

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

2009 NOV 30 A 9:43

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PRE-HEARING TRANSCRIPT

BEFORE: RICHARD EZEANYIM, Presiding Examiner
DAVID K. BROOKS, Legal Examiner

November 12, 2009

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, RICHARD EZEANYIM, Presiding Examiner, and DAVID K. BROOKS, Legal Examiner, on Thursday, November 12, 2009, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South St. Francis Drive, Room 102, Santa Fe, New Mexico.

REPORTED BY: Jacqueline R. Lujan, CCR #91
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1 MR. EZEANYIM: The hearing will come to
2 order. Before we proceed with the order of the day, I
3 would like the legal counsel to make certain
4 announcements into the record.

5 MR. BROOKS: Okay. The Division has
6 decided to implement a new policy next year on the way we
7 conduct hearings in response to some things you've read
8 about in the newspaper.

9 We will be conducting two hearings per month,
10 two dockets per month, as we have been, however, we will
11 have two different types of dockets. We are going to
12 institute a consent docket, what we're going to call a
13 consent docket, which will consist exclusively of cases
14 that are to be presented by affidavit without oral
15 testimony and which are not contested. And the first
16 docket of that character we will hold will be on January
17 the 21st. Our first docket next year is January the 7th,
18 and that will be a regular docket.

19 We will ask counsel when setting cases to
20 indicate if those cases can be set on the consent docket.
21 We will undertake to accommodate you -- although we are
22 not making any commitments, we will undertake to
23 accommodate you by getting out orders very promptly on
24 the consent docket cases. Since we will not have a
25 record, we will not have to wait for a transcript to

1 issue orders when opportunity permits.

2 The one docket each month will be the consent
3 docket. The other docket will be the regular docket. If
4 a case is set on the consent docket and a contest to that
5 case is filed, then it will be moved to the next regular
6 docket. It sometimes happens that an attorney files an
7 entry of appearance but does not contest a case. So the
8 mere filing of an entry of appearance will not cause it
9 to be removed from the consent docket, unless the
10 attorney also files a pre-hearing statement indicating
11 that he will contest that case.

12 So if you have any questions, I'll be glad to
13 talk to you about it after the hearing or call me or
14 whatever. Florene is going to be implementing it, but
15 she's going to be looking to me to answer questions. At
16 the consent dockets, we will not have the reporter
17 present.

18 I'm going to develop a form of certificate
19 that the Examiner will execute, which will state that
20 this case was called. But unless the attorneys who
21 appear -- attorney or attorneys who appeared and the
22 exhibits that were admitted into evidence and whether the
23 case was taken under advisement or continued, so we will
24 not have to have a reporter present. The reporter will
25 be present at the regular dockets according to the

1 previous practice. Thank you. I think that's all.

2 MR. EZEANYIM: Are there any other
3 comments? With that, then we go into the record for the
4 regular docket today, November 12th. We are going to
5 convene Docket Number 40-09. First order of business is
6 to read all the continuances and dismissals. Starting on
7 page 1, Case Number 14321 is continued to January 7th,
8 2010. That's January 7th, the first docket. It's a
9 regular docket.

10 On page 2, Case Number 14054 is dismissed. On
11 page 3, Case Number 14396 is dismissed; Case Number 14282
12 is continued to December 3; Case Number 14401 is
13 continued to December 3; Case Number 14402 is continued
14 to December 3; Case Number 14372 is continued to December
15 3.

16 On page 4, Case Number 14351 is continued to
17 December 3; Case Number 14352 is continued to December 3.
18 Page 5, Case Number 14388 is dismissed.

19 Are there any other continuances or dismissals
20 at this time?

21 MR. BRUCE: Mr. Examiner, at the bottom of
22 page 4 and the top of page 5, the three Cimarex cases,
23 14368, 14369 and 14370, please continue those to December
24 3rd. I got the materials in too late to get prepared for
25 the hearing, so --

1 MR. EZEANYIM: Let the record reflect that
2 Case Number 14368, Case Number 14369 and Case Number
3 14370 is continued to December 3.

4 First, I want to know whether this will be a
5 problem for anybody. I would like to go first with Case
6 Number 14400, and then next is Case Number 14393 before
7 we go to 14353 and 14354. Are there any objections of
8 taking Case Number 14400 before we go to the next case?
9 The second case will be 14393.

10 MS. ALTOMARE: That's fine. We are going
11 to need to set up a telephone for 14393 for the
12 telephonic witnesses.

13 MR. EZEANYIM: Okay. So that would give
14 us time to do that; right?

15 MS. ALTOMARE: Yes.

16 MR. EZEANYIM: Okay. So we'll proceed in
17 that order, if there are no other comments.

18 * * *

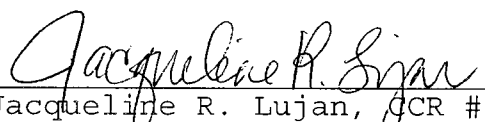
19
20
21 I do hereby certify that the foregoing is
22 a correct and true statement of the proceedings in
23 heard by me on this date.
24 *[Signature]*
25 Oil Conservation Division, Examiner

REPORTER'S CERTIFICATE

I, JACQUELINE R. LUJAN, New Mexico CCR #91, DO
HEREBY CERTIFY that on November 12, 2009, proceedings in
the above captioned case were taken before me and that I
did report in stenographic shorthand the proceedings set
forth herein, and the foregoing pages are a true and
correct transcription to the best of my ability.

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

WITNESS MY HAND this 24th day of November, 2009.


Jacqueline R. Lujan, CCR #91
Expires: 12/31/2009