

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

**IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION FOR THE PURPOSE OF
CONSIDERING:**

CASE NO. 11334

**APPLICATION OF PHILLIPS PETROLEUM COMPANY
FOR A DETERMINATION IN ACCORDANCE WITH SECTION
70-2-33(H) NMSA (1978) OF PROPORTIONATE SHARE OF
RECOVERABLE HYDROCARBONS AND FOR THE ADOPTION
OF A SPECIAL OIL ALLOWABLE FOR THE SOUTH
PETERSON-FUSSELMAN OIL POOL,
ROOSEVELT COUNTY, NEW MEXICO**

**MOTION TO DISMISS
APPLICATION FOR REALLOCATION
OF PHILLIPS PETROLEUM COMPANY**

Enserch Exploration Inc. ("Enserch"), by and through its attorneys, Campbell, Carr & Berge, P.A., hereby urges the New Mexico Oil Conservation Division to dismiss the Application of Phillips Petroleum Company (Phillips) for a determination of proportionate share of recoverable hydrocarbons and for the adoption of a special oil allowable for the South Peterson-Fusselman Oil Pool, Roosevelt County, New Mexico. In support of this motion, Enserch states:

1. The Oil Conservation Commission's denial of the application for rehearing of Phillips in case No. 10994 (DeNovo) constituted a final adjudication of the issues contained

in that proceeding, subject to review by the Courts of the State of New Mexico. As the grounds upon which Phillips relies in the present Application to the Oil Conservation Division for Reallocation are the same that were previously rejected by the Commission in Case No. 10994. Therefore, the Oil Conservation Division should decline to hear this matter.

2. The legal authority and arguments supporting this motion are fully set forth in the memorandum filed concurrently with this motion.

WHEREFORE, Enserch respectfully requests that the Division enter an Order dismissing the Application of Phillips Petroleum Company (Phillips) for a determination of proportionate share of recoverable hydrocarbons and for the adoption of a special oil allowable for the South Peterson-Fusselman Oil Pool, Roosevelt County, New Mexico.

CAMPBELL, CARR & BERGE, P.A.

By _____
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Dismiss was mailed to Thomas Kellahin, Esq. 117 N. Guadalupe, Santa Fe, New Mexico 87501 this 20th day July, 1995.



William F. Carr
Per [unclear]