPLICANT'S EXHIBITS:

Exhibit 1

7

Exhibit 2

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Exhibit 3

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Exhibit 4

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Exhibit 5

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Exhibit 6

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Exhibit 7

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Exhibit 8

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Exhibit 9

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Exhibit 10

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Exhibit 11

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1 EXAMINER CATANACH: At this time we'll call  
2 the hearing back to order and call Case 9860.

3 MR. STOVALL: Application of Yates  
4 Petroleum Corporation for compulsory pooling, Eddy  
5 County, New Mexico.

6 EXAMINER CATANACH: Appearances in this  
7 case.

8 MR. VANDIVER: Mr. Examiner, I'm David  
9 Vandiver from the Artesia law firm of Fisk and  
10 Vandiver, appearing on behalf of the Applicant, and I  
11 have three witnesses who have previously been sworn  
12 this morning.

13 EXAMINER CATANACH: Okay.

14 MR. STOVALL: Mr. Vandiver, do you want to  
15 move to incorporate the previous case?

16 MR. VANDIVER: Yes, sir. Mr. Examiner, the  
17 Dagger "ZW" well in Case No. 9860 is in close  
18 proximity to the Clifford "ADD" #1 well in Case 9846,  
19 which was heard previously this morning.

20 The same parties are not being  
21 forced-pooled, but the well is within a mile of the  
22 Clifford well and large portions of the testimony are  
23 identical to the testimony in Case 9846. We would  
24 request that we just be allowed to point out the  
25 differences between the testimony in the two cases and

1 incorporate the testimony mainly of Mr. Beck and Dr.  
2 Boneau, the geologist and the engineer. We would like  
3 to put on a little testimony with regard to the land  
4 situation.

5 EXAMINER CATANACH: Okay. The record in  
6 Case 9846 will be incorporated into this case, Case  
7 9860.

8 MR. VANDIVER: May I proceed?

9 EXAMINER CATANACH: Yes.

10 CY COWAN

11 the witness herein, after having been first duly sworn  
12 upon his oath, was examined and testified as follows:

13 EXAMINATION

14 BY MR. VANDIVER:

15 Q. Mr. Cowan, state your full name, occupation  
16 and by whom are you employed?

17 A. My name is Cy Cowan. I'm a landman for  
18 Yates Petroleum Corporation.

19 Q. You were previously sworn this morning, you  
20 testified as a petroleum landman this morning and had  
21 your qualifications as a landman accepted, is that  
22 correct?

23 A. Yes.

24 Q. Are you familiar with the title to the land  
25 surrounding the proposed spacing unit for the well

1 which is the subject of Yates' application in this  
2 case?

3 A. Yes, I am.

4 MR. VANDIVER: I would tender Mr. Cowan as  
5 a petroleum landman, Mr. Examiner.

6 EXAMINER CATANACH: He is so qualified.

7 Q. Summarize the purpose of Yates Petroleum  
8 Corporation's application in Case 9860, please, sir.

9 A. Yates Petroleum Corporation seeks an order  
10 pooling all mineral interests from the surface to the  
11 base of the Canyon Formation, underlying the southeast  
12 quarter of Section 25, Township 19 South, Range 24  
13 East, forming a standard 160-acre spacing and  
14 proration unit for any and all formations and/or pools  
15 developed under this 160-acre spacing unit, and the  
16 northeast quarter of the southeast quarter of Section  
17 25, forming a standard 40-acre oil spacing and  
18 proration unit, for any and all formations and/or  
19 pools developed on a 40-acre spacing unit.

20 The spacing unit will be dedicated to the  
21 Dagger "ZW" #2 well to be drilled at a standard  
22 location 1980 feet from the south line and 660 feet  
23 from the east line of Section 25. We also discuss the  
24 cost of drilling and completing this well, and the  
25 allocation of costs thereof, as well as actual

1 operating costs and charges for supervision,  
2 designation of Yates Petroleum Corporation as operator  
3 of the well, and a charge for risk involved in  
4 drilling this well.

5 Q. Now, Mr. Cowan, identify Applicant's  
6 Exhibit 1 in this case, the land plat, and review the  
7 information shown on that exhibit, please.

8 A. Exhibit No. 1 is a land plat showing  
9 portions of Township 19 South, Range 24 East. I would  
10 like to direct your attention to Section 25, the  
11 southeast quarter, which is outlined in red. This is  
12 the proposed proration unit for the Dagger "ZW" #2  
13 well. The actual well location is denoted by the red  
14 dot in the northeast of the southeast quarter of  
15 Section 25.

16 Q. What percentage of the working interest and  
17 operating rights does Yates Petroleum Corporation and  
18 its affiliated entities own in the proposed spacing  
19 and proration unit for the Dagger "ZW" well?

20 A. Approximately 54 percent.

21 Q. There are other parties with leasehold or  
22 unleased mineral interests in this spacing unit?

23 A. Yes, there are.

24 Q. Have you contacted all parties with  
25 leasehold or unleased mineral interests and requested

1 them to join in your proposed well or enter into a  
2 farm out agreement or some other contractual  
3 arrangement?

4 A. Yes, we have.

5 Q. Have all parties agreed to participate in  
6 your proposed operation?

7 A. No, sir. Kenneth Cone has not responded to  
8 our requests to participate in this well.

9 Q. What percentage of the working interest in  
10 this spacing unit does Kenneth Cone own?

11 A. Six-tenths of one percent.

12 Q. All other parties have agreed to join or  
13 farm out?

14 A. Yes, that is correct.

15 Q. Is Mr. Cone's interest a leasehold interest  
16 or an unleased mineral interest?

17 A. Mr. Cone's interest is a leasehold  
18 interest.

19 MR. VANDIVER: Mr. Examiner, Exhibit 2 is  
20 an Affidavit of Mailing prepared by my office pursuant  
21 to Rule 12-07 reflecting that the application of Yates  
22 in this case was mailed to Kenneth Cone on January 3,  
23 1990. You'll note there is a return receipt  
24 reflecting that Mr. Cone received this notice of the  
25 hearing January 14, 1990.



1 Q. Mr. Cowan, Marathon Oil Company also was  
2 given notice of this hearing, were they not?

3 A. That is correct.

4 Q. Has Marathon agreed to join in your well?

5 A. Marathon has agreed earlier this week to  
6 join us in this well, and we do have a FAX'd signed  
7 copy of an AFE from Marathon, but we do not have an  
8 originally signed AFE as yet.

9 Q. They FAX'd you an AFE?

10 A. That's right.

11 Q. You don't have an original AFE or signed  
12 operating agreement?

13 A. That is correct.

14 Q. Now, refer to Applicant's Exhibit 3 in this  
15 case, which is a packet of correspondence, and review  
16 that correspondence briefly for the Examiner.

17 A. I would like to ask you to turn to the  
18 back. We'll start at the back of the correspondence  
19 packet. The first letter is dated July 31, 1989, to  
20 working interest owners. This is our initial letter  
21 proposing to drill the Dagger "ZW" #2 well in Section  
22 25 of 19 South, Range 24 East. It also states the two  
23 copies of the AFE and an operating agreement were  
24 enclosed with this proposal letter.

25 Q. Next letter is dated August 4, 1989?

1           A.       The next letter is August 4, 1989, to the  
2 working interest owners. Apparently there is a  
3 problem in one of the exhibits, the COPAS exhibit, and  
4 this was just replacing the COPAS with the correct  
5 form.

6           Q.       November 1 letter?

7           A.       This letter is to the working interest  
8 owners reminding the parties that have not signed up  
9 to please join in the well.

10          Q.       Then there is some additional  
11 correspondence in the packet from Marathon Oil  
12 Company, I believe?

13          A.       That is correct. Marathon was asking Yates  
14 Petroleum, in a letter dated September 27, 1989,  
15 they're asking us to modify the Operating Agreement  
16 per some problems they had with the Operating  
17 Agreement at that time.

18          Q.       Did Yates make those modifications to the  
19 Operating Agreement as requested by Marathon?

20          A.       Yes, they were. In a letter dated December  
21 8, 1989, it was noted that these changes were made to  
22 the Operating Agreement per Marathon's request, and  
23 were added to the back, to please, everyone who has  
24 not joined or participated in this well, to please  
25 join us.

1 Q. And then the January 4 letter?

2 A. This letter of January 4th denoted there's  
3 a typographical error in Exhibit A to the Operating  
4 Agreement, and this letter is sending back the  
5 correction to the Operating Agreement to the working  
6 interest owners.

7 Q. And then another Marathon letter asking for  
8 changes to the Operating Agreement?

9 A. That is correct. The letter dated January  
10 15, 1990 from Marathon, Yates Petroleum requested that  
11 they had some additional changes to the operating  
12 agreement that we should consider.

13 Q. The letter on the top, January 19th, was  
14 sent to Kenneth Cone after the application for  
15 compulsory pooling was filed in this case?

16 A. That is correct. And to date we have not  
17 received any response from Mr. Cone.

18 Q. Have all other members of the Cone family  
19 agreed to participate or farm out--

20 A. Yes, they have.

21 Q. --for the drilling of this Dagger "ZW" #2  
22 well?

23 A. Yes, they have.

24 Q. If you could identify Exhibit 4, the Joint  
25 Operating Agreement, and briefly review that exhibit?

1           A.       Exhibit 4 is the standard A.A.P.L. Form  
2 610, 1977 Model Form Operating Agreement for the  
3 Dagger "ZW" #2 well.

4           Q.       This Operating Agreement is exactly the  
5 same form as the Operating Agreement for the Clifford  
6 ADD #1 well?

7           A.       That is correct.

8           Q.       The only difference being the information  
9 reflected on Exhibit A with respect to the working  
10 interest owners' percentage interests in the spacing  
11 unit?

12          A.       Yes.

13          Q.       On Exhibit A there's a breakdown as to the  
14 parties' interests and costs and production for the  
15 drilling of the well before payout and after payout?

16          A.       That's correct.

17          Q.       And the Cone family's interests is shown  
18 under Tract 1 on Exhibit A as being undivided  
19 interests in an oil and gas lease executed by  
20 S. P. Johnson, et al.?

21          A.       That is correct.

22          Q.       That covers 84 net acres throughout the  
23 entire southeast quarter of Section 25, Township 19  
24 South, Range 24 East?

25          A.       That is correct.

1           Q.     Your other testimony with regard to the  
2 joint operating agreement in Case 9846 is the same as  
3 your testimony in this case?

4           A.     Yes, sir.

5           Q.     Now if I could refer you to Applicant's  
6 Exhibit 5 which is the AFE, and ask you if that AFE,  
7 as to the costs for the drilling of this well, is  
8 identical to the AFE submitted in Case 9846?

9           A.     Yes, the costs are identical for a dry hole  
10 and a completed well.

11          Q.     Your testimony with regard to the AFE is  
12 the same as your testimony with regard to the Clifford  
13 "ADD" #1 well?

14          A.     Yes.

15          Q.     If I could go back to the joint operating  
16 agreement, on the COPAS accounting procedure form  
17 attached as Exhibit C, the overhead rates for drilling  
18 and producing wells are the same? \$3,500 for drilling  
19 a well and \$350 for producing well as the Clifford  
20 "ADD" #1 well?

21          A.     Yes, sir.

22          Q.     Your testimony as to the basis for those  
23 overhead rates is the same as your testimony with  
24 regard to the Clifford "ADD" well?

25          A.     Yes, sir.

1 Q. Were Exhibits 1 through 5 prepared by you  
2 or under your direction and supervision or taken from  
3 the business records of Yates Petroleum Corporation?

4 A. Yes, they have been.

5 MR. VANDIVER: Mr. Examiner, I move the  
6 admission of Exhibits 1 through 5, and would request  
7 that Mr. Cowan's testimony be supplemented by his  
8 testimony in Case 9846, and I have no further  
9 questions of the witness.

10 EXAMINER CATANACH: Exhibits 1 through 5  
11 will be admitted as evidence in the case. I have no  
12 questions of the witness.

13 MR. STOVALL: I have one question, just to  
14 clarify.

15 EXAMINATION

16 BY MR. STOVALL:

17 Q. It appears there is Cone family interests  
18 in this well as well as in Case 9846, is that correct?

19 A. Yes, sir.

20 Q. These are the same Cones as were in--

21 A. Same family, different person. This is  
22 Kenneth G. Cone, who is the only one who has not  
23 responded to our efforts to get him to join in  
24 drilling this well. In the other case it was Kathleen  
25 Cone and Clifford Cone.

1 Q. But Kenneth Cone in this case is also  
2 involved in the unit in 9846?

3 A. Yes.

4 Q. So he knows what's going on out there, as  
5 far as you can tell, is that correct?

6 A. Yes, that's correct. He is participating  
7 in the other well.

8 MR. STOVALL: Nothing further.

9 EXAMINER CATANACH: The witness may be  
10 excused.

11 THE WITNESS: Thank you.

12 RAY BECK

13 the witness herein, after having been first duly sworn  
14 upon his oath, was examined and testified as follows:

15 EXAMINATION

16 BY MR. VANDIVER:

17 Q. Mr. Beck, state your name, your occupation  
18 and by whom you're employed, please.

19 A. Ray Beck, geologist, Yates Petroleum.

20 Q. You previously testified this morning as a  
21 petroleum geologist in Case 9846 with regard to the  
22 Clifford "ADD" #1 well?

23 A. Yes, I did.

24 Q. Your qualifications as a petroleum  
25 geologist were accepted by the Examiner?

1           A.       Yes, they were.

2           Q.       Have you made a study of the available  
3 geological data with respect to the proposed Dagger  
4 "ZW" #2 well to be located in the southeast quarter of  
5 Section 25, Township 19 South, Range 24 East?

6           A.       Yes, I have.

7                   MR. VANDIVER: Tender Mr. Beck as an expert  
8 petroleum geologist, Mr. Examiner.

9                   EXAMINER CATANACH: He is so qualified.

10          Q.       Mr. Beck, in this case, the Dagger "ZW" #2  
11 well is approximately one mile to the northeast of the  
12 Clifford "ADD" #1 well?

13          A.       Approximately.

14          Q.       I guess it's the Dagger "ZW" #2 well, I  
15 think I called it the #1?

16          A.       It's the Dagger "ZW" #2.

17          Q.       Your testimony with regard to the risk  
18 involved in the drilling of this Dagger "ZW" well is  
19 similar to your testimony with regard to the Clifford  
20 well in Case 9846, is it not?

21          A.       Yes, it is. I could just say that the  
22 geology depicted on Exhibit No. 6, the map, and  
23 Exhibit No. 7, in Case 9846, is identical to the map  
24 and cross-section exhibited in Case 9860, the current  
25 case.



1           The only change would be the proposed  
2 location is, of course, different, the expected  
3 thickness of the dolomite for the Dagger "ZW" #2 is  
4 approximately 175 feet, the expected top-of-dolomite  
5 is minus 4027 subsea.

6           The testimony about the Exhibit 7  
7 cross-section, is that the Dagger "ZW" #2 is two and a  
8 half miles from the reservoir suspect Cacti well on  
9 the cross-section. And the other testimony in this  
10 case is essentially the same as for Case 9846.

11           MR. VANDIVER: Again, Mr. Examiner, we  
12 would request that Mr. Beck's testimony in Case 9846  
13 be incorporated in Case 9860 in full.

14           Q. I take it, Mr. Beck, your opinion as to, or  
15 your recommendation as to the risk factor penalty in  
16 this case is the same as in Case 9846?

17           A. That's true. I recommend a risk factor  
18 penalty of 200 percent. I still believe that I've  
19 demonstrated geological risk in this case, 9860, as I  
20 have in the former case, Case 9846.

21           One other remark I would like to make, a  
22 copy of my full testimony in Case 9860 has been given  
23 to the court reporter, if the Examiner would wish to  
24 utilize it in any way or incorporate it into the  
25 record or whatever. It's all there.

1 Q. Were Exhibits 6 and 7 prepared by you or  
2 under your direction or supervision?

3 A. Yes, they were.

4 Q. In your opinion, will the granting of this  
5 application be in the interest of conservation of oil  
6 and gas, the prevention of waste and the protection of  
7 correlative rights?

8 A. I so believe.

9 MR. VANDIVER: Mr. Examiner, I move the  
10 admission of Applicant's Exhibits 6 and 7, and I have  
11 no further questions of the witness.

12 EXAMINER CATANACH: Exhibits 6 and 7 will  
13 be admitted as evidence. I have no questions of the  
14 witness. He may be excused.

15 DAVID FRANCIS BONEAU

16 The witness herein, after having been first duly sworn  
17 upon his oath, was examined and testified as follows:

18 EXAMINATION

19 BY MR. VANDIVER:

20 Q. Dr. Boneau, state your full name, your  
21 occupation and by whom you're employed, please.

22 A. My name is David Francis Boneau. I work as  
23 an engineer for Yates Petroleum Corporation in  
24 Artesia, New Mexico.

25 Q. You previously testified this morning in

1 Case 9846, were sworn as a witness, and had your  
2 qualifications as a petroleum engineer accepted, is  
3 that not correct?

4 A. That's correct.

5 Q. Have you made an engineering study of the  
6 area for the proposed Dagger "ZW" #2 well in this  
7 case?

8 A. Yes, sir.

9 Q. Have you prepared certain exhibits to  
10 illustrate your testimony?

11 A. Yes, sir, I have done that.

12 MR. VANDIVER: Mr. Examiner, I would tender  
13 Dr. Boneau as an expert petroleum engineer.

14 EXAMINER CATANACH: He is so qualified.

15 Q. If I could ask you, Dr. Boneau, just to  
16 explain how your testimony in this case might differ  
17 from your testimony in Case 9846, if at all, and the  
18 differences, perhaps, in the exhibits submitted?

19 A. My testimony is to recommend the risk  
20 penalty of 200 percent in this case based on evidence  
21 and exhibits that are, essentially, the same as those  
22 presented in Case 9846.

23 Exhibit 8 again shows that there's a  
24 definite chance that the Dagger "ZW" #2 well will  
25 produce less than the 100 barrels of oil a day that's

1 necessary for an economic well. Exhibit 9 illustrates  
2 that the water cut at this well should be expected to  
3 be about 90 percent. Exhibit 10 is exactly the same  
4 as in the previous case and again shows the 25 miles  
5 of gas gathering lines and the 15 miles of water lines  
6 and the water disposal systems and compressors, et  
7 cetera, that Yates has installed, and the La Rue  
8 Pipeline that we're in the process of building now to  
9 handle more of this sour gas.

10 Exhibit 11 shows we spent \$6 million to  
11 date on these extra facilities in addition to the  
12 million and a half dollars that's going into this La  
13 Rue Pipeline that's starting now.

14 Overall, the story is very much the same as  
15 in the previous case. There is risk that a lot of  
16 money is invested with the chance of not getting it  
17 back if this well is not really good.

18 Q. Based upon your study of this area, you  
19 have the same recommendation to make with respect to  
20 risk as you made in Case 9846?

21 A. Yes. I recommend that the risk penalty be  
22 200 percent.

23 Q. Were Exhibits 8 through 11 in this case  
24 prepared by you or under your direction and  
25 supervision?

1           A.       Yes, sir.

2                   MR. VANDIVER:   Mr. Examiner, I would move  
3 the admission of Exhibits 8 through 11 in this case,  
4 and I have no further questions of this witness.

5                   EXAMINER CATANACH:   Exhibits 8 through 11  
6 will be admitted as evidence.

7                                   EXAMINATION

8 BY EXAMINER CATANACH:

9           Q.       Mr. Boneau, one question I failed to ask  
10 you in the last case, on your Exhibit 8 where you show  
11 current oil production, are all the wells more or less  
12 on the exhibit approximately the same age, as far as  
13 their producing life?

14          A.       "Approximate" is a wide-open number.

15          Q.       In what time period were these wells  
16 drilled?

17          A.       Several of the wells were drilled three or  
18 four--well, mid-80's, 85-ish. Our Molly well in the  
19 southeast corner of Section 13 has been our best well  
20 until recently, 268 barrels a day. It's made 300  
21 barrels a day for three, four years, and it's finally  
22 dropped a little to 268. But it's been a 300 barrel a  
23 day well for that length of time.

24                   One deceiving number in Section 19 there,  
25 in the northwest quarter there's a 130. That's a

1 loadwick A operated by Conoco. It's been a 250 barrel  
2 a day well. October was a bad month, I think, and  
3 that's maybe one deceiving number.

4 The 268 in Section 19 there, is Dagger Draw  
5 #4. It's a mid-80 well that's produced a half a  
6 million barrels of oil, and is at 268 barrels a day.  
7 Those are some of the really good wells.

8 Yates has developed in this last two or  
9 three years, we have developed some wells to the east,  
10 in the east half of 19 and the west half of Section  
11 20. Some of the wells down in 30 are in the last two  
12 or three years, and almost all of the development to  
13 the southwest is in the last two or three years. I  
14 can talk on and on about this field.

15 Q. Let me ask you this, to summarize it.

16 A. But your point is right. But in the area  
17 that we're talking about, where the two proposals are,  
18 those are new wells and the numbers there are  
19 indicative of the best that they do. In the area that  
20 we're talking about, they're not wells that used to be  
21 300 barrels a days that are now down to 64. No.  
22 Those are a newer area and those numbers are  
23 indicative of the best the wells can do.

24 In the older part of the field, a mile or  
25 so north, your point is well taken, but maybe

1 fortunately we're talking about a place where my  
2 numbers apply in the sense that you're thinking.

3 Q. Let me sum up the whole thing in one  
4 question. Have you seen significant differences in  
5 the initial potential in these wells in this area?

6 A. Yes, very big differences, differences  
7 indicative of the kind of numbers that are in  
8 Exhibit 8.

9 EXAMINER CATANACH: That's all the  
10 questions I have of the witness. You may be excused.

11 MR. VANDIVER: And, Mr. Examiner, if I  
12 didn't say, I would request that the Division take  
13 notice of his testimony in Case 9846 and incorporate  
14 his testimony in this case.

15 And I would also like to add with respect  
16 to both Case 9860 and Case 9846, that regardless of an  
17 order that might be entered force pooling the  
18 respective Cones in these two cases, that for a period  
19 of time, at least during the period in which they're  
20 allowed to participate, Yates is still willing to  
21 discuss this matter with them and if they would, any  
22 of them, would want to farm out or enter into some  
23 other type of agreement besides participating, Yates  
24 would be willing to discuss that with them.

25 EXAMINER CATANACH: Very good. And I

1 believe we have incorporated the whole record in Case  
2 9846. There being nothing further in this case, Case  
3 9860 will be taken under advisement.

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## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF NEW MEXICO )  
4 COUNTY OF SANTA FE ) ss.  
5

6 I, Carla Diane Rodriguez, Certified  
7 Shorthand Reporter and Notary Public, HEREBY CERTIFY  
8 that the foregoing transcript of proceedings before  
9 the Oil Conservation Division was reported by me; that  
10 I caused my notes to be transcribed under my personal  
11 supervision; and that the foregoing is a true and  
12 accurate record of the proceedings.

13 I FURTHER CERTIFY that I am not a relative  
14 or employee of any of the parties or attorneys  
15 involved in this matter and that I have no personal  
16 interest in the final disposition of this matter.

17 WITNESS MY HAND AND SEAL February 23, 1990.

18   
19 CARLA DIANE RODRIGUEZ  
20 CSR No. 91

21 My commission expires: May 25, 1991  
22

23 I do hereby certify that the foregoing is  
24 a complete record of the proceedings in  
the Exonide hearing of Case No. 9860,  
heard by me on February 7, 1990.

25   
David R. Catant, Examiner  
Oil Conservation Division