

# MILLER STRATVERT

PROFESSIONAL ASSOCIATION

Ranne B. Miller  
Alice T. Lorenz  
Stephen M. Williams  
Stephan M. Vidmar  
Seth V. Bingham  
Timothy R. Briggs  
Rudolph Lucero  
Deborah A. Solove  
Gary L. Gordon  
Lawrence R. White  
Virginia Anderman  
Marte D. Lightstone  
J. Scott Hall\*  
Thomas R. Mack  
Thomas M. Domme  
Ruth O. Pregenzer

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Bradley D. Tepper\*\*  
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James R. Wood  
Dana M. Kyle  
Kirk R. Allen  
Ruth Fuess  
H. Brook Laskey  
Paula G. Maynes  
Gary Risley  
M. Dylan O'Reilly  
Jennifer D. Hall  
Todd A. Schwarz  
Nell Graham Sale

Scott P. Hatcher  
Ann M. Conway  
Randall J. McDonald  
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Richard L. Alvidrez  
Kelsey D. Green  
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Matthew S. Rappaport  
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Somer K. Chyz  
Joseph L. Romero  
Kelly A. Stone  
Deron B. Knoner  
Patricia A. Bradley

T. Aaron Garrett  
Amy P. Hauser  
Rebecca M. Alves

Counsel

James B. Collins  
Terri S. Beach  
Robert D. Taichert

Of Counsel

William K. Stratvert  
Sharon P. Gross

Reply to Santa Fe

150 Washington Ave., Suite 300  
Santa Fe, NM 87501

Mailing Address:  
P.O. Box 1986  
Santa Fe, NM 87504-1986

Telephone: (505) 989-9614  
Facsimile: (505) 989-9857

Writer's Direct E-Mail:  
shall@mstlaw.com

\* Board Certified Specialist: Natural Resources - Oil & Gas Law  
\*\* Board Certified Specialist: Real Estate Law

April 20, 2006

**HAND-DELIVERED**

Ms. Florene Davidson  
New Mexico Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico

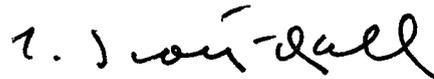
Re: NMOCD Case No. 13686; Amended Application of DKD, LLC for an Order  
Revoking the Injection Authority for the Gandy Corporation State "T" Well No. 2,  
Lea County, New Mexico

Dear Florene:

Enclosed in reference to the captioned matter is a Pre-Hearing Statement on behalf of the Applicant, DKD, LLC.

Very truly yours,

MILLER STRATVERT P.A.



J. Scott Hall

JSH/glb

Enclosure

cc (w/enclosure):

David Catanach  
Ted Apodaca  
Charles Lakins

LAW OFFICES

ALBUQUERQUE  
(505) 842-1950

FARMINGTON  
(505) 326-4521

LAS CRUCES  
(505) 523-2481

SANTA FE  
(505) 989-9614

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JSH

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

**IN THE MATTER OF THE APPLICATION OF  
DKD, LLC FOR AN ORDER REVOKING THE  
INJECTION AUTHORITY FOR THE GANDY  
CORPORATION STATE "T" WELL NO. 2,  
LEA COUNTY, NEW MEXICO**

**CASE NO. 13686**

**PRE-HEARING STATEMENT**

This Pre-Hearing Statement is submitted by Miller Stratvert P.A. (J. Scott Hall) on behalf of DKD, LLC, as required by the Oil Conservation Division.

**APPEARANCES**

**APPLICANT'S ATTORNEY**

J. Scott Hall, Esq.  
Miller Stratvert P.A.  
150 Washington Ave., Suite 300  
Post Office Box 1986  
Santa Fe, New Mexico 87504  
(505) 989-9614

**APPLICANT**

DKD, LLC

**OPPONENT'S ATTORNEY**

Charles N. Lakins, Esq.  
Domenici Law Firm, P.C.  
320 Gold Ave., SW, Suite 1000  
Albuquerque, New Mexico 87102  
(505) 883-6250

**OPPONENT**

Gandy Corporation

**OTHER PARTY'S ATTORNEY**

**OTHER PARTY**

WJT 4/20/06

## STATEMENT OF THE CASE

### APPLICANT

Applicant is the owner and the operator of the Watson 6 No. 1 well located 2857' FSL and 1417' FWL in Unit N, Section 6, T16S, R36E which is utilized for the disposal of produced water by injection into the Cisco and Canyon formations (SWD 834). Applicant also owns and operates the Snyder A No. 1 well located 2319' FSL and 330' FWL in Unit L of said Section 6. Gandy Corporation operates the State "T" Well No. 2, the well that is the subject of the Application, at a location 2490' FSL and 500' FWL, Lot 12, Section 6, T16S, R36E. Gandy Corporation operates the State "T" Well No. 2 for the disposal of produced water pursuant to SWD-836 and Order No. R-12171. Applicant contends that Gandy Corporation has operated the State "T" Well No. 2 in violation of the Division's rules and orders with a result that injected waters have been permitted to escape to other formations or onto the surface causing damage to the property and threatening the contamination of fresh waters. Applicant seeks the entry of an Order revoking Gandy Corporation's injection authority and directing it to take such other actions necessary to reduce pressures in the injection formation and other formations so as to prevent further waste and damage to property.

Utilization of the State "T" Well No. 2 for injection and disposal purposes into the Sand Andres and Glorieta formations from a depth of 6000' to 6200' was authorized by the Division pursuant to SWD-836. The original authorization was issued to Pronghorn Management Corporation.

On July 9, 2002 the Division suspended Pronghorn's injection authority due to the failure to provide notice of its original application. Subsequently, on October 28, 2002, the Division issued Order No. R-11855 in Case No. 12905 rescinding Pronghorn's injection authorization. In a subsequent de novo proceeding, on May 15, 2003 the Commission issued Order No. R-11855-

B reinstating SWD-836. That Order also authorized Pronghorn to inject produced water into those intervals from 6000' to 6400'.

In approximately June of 2003, Pronghorn Management Corporation transferred the State "T" Well No. 2 to Gandy Corporation.

On May 3, 2004 the Department Secretary and Acting Division Director issued an Emergency Shut-in Order directing Gandy Corporation to cease injection for the reasons, among others, that Gandy Corporation perforated additional intervals and placed packers at depths that were not authorized by Order No. R-11855-B.

In 2004, Gandy Corporation made application to the Division in Case No. 13293 for authorization to inject into the additional perforated intervals.

Order No. R-12171 granted Gandy Corporation's application for authorization to inject produced water into the San Andres and Glorieta formations from 4810' to 6880' through 3-1/2" plastic line tubing set in a packer located within 100' above the top of the perforation. Gandy's injection authorization was also made subject to inter alia the following express conditions in Order No. R-12171:

(3) The wellhead injection pressure on the well shall be limited to no more than 962 psi. In addition, the injection well or system shall be equipped with a pressure limiting device in workable condition which shall, at all time, limit surface injection pressure to the maximum allowable pressure for this well.

(4) The Division Director may administratively authorize a pressure limitation in excess of the above upon a showing by the operator that such higher pressure will not result in migration of fluids out of the injection formation or the fracturing of the injection formation or confining strata.

(5) The operator shall notify in advance the supervisor of the Hobbs district office of the Division of the date and time of changes in packer, tubing, mechanical integrity tests, or any other work to be performed on this well.

(6) The operator shall immediately notify the Supervisor of the Division's Hobbs district office of the failure of the tubing, casing or packer in the disposal well or the leakage of water, oil or gas from or around this well or any producing or plugged and abandoned well within the area, and shall take all steps as may be timely and necessary to correct such failure or leakage.

(7) The operator shall take all steps necessary to ensure that the injected water enters only the proposed injection interval and is not permitted to escape to other formations or onto the surface using any conduit such as fractures or wells.

On April 25, 2005, Gandy Corporation made application to the Division on Form C-103 to perforate the State "T" Well No. 2 with 1220 additional holes at specified zones between 4810' to 6880'. The Division approved the proposed work-over on April 25, 2005 and the work was performed on or about that same date.

On approximately December 15, 2005, Gandy Corporation made application to the Division to increase the surface injection pressure on the State "T" Well No. 2. On December 19, 2005, the Division issued Division Order No. IPI-264 authorizing Gandy Corporation to increase the surface injection pressure to 1930 psig. No third parties were notified of Gandy Corporation's application.

OPPOSITION OR OTHER PARTY

Gandy Corporation

PROPOSED EVIDENCE

APPLICANT

<b>WITNESSES</b>	<b>EST. TIME</b>	<b>NO. OF EXHIBITS</b>
Danny Watson Owner, DKD, LLC	30 minutes	6
George Friesen Petroleum Engineer	30 minutes	8

OPPONENT  
WITNESSES

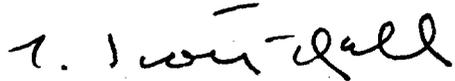
EST. TIME

NO. OF EXHIBITS

**PROCEDURAL MATTERS**

None.

MILLER STRATVERT P.A.

By: 

J. Scott Hall, Esq.  
Post Office Box 1986  
Santa Fe, New Mexico 87504  
(505) 989-9614  
Attorneys for DKD, LLC

**Certificate of Mailing**

I hereby certify that a true and correct copy of the foregoing was delivered to counsel of record on the 20th day of April 2006, as follows:

Charles N. Lakins, Esq.  
Domenici Law Firm, P.C.  
320 Gold Ave., SW, Suit e1000  
Albuquerque, New Mexico 87102

Ted Apodaca, Esq.  
Energy, Minerals & Natural Resources  
Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

  
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J. Scott Hall