

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. 13,424

APPLICATION OF POGO PRODUCING COMPANY )  
FOR COMPULSORY POOLING, LEA COUNTY, )  
NEW MEXICO )

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: RICHARD EZEANYIM, Hearing Examiner

March 3rd, 2005

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, RICHARD EZEANYIM, Hearing Examiner, on Thursday, March 3rd, 2005, 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.

\* \* \*

STEVEN T. BRENNER, CCR  
(505) 989-9317

2005 MAR 17 AM 8:45

## I N D E X

March 3rd, 2005  
Examiner Hearing  
CASE NO. 13,424

## PAGE

REPORTER'S CERTIFICATE

6

\* \* \*

## E X H I B I T

Applicant's

Identified

Admitted

Exhibit 1

3

3

\* \* \*

## 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

\* \* \*

1           WHEREUPON, the following proceedings were had at  
2   8:45 a.m.:

3           EXAMINER EZEANYIM: At this time I call Case  
4   Number 13,424. This is the Application of Pogo Producing  
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 have no witnesses, just a  
9   short statement.

10          EXAMINER EZEANYIM: Any other appearances?

11          MR. BRUCE: Mr. Examiner, this case was already  
12   heard, I believe by Examiner Catanach. It was submitted by  
13   affidavit as provided by Division Rules.

14          At the time of the hearing, neither I nor the  
15   U.S. Post Office could locate a certified return receipt  
16   from the only party being pooled, which was ConocoPhillips  
17   Company. As a result, I renotified ConocoPhillips, and  
18   since then both green cards have come back so that  
19   ConocoPhillips has been notified twice of this Application.

20          And the only reason this hearing was continued  
21   was to submit notice, a notice affidavit, and that is  
22   marked as Exhibit 1. And I'd ask that Exhibit 1 be  
23   admitted into the record.

24          EXAMINER EZEANYIM: Exhibit 1 will be admitted  
25   into the record.

1 I have a couple of questions on this. This is  
2 the third time you are coming before the Division to ask  
3 for this unit. The first one was -- an order was issued.  
4 And later the Applicant changed his mind and changed the  
5 location of the well and came in for a second one, and we  
6 issued you an order in that case, and the Applicant allowed  
7 the order to expire.

8 Ordering paragraph 5 of that order suggests that  
9 you could ask for an extension if you committed the land to  
10 drill the well.

11 So I was wondering, Mr. Bruce, why the Applicant  
12 didn't ask for an extension and still go through the  
13 trouble of going through the hearing again?

14 MR. BRUCE: Because the landman let that time  
15 deadline slip by without giving me a call. And that was  
16 it.

17 EXAMINER EZEANYIM: Now, the next question I'm  
18 going to ask is that I don't want this thing to come in a  
19 fourth time. I don't know what your agreements are, you  
20 know, in that unit. I will prefer to give you more than  
21 three months so that you can drill this well, so you don't  
22 come in here for a fourth time, you know.

23 MR. BRUCE: Actually --

24 EXAMINER EZEANYIM: So I don't know what you  
25 think about that, but --

1 MR. BRUCE: Accidents happen, Mr. Examiner.  
2 That's it. That's it.

3 EXAMINER EZEANYIM: So what do you think, what I  
4 just said? Can I give you more than three months? Is that  
5 possible?

6 MR. BRUCE: Oh, I think they'll probably commence  
7 drilling here within the next 45 days.

8 EXAMINER EZEANYIM: So because the order lapsed  
9 -- our Order 12,195-A lapsed, that's why in that case you  
10 just decided to make it a different case --

11 MR. BRUCE: Yes --

12 EXAMINER EZEANYIM: -- as if nothing has happened  
13 in that?

14 MR. BRUCE: Under Division Rules I had to.

15 EXAMINER EZEANYIM: Anything further?

16 MR. BRUCE: No, sir.

17 EXAMINER EZEANYIM: At this time Case Number  
18 13,424 will be taken under advisement.

19 (Thereupon, these proceedings were concluded at  
20 8:49 a.m.)

21 \* \* \*

22 I do hereby certify that the foregoing is  
23 a complete record of the proceedings in  
24 the Examiner hearing of Case No. 13,424  
25 heard by me on 3/3/95

  
Examiner  
Oil Conservation Division

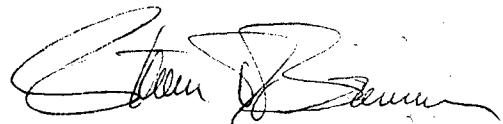
## CERTIFICATE OF REPORTER

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 March 4th, 2005.



STEVEN T. BRENNER  
CCR No. 7

My commission expires: October 16th, 2006