| 1  | EXAMINER STOGNER: Call the next Case 10235.                 |
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| 2  | MR. STOVALL: Application of Strata Energy Resources         |
| 3  | Corporation for compulsory pooling, Lea County, New Mexico. |
| 4  | EXAMINER STOGNER: Call for appearances.                     |
| 5  | MS. AUBREY: Karen Aubrey with the Santa Fe firm of          |
| 6  | Kellahin, Kellahin & Aubrey for the applicant.              |
| 7  | EXAMINER STOGNER: Are there any other appearances?          |
| 8  | Do you have any witnesses, Miss Aubrey?                     |
| 9  | MS. AUBREY: I have two witnesses to be sworn.               |
| 10 | EXAMINER STOGNER: Would both witnesses please stand         |
| 11 | and be sworn at this time.                                  |
| 12 | (Whereupon the witnesses were duly                          |
| 13 | sworn.)   |
| 14 | MS. AUBREY: Call Dan Thorsen.                               |
| 15 | DAN THORSEN,  |
| 16 | the Witness herein, having been first duly, was examined    |
| 17 | and testified as follows:                                   |
| 18 | DIRECT EXAMINATION  |
| 19 | BY MS. AUBREY:  |
| 20 | Q. Would you state your name for the record,                |
| 21 | please?   |
| 22 | A. Dan Thorsen.   |
| 23 | Q. Could you spell that for the reporter, please?           |
| 24 | A. T-h-o-r-s-e-n.   |
| 25 | Q. Mr. Thorsen, how are you employed?                       |

- A. I'm self-employed.
- Q. What do you do?
- A. Landman.

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- Q. Where do you work?
- 5 A. I work with a group of consultants in Midland, 6 Texas.
- Q. Are you appearing here on behalf of Strata

  8 Energy Resources Corporation as a consulting landman?
- 9 A. Yes, I am.
  - Q. Have you testified previously before the New Mexico Oil Conservation Division?
- 12 A. No, I haven't.
- Q. Would you review your experience in petroleum land titles for the examiner?
- 15 A. Well, I've been employed as a consultant for the
  16 last six years. I've worked as head landman for Harvard
  17 Petroleum. We had an office in Midland. And I've been
  18 working as a landman for the last 11 years.
  - Q. Are you familiar with the application of Strata Energy Resources Corporation for compulsory pooling that's being heard today?
- 22 A. Yes, I am.
- 23 MS. AUBREY: Mr. Examiner, I tender Mr. Thorsen as an 24 expert in petroleum land titles.
- 25 EXAMINER STOGNER: Mr. Thorsen, have you had any

formal education?

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2 THE WITNESS: I have a B.S. from Texas Tech.

3 EXAMINER STOGNER: In what studies?

THE WITNESS: Agriculture.

EXAMINER STOGNER: Agriculture?

6 THE WITNESS: Yes, sir.

EXAMINER STOGNER: I will recognize Mr. Thorsen as a practical landman.

- Q. (By Mr. Vandiver) Mr. Thorsen, would you look at what we've marked as Exhibit No. 2 in this case, which is a lease map, and explain for the examiner where the proposed well that we're talking about today is located, and what the lease situation is in regard to that well?
- A. The proposed well site will be in the southwest quarter of the northeast quarter of Section 14, T 19 South, R 38 East, Lea County. Common ownership in the north -- there is a common ownership in the northeast quarter of Section 14.
- Q. Strata Energy Resources is seeking to pool both a 40-acre proration unit for oil, and 160-acre proration unit for gas; is that right?
  - A. That's correct.
- Q. Have you examined the land titles under both the land the 40 in connection with this application?
  - A. Yes, and they are common.

- As well as common, are they undivided across the 1 Q. 2 160? That's correct. 3 Α. You have outlined an area in yellow on Exhibit 4 0. 5 2, is that the 40-acre proration unit that you're proposing 6 for an oil well? 7 Yes, it is. Α. What will be the name of this well, Mr. Thorsen? 8 Q. Peacock No. 1. 9 Α. 10 Let me have you look at what we've marked as Q. 11 Exhibit No. 3. In connection with your employment as a 12 consulting landman for Strata Resources were you asked to 13 contact working interest owners in the northeast quarter in order to obtain their voluntary participation in a unit? 14 15 Α. Yes. 16 Would you describe for the examiner when you Ο. first began to contact these people to try to get to -- to 17 18 try to put together a voluntary unit? 19 The initial contacts were started in December of Α. '89, and I worked on them probably until June of '90, on 20 21 the initial contacts. Is Exhibit 3 an example of the correspondence 22 0.
  - A. Yes, it is.

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that you received in this case from Texaco after your

attempts to contact them to put together a unit?

- Q. After June of 1990, do you know what contacts were made with working interest owners in order to form a voluntary unit?
- A. Yes, the initial -- I did the initial mineral takeoff on the area, and then we had the law firm of Lynch, Chappell do a formal title opinion, and the rest of the lease inquiries were handled internally by Strata.
- Q. Let me have you look at what we've marked as Exhibit 4. Is that an example of the letters which Strata sent out enclosing AFE's for the working interest owners in the northeast quarter?
- A. Yes, it is. They had a chance to either lease or participate for their prorata share.
- Q. In your opinion, Mr. Thorsen, did Strata Energy
  Resources make a good faith effort to form a voluntary unit
  prior to applying to the New Mexico Oil Conservation
  division for a pooling order?
- A. Yes.

- Q. Let me have you look now at what's been marked
  as Exhibit 5, which is a copy of the AFE for this well. Do
  you know whether or not that AFE was sent out in November
  of 1990 to working interest owners in an attempt to form a
  voluntary unit?
- A. Yes, it was along with the a survey plat for the proposed well.

- Q. And Mr. Jeff Smith who is the geologist here today will testify about the AFE; is that correct?
  - A. That is correct.

- Q. Exhibit No. 6 is a tabulation of ownership in the northeast quarter, and there are there is an indication of a "yes" and "no" down the columns. Could you without going through each one of these people, could you review briefly for the examiner and explain whether or not to your knowledge certain people have leased and there are some other people who need to be pooled?
- A. Well, we have at this time approximately 74 percent of the mineral ownership under lease. The other particular mineral owners were under the bulk of them were under a Thompson Estate that had not been leased since 1943. After we tried to locate the bulk of them, we had an additional record search done by Caprock Title, then we came up with the bulk of the Thompson heirs, and they were asked to participate or lease. And like I say, approximately 23 percent of the mineral owners did not reply to our letters.
- Q. There are some names listed on Exhibit 6 which show no address. Can you review for the examiner what efforts Strata or you made in order to obtain addresses for these people?
  - A. Well, initially we did check the abstracts, the

tax office rolls at Lea County and the surrounding counties of Gaines, Texas and Andrews County, Texas. We searched the address files at the various abstract companies. Any followup leads or something we did try to send letters or call. There were no particular probates filed on any of these people we looked for, so with the length of time that went by, we just couldn't locate them.

- Q. Have either you or Strata been trying to contact these people since roughly the beginning of 1990?
  - A. Yes.

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- Q. In your opinion has Strata made a diligent effort to obtain addresses for these people and give them notice of this hearing?
- A. Yes, they have.
- Q. The last page of Exhibit 6 shows 26.99 percent working interest to be pooled, is that -- is that a current tabulation as of today as far as you know?
- A. We did receive one operating agreement from a Ronald Byers that had a small interest, so it will be a little less than that.
- Q. This tabulation shows the interest across the 160; is that correct?
- A. That's correct.
- Q. The interests, as you understand it, are undivided so that interest would be proportionately the

same in the 40-acre tract; is that right? 1 There were approximately 66 different mineral 2 3 owners in this, under the northeast quarter. 4 0. Let me have you look down at Exhibit No. 7, 5 which is an operating agreement. Do you know whether or 6 not this operating agreement has been proposed to any working interest owners? 7 Yes, it has. 8 Α. 9 Q. As of today has it been signed as far as you 10 know? 11 The only one that I know of that we just Α. received confirmation on was from Ronald Byers. 12 Mr. Thorsen, have you reviewed Exhibits 1 13 0. 14 through 7 and are they correct and accurate to your 15 understanding? 16 Α. Yes, they are. 17 MS. AUBREY: Mr. Examiner, I offer Exhibits 1 through 18 7, and I have no further questions of Mr. Thorsen at this 19 time. MR. STOVALL: Exhibits 1 through 7 will be admitted 20 into evidence. 21 (Strata Energy Exhibits 1 through 7 22 23 were admitted in evidence.) 24 EXAMINATION

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BY EXAMINER STOGNER:

- Q. In looking at Exhibit No. 6, Mr. Thorsen,
  whenever I look at your tabulation there, "lease on file,"
  "yes," "no," the ones that have yes, am I to assume -- I'm
  not to assume that they have signed your operating
  agreement?
  - A. No. We do have an oil and gas lease from those particular people.
  - Q. So you have actually signed a lease and they have leased to you?
    - A. Yes, sir.

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- Q. Now, looking at the end of this, it's not exactly a hundred percent. Do you want to address that?
- A. We just took it out, the decimal interest out, to five places.
- Q. Now, as far as the people who are shown as not leased, have there been any of these that you have had contact with and refused to sign, or are all these you haven't had contact with?
- A. We have had contact and we do have receipts showing that also.
- Q. But have you had verbal contact and they said,
  "No, we're not going to lease to you. We don't want to
  join this"?
  - A. No, sir.
    - Q. When did you start working on this project?

1 I started working on this September of '89. Α. And your -- Exhibit No. 4 is the letter in which 2 Q. 3 it was sent to the parties listed on 6; is that correct? Yes, sir, that's correct. And this was 4 Α. 5 following our formal title opinion. We tried to get a little closer edge on the mineral owners. We couldn't find 6 out, and this was a followup to my initial letters. So, in 7 fact, some of these people had been contacted or sent a 8 9 letter at least twice. 10 EXAMINER STOGNER: Has the rates of overhead charges 11 been covered, Miss Aubrey? 12 MS. AUBREY: I was going to discuss that with 13 Mr. Smith. 14 EXAMINER STOGNER: In that case, I don't have any 15 other questions of this witness. 16 I have nothing. MR. STOVALL: EXAMINER STOGNER: Mr. Thorsen, you may be excused. 17 18 Miss Aubrey. MS. AUBREY: Call Jeff Smith. 19 20 JEFFREY SMITH, 21 the witness herein, having been first duly sworn, was 22 examined and testified as follows: DIRECT EXAMINATION 23

(505) 982-9770

Would you state your name for the record,

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BY MS. AUBREY:

Q.

please?

- A. Jeffrey Smith.
- Q. How are you employed?
  - A. I'm a consulting geologist.
  - Q. Where do you work?
- A. I'm on a full-time retainer to Strata Energy
  Resources as exploration manager.
  - Q. Where is your office located, Mr. Smith?
- 9 A. Midland, Texas.
  - Q. Have you testified previously before the New Mexico Oil Conservation Division?
    - A. Actually I've thought about that. I think I have, but I'm not a hundred percent positive. I've attended hearings about 20 years ago, but I don't remember if I testified here or just railroad commission.
    - Q. Why don't you review your educational background and your work background for the examiner then?
    - A. I have a bachelor's degree in geology that I received in 1968 from the Union College in Schenectady, New York. I have a master's degree in geology from Rensselaer Polytechnic Institute, Troy, New York. I was employed by Mobile Oil in Midland from 1970 to 1973; Midwest Oil from 1973 to 1974; Signal Oil & Gas from 1974 to 1977; Texas Oil & Gas from 1977 through 1978; Resources Investment Corporation from 1978 to 1980; I was -- for the following

four years 1980 to 1984 I was partner and vice president of Harvard Petroleum Corporation. I've been independent since that time.

- Q. Are you familiar with the application of Strata Energy Resources Corporation for compulsory pooling that we're hearing today?
  - A. Yes, I am.

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MS. AUBREY: Mr. Examiner, I tender Mr. Smith as an expert in petroleum geology.

10 EXAMINER STOGNER: Mr. Smith, is so qualified.

- Q. (By Ms. Aubrey) Mr. Smith, would you refer to Exhibit No. 5, which is the AFE that was sent out in November of 1990 to the working interest owners. Have you seen that before?
- 15 A. Yes, I have.
- 16 Q. And have you reviewed the entries on this AFE?
- 17 A. Yes, I have.
- Q. Are you familiar with the costs of drilling a well to the Abo formation to approximately 7800 feet?
- 20 A. Yes, I am.
- Q. In your opinion, Mr. Smith, does this AFE
  represent a fair and reasonable estimate of the cost of
  drilling such a well?
- A. I think the AFE is understated by approximately 25 50 to \$60,000.

- Q. So you think it ought to be actually higher?
- A. Yes, I do.

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- Q. Has Strata drilled and completed any other wells in the area?
  - A. Yes, approximately half a dozen.
  - Q. What is the range of cost on those wells?
- A. The range of cost on those wells is roughly what you see on this AFE, and that's why this cost was reflected on this AFE. There are several arithmetic errors on this AFE, and there some things that have significantly changed. The wells that were drilled in the past had used tubulars. We are unable to secure used tubulars at this time. We anticipate probably about 40,000 additional cost on our casing and tubing program. We will have to go with all new.
- Q. This AFE includes costs using used tubing; is that right?
- A. Yes, it does. This is reflective of used tubulars.
- Q. Are you familiar with the any deadlines which Strata Energy Resources has for spudding this well?
- A. Yes, in order to preserve the tax allocations for a number of the investors, we have a spud date I believe of March 15 that we are pressured to.
  - Q. And is Strata Energy Resources asking the

examiner, if he can, to expedite this order so that you can 1 2 receive it in time to spud? 3 Α. Most definitely. EXAMINER STOGNER: Did you say March 15 or February 4 5 15? MS. AUBREY: 6 March 15. THE WITNESS: March 15. 7 8 (By Ms. Aubrey) Are you familiar with the Q. 9 surface of this particular 40-acre tract and the one 160-acre tract that will be dedicated? 10 11 Yes, I am. Α. 12 Could you describe any peculiarities about the Q. 13 surface for the examiner? 14 It's probably the only piece of land within a Α. 15 hundred miles that is under irrigation. 16 Has that caused Strata additional problems in ο. 17 dealing with landowners and surface owners? 18 With the surface particularly, yes. Α. 19 0. Let me have you look down at Exhibit No. 8, 20 which is a structure map. Have you reviewed this map and 21 are you familiar with this? 2.2 Α. Yes, I am.

What's your contour interval on this map? Q.

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24 Contour interval here is 25 feet. This map was Α. 25 constructed at the top of the Abo shale.

- Q. In your opinion as a geologist, is structure controlling in whether or not you achieve commercial production in this well?
- A. Our empirical evidence here leads us to believe that structure is probably of minor significance. Porosity and permeability and stratigraphic phenomena are far more the key to commercial reliability.
- Q. In this analysis what porosity cutoff did you use?
- 10 A. Typically employed an 8 percent cutoff.
- Q. Do you know how far away the proposed location is from the nearest Abo oil production?
- 13 A. Yes, it's almost exactly half a mile.
- Q. How far away from commercial gas production is this well?
- 16 A. Over two miles.

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- 17 | O. In what formation is that well?
- 18 A. That's in the Yates in 7 Rivers.
- 19 Q. Is that an objective formation of this well?
- 20 A. Yes, it is.
- Q. Strata Energy Resources has asked the examiner to impose the maximum risk factor penalty in this case.
- 23 Can you give me the examiner your justification for that 24 request?
- 25 A. Yes. I think there's some substantial inherent

- risk to the project. There are probably at least a dozen 1 2 Abo wells in this immediate vicinity that have been drilled at various vintages. Very few dry holes but also very few 3 commercial producers. There are only a couple of 4 commercial wells, and great many clearly noncommercial 5 6 The risk is not so much as to dry hole. is more to economic value. And we think that we are 7 interested in the area because we're trying to enhance a 8 completion technique, but it still hasn't proven itself and 9
- Q. Who is Strata Energy Resources asking be designated as operator of this well?

there is substantial risk.

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- A. Asking LBO New Mexico Corp. to be designated as operator, as a wholly owned subsidiary for operating purposes of Strata Energy.
  - Q. What rates are you asking for overhead drilling and producing the well?
- 18 A. I believe it's 5,000 for drilling well rate and
  19 500 for producing well rate.
- Q. Do you know, Mr. Smith, whether or not that is the amount that is contained in the operating agreement which is Exhibit No. 7?
- A. I don't know if -- for 100 percent fact, but I think it is. That's my recollection.
  - Q. Do you have an opinion as a petroleum geologist

1 as to whether or not those are fair and reasonable rates 2 for overhead well drilling and producing a well? 3 I think that's compatible with the criteria that 4 Ernst has developed. 5 Was Exhibit 8 either prepared by you or reviewed Q. 6 by you for accuracy? 7 I reviewed it, yes. Α. MS. AUBREY: Mr. Examiner, I tender Exhibit No. 8. 8 9 EXAMINER STOGNER: Exhibit No. 8 will be admitted into 10 evidence. 11 (Strata Energy Exhibit 8 was admitted in evidence.) 12 13 (By Ms. Aubrey) Mr. Smith, will granting Strata Q. 14 Energy Resources application promote conservation, prevent 15 waste and protect correlative rights? 16 Α. Yes, on both counts. 17 MS. AUBREY: I have no more questions of Mr. Smith at 18 this time. 19 EXAMINATION 20 BY EXAMINER STOGNER: Mr. Smith, what was the -- who would the 21 Q. 22 operator be again? 23 It's LBO New Mexico, Incorporated. Α. 24 And that will be the name that the plugging bond Q. 25 is under?

- Α. Yes. 1 LBO. Leonard, Boy and Over? 2 Q. We were trying to find a name and we happened to 3 Α. be looking at the Wall Street Journal and saw a headline 4 about leveraged buyouts. We decided no one else had that 5 6 name. 7 No irrigation within a hundred miles with the **Q**. 8 exception over in Texas; is that correct? 9 Α. Yes. And a cemetery to the north. 10 Q. MR. STOVALL: 11 I have some questions. 12 EXAMINATION 13 BY MR. STOVALL: What have you done with the landowner with 14 respect to that irrigation? How have you resolved that? 15 16 Α. I'm not qualified to answer that, sir. owner of the company has made necessary contacts with the 17 18 surface owners. 19 Did you say that you -- you have reviewed the Q. 20
  - AFE; is that correct?
    - Α. Yes, sir.

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- And you have indicated there is some 0. mathematical errors in it?
  - Yes, on column number 3, drilling rig, day rate Α. is 4500, footage rate 1375. The secretary that tabulated

this for us, we expect four days of day work and she did not add in the day work. She just simply multiplied projected total depth by 1375 a foot to arrive at a total number. Also on a column, drilling overhead/communication we inadvertently transposed it as 12,000, that's supposed to be 2,000, so that was overstated. And on our completion costs, everything was estimated, as I said before, based on access to used tubulars which we have been unable to secure.

- Q. You understand that forced pooling orders require that an AFE be sent to those parties who are forced pool subsequent to the order, and they be given 30 days to respond to prepay their costs?
  - A. Yes.

- Q. Is that correct? And in this case I would strongly suggest, since you have a -- on the record as having this as an inaccurate AFE and could lead to erroneous information for decision making; that you be sure to follow that provision. You as the operator be sure to follow that provision of the order to insure the parties that are forced pool in by the order have at least as accurate as you can make this for their decision?
  - A. Yes, sir.
  - MR. STOVALL: I don't have anything further.
  - MS. AUBREY: Mr. Examiner, our certificates of mailing

and the original copies of the postal service green cards have been tendered as Exhibit No. 1. Thank you. EXAMINER STOGNER: MR. STOVALL: Miss Aubrey, with respect to that, I notice that there are a number of certified mail receipts and no return cards. MS. AUBREY: There are three or four that we do not have green cards for yet. EXAMINER STOGNER: Does anybody else have anything further in Case 10235? If not, this case will be taken under advisement. (Whereupon, the hearing was concluded at the approximate hour of 11:50 a.m.) 

| 1   | STATE OF NEW MEXICO )  |
|-----|--|
| 2   | ) ss.<br>COUNTY OF SANTA FE )  |
| 3   | REPORTER'S CERTIFICATE   |
| 4   |  |
| 5   | I, Susan G. Ptacek, a Certified Court Reporter and                             |
| 6   | Notary Public, do HEREBY CERTIFY that I stenographically                       |
| 7   | reported the proceedings before the Oil Conservation                           |
| 8   | Division, and that the foregoing is a true, complete and                       |
| 9   | accurate transcript of the proceedings of said hearing as                      |
| 10  | appears from my stenographic notes so taken and transcribed                    |
| 11  | under my personal supervision.   |
| 12  | I FURTHER CERTIFY that I am not related to nor                                 |
| 13  | employed by any of the parties hereto, and have no interest                    |
| 1 4 | in the outcome thereof.  |
| 15  | DATED at Santa Fe, New Mexico, this 11th day of March,                         |
| 16  | 1991.  |
| 17  | Duson & Placed   |
| 18  | SUSAN G. PTACEK My Commission Expires: Certified Court Reporter                |
| 19  | December 10, 1993 Notary Public  |
| 20  |  |
| 21  | I do hereby certify that the foregoing is                                      |
| 22  | a complete record of the proceedings in the Examiner hearing of Case No. 10231 |
| 2 3 | heard by me on France 1991.  |
| 2 4 | Oil Conservation Division  |