

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

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PRE-HEARING TRANSCRIPT

March 3, 2016

Santa Fe, New Mexico

ORIGINAL

BEFORE: SCOTT DAWSON, CHIEF EXAMINER
MICHAEL McMILLAN, EXAMINER
DAVID BROOKS, LEGAL COUNSEL

This matter proceeded before the
New Mexico Oil Conservation Division, Scott Dawson,
Chief Examiner, Michael McMillan, Examiner, and David
Brooks, Legal Counsel, on March 3, 2016, at the New
Mexico Energy, Minerals, and Natural Resources
Department, Wendell Chino Building, 1220 South St.
Francis Drive, Porter Hall, Room 102, Santa Fe, New
Mexico.

REPORTED BY: ELLEN H. ALLANIC
NEW MEXICO CCR 100
CALIFORNIA CSR 8670
PAUL BACA COURT REPORTERS
500 Fourth Street, NW
Suite 105
Albuquerque, New Mexico 87102

1 (Time noted 8:30 a.m.)

2 EXAMINER DAWSON: Good morning ladies and
3 gentlemen. Today is Thursday, March 3, 2016. This is
4 docket No. 08-16 of the Examiner Hearing. We had a
5 couple of technical difficulties this morning. It is
6 8:30 a.m. We are at 1220 South St. Francis, Santa Fe.

7 My name is Scott Dawson. I am going to be
8 the presiding Hearing Examiner. To my right is Michael
9 McMillan with OCD, and to my left is David Brooks. He's
10 an attorney with OCD.

11 We'll go over the continuances and
12 dismissals first. On page 1, case No. 15445 has been
13 dismissed. Case No. 15429 has been dismissed. On page
14 2, case No. 15442 is continued to March the 31st, 2016.
15 Case No. 15434 has been dismissed.

16 On page 3, case 15411 has been dismissed.
17 And case No. 15441 is continued and we're going to have
18 a special off docket hearing on this case.

19 Did you agree on a date, Jordan and Scott,
20 on that case No. 15441?

21 MR. HALL: Mr. Examiner, Scott Hall on
22 behalf of the applicant Nearburg Exploration Company SRO
23 2 and 3. Let's see. I have spoken with Ms. Kessler's
24 law firm, Mr. Feldewert. And they have filed two
25 countervailing compulsory pooling applications that

1 apply to the same land center, the subject of
2 case No. 15411.

3 And so we've agreed tentatively to continue
4 the case to the April 14th docket. And we may come back
5 to you with a special hearing date request as well. So
6 we'll let you know on that.

7 EXAMINER DAWSON: Okay.

8 MS. KESSLER: I concur with that, and simply
9 state that the two competing pooling applications do not
10 yet have case numbers, so we can't put those into the
11 record yet.

12 MR. BROOKS: Let's go ahead and continue
13 15441 to April 14th with the understanding that it may
14 be continued again.

15 MR. HALL: Right.

16 MR. BROOKS: Okay.

17 MR. HALL: Or we may request a date before
18 April 14th, so we'll let you know.

19 EXAMINER DAWSON: Okay. At this time we'll
20 continue case No. 15441 to April 14th.

21 MR. BROOKS: Let me -- you think you may
22 want to continue it to an earlier date?

23 MR. HALL: Possibly. I sent a request for a
24 special hearing date last week --

25 MS. KESSLER: Mr. Examiner, we are engaging

1 in conversations. Mr. Feldewert will be having surgery
2 in the first couple of weeks of April, so I would be
3 surprised if an earlier date is available for COG.

4 MR. BROOKS: Okay. I was just going to
5 observe that, if there was a possibility of an earlier
6 date, to avoid the necessity of renoticing, we should
7 continue it to March 31st. But if you're reasonably
8 certain that it won't be before April 14th, we can just
9 continue it till April --

10 MR. HALL: Again, I think that's fine.

11 MR. BROOKS: -- April 14th.

12 EXAMINER DAWSON: Okay. We will continue
13 case No. 15441 until April 14th.

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(Time noted 8:32 a.m.)

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I do hereby certify that the foregoing is
a complete and correct report of the proceedings in
the Examiner hearing of Case No. _____
heard by me on _____.

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23

_____, Examiner
Oil Conservation Division

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25

1 STATE OF NEW MEXICO)
 2) ss.
 3 COUNTY OF BERNALILLO)
 4
 5
 6

7 REPORTER'S CERTIFICATE

8
 9 I, ELLEN H. ALLANIC, New Mexico Reporter CCR
 10 No. 100, DO HEREBY CERTIFY that on Thursday, March 3,
 11 2016, the proceedings in the above-captioned matter were
 12 taken before me, that I did report in stenographic
 13 shorthand the proceedings set forth herein, and the
 14 foregoing pages are a true and correct transcription to
 15 the best of my ability and control.
 16

17
 18 I FURTHER CERTIFY that I am neither employed by
 19 nor related to nor contracted with (unless excepted by
 20 the rules) any of the parties or attorneys in this case,
 21 and that I have no interest whatsoever in the final
 22 disposition of this case in any court.
 23
 24
 25

Ellen Allanic
 ELLEN H. ALLANIC, CSR
 NM Certified Court Reporter No. 100
 License Expires: 12/31/16