

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

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PREHEARING RECORD

FEBRUARY 7, 2008

REPORTED BY: JOYCE D. CALVERT, P-03  
Paul Baca Court Reporters  
500 Fourth Street NW, Suite 105  
Albuquerque, New Mexico 87102

1 EXAMINER EZEANYIM: Good Morning, everybody. We're  
2 going on the record now. I think before we proceed, I need to  
3 make a couple of announcements. As you can see, we have a  
4 different court reporter, Joyce Calvert, by name. So, we lost  
5 Steve. So we're very happy to have Joyce today.

6 And, again, for the attorneys present today and for  
7 those who are not present, there is something we wanted to be  
8 given to us on the pre-hearing statements. When you submit  
9 your pre-hearing statements, if you have witnesses in them,  
10 please write their name, their title, their phone number, and  
11 their address below so that we can then ask for more  
12 information.

13 For example, sometimes we review these applications  
14 and we want to contact the engineer, and there is no way to  
15 find the name or any information on their portion. So please,  
16 when you submit your pre-hearing statements next time, give us  
17 that information so that we can call them directly.

18 I know you attorneys are very busy and I know when we  
19 call we don't get anybody. And what happens is that we put it  
20 aside until we get some information. But if that information  
21 is in the pre-hearing statement, we could call the engineer or  
22 the landman or the geologist and get the information without  
23 going through the attorney.

24 MR. BROOKS: Well, Mr. Ezeanyim, you're an engineer.  
25 You may be free to do that. As an attorney, I'm not allowed to

1 do that because it's prohibited by the code of conduct that  
2 applies to attorneys. So I will not be contacting witnesses or  
3 people that are represented by attorneys except through their  
4 attorneys. You may continue.

5 EXAMINER EZEANYIM: Well, yeah. I don't know that.  
6 I'm not an attorney. But my quest is to get information. We  
7 do whatever is necessary for us to get at the information,  
8 otherwise your order will be delayed. My job is to make sure  
9 that we get the order on time to you.

10 On that, too, it's over eight months now we haven't  
11 filled the second position for an engineer here. So we are  
12 still looking. But we have been working very hard to make sure  
13 we get your orders out and increase the activity on the orders  
14 that come in to us. I know we are all pressed for time. So  
15 anything we can do to make sure we get your order and conclude  
16 your business is what we're asking for anyway.

17 So, anyway, do whatever you think is necessary so we  
18 can get that information. Thank you.

19 MR. BROOKS: Thank you.

20 EXAMINER EZEANYIM: Now, we're here on the record,  
21 and today is February 7th, and we are going to consider Docket  
22 No. 4-08. The usual order of business is to call all the  
23 continuances and dismissals and proceed from there. On the  
24 docket in front of you, go to Page 1. Case No. 14053 is  
25 continued to April 17th. On Page 2, Case No. 14074 is

1 continued to March 6th. Case No. 14077 is continued to  
 2 February 21. Page 3, Case No. 14078 is continued to March 6.  
 3 Page 4, Case No. 14079 is continued to February 21.  
 4 Page 5, Case No. 14060 is continued to March 6.  
 5 Case No. 14082 is continued to February 21.  
 6 Page 6, Case No. 14084 is continued to February 21.  
 7 Case No. 14085 is continued to February 21.  
 8 Case No. 14068 is continued to February 21.  
 9 Case No. 14046 is continued to February 21.  
 10 Page 7, Case No. 14063 is continued to February 21.  
 11 Case No. 14086 is continued to February 21.  
 12 Page 8, Case No. 14025 is continued to February 21.  
 13 Case No. 13940 is continued to February 21.  
 14 And continuances are dismissed at this time.  
 15 MR. BRUCE: Mr. Examiner, Case No. 13 -- I don't know  
 16 if you called that one. Cimarex Energy Company, 14083 --  
 17 EXAMINER EZEANYIM: 10483, I didn't call it. Do you  
 18 want to continue that to February 21?  
 19 MR. BRUCE: Please continue that to February 21,  
 20 also.  
 21 EXAMINER EZEANYIM: Okay. Case No. 14083 for the  
 22 record is continued to February 23 -- I mean February 21. I  
 23 don't mean 23.  
 24 MS. MUNDS-DRY: And Mr. Examiner, Case No. 14081 on  
 25 Page 5, late yesterday afternoon I learned that we're going to

1 continue that, so I ask for a continuance, please.

2 EXAMINER EZEANYIM: Which one?

3 MS. MUNDS-DRY: Case No. 14081, Number 10, on Page 5.

4 EXAMINER EZEANYIM: What happened?

5 MS. MUNDS-DRY: Oh, we just -- we weren't ready to  
6 go. We learned that late afternoon yesterday, so if we can  
7 have it continued to February 21st, please?

8 EXAMINER EZEANYIM: Okay. No. 14081 is continued to  
9 February 21.

10 MS. MUNDS-DRY: Thank you.

11 EXAMINER EZEANYIM: Any other continuances?

12 MR. SWAZO: Mr. Hearing Examiner, I'd like to direct  
13 your attention to Case No. 3 on Page 2, Case 14075. I'm going  
14 to move to dismiss that case. The operator did come into  
15 compliance with Rule 201, and the well does report activity.

16 EXAMINER EZEANYIM: Okay. So you want to dismiss the  
17 case?

18 MR. SWAZO: Yes, 14075.

19 EXAMINER EZEANYIM: The record will reflect that  
20 Case No. 14075 is dismissed.

21 MR. SWAZO: With regard to Case No. 8, on Page 5,  
22 14054.

23 EXAMINER EZEANYIM: Okay.

24 MR. SWAZO: That case was actually continued to  
25 February 21st.

1 EXAMINER EZEANYIM: Okay. No. 14054?

2 MR. SWAZO: Yes.

3 EXAMINER EZEANYIM: You want to continue that to  
4 February 21?

5 MR. SWAZO: Well, it's been continued. And it was  
6 the respondent's understanding as well. So it mistakenly  
7 appears on this.

8 EXAMINER EZEANYIM: So Case No. 14054 you need a  
9 continuance to February 21st?

10 MR. SWAZO: That's correct.

11 EXAMINER EZEANYIM: Any other continuances? Any  
12 other continuances or dismissals? Okay.

13 [Prehearing record concluded.]

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I do hereby certify that the foregoing is  
a correct and true copy of the proceedings in  
the first hearing of Case No. \_\_\_\_\_  
heard by me on 2/7/58 \_\_\_\_\_

 Examiner  
Oil Conservation Division

## REPORTER'S CERTIFICATE

I, JOYCE D. CALVERT, Provisional Court Reporter for the State of New Mexico, do hereby certify that I reported the foregoing proceedings in stenographic shorthand and that the foregoing pages are a true and correct transcript of those proceedings and was reduced to printed form under my direct supervision.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this case and that I have no interest in the final disposition of this proceeding.



JOYCE D. CALVERT  
New Mexico P-03  
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