

BEFORE THE

OIL CONSERVATION DIVISION

NEW MEXICO DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES

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

RECEIVED
OIL CONSERVATION DIVISION
APR 11 1996

CASE NO. 11434

APPLICATION OF MERIDIAN OIL INC.
FOR COMPULSORY POOLING AND AN
UNORTHODOX GAS WELL LOCATION,
SAN JUAN COUNTY, NEW MEXICO.

MOTION TO DISMISS

Four Star Oil and Gas Company ("Four Star"), by and through its attorneys, Campbell, Carr & Berge, P.A., moves the New Mexico Oil Conservation Division to dismiss the application of Meridian Oil Inc. ("Meridian") for compulsory pooling and an unorthodox gas well location in the E/2 of Section 23, Township 31 North, Range 9 West, N.M.P.M., San Juan County, New Mexico. In Support of this Motion, Four Star states:


1. Compulsory pooling is unavailable to Meridian for the acreage that Meridian seeks to force pool, has been voluntarily combined by a communitization agreement and the operations of this acreage are governed by an operating agreement which expressly covers the operations on the subject spacing unit in the Mesaverde formation.

2. Contrary to custom and practice before the Division, and in violation of Section 70-2-17(C) NMSA (1978), Meridian has prematurely instituted a compulsory pooling action against Four Star without first undertaking a good faith and reasonable effort to obtain a voluntary agreement for the future development of this acreage.

WHEREFORE, Four Star requests that the Division enter an Order dismissing the Application of Meridian in this case.

Respectfully submitted,

CAMPBELL, CARR & BERGE, P.A.

By: 

WILLIAM F. CARR
Post Office Box 2208
Santa Fe, New Mexico 87504
Telephone: (505) 988-4421

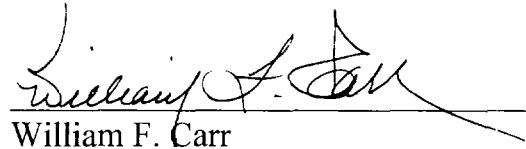
ATTORNEYS FOR FOUR STAR OIL
AND GAS COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January, 1996, I have caused to be hand-delivered a copy of our Motion to Dismiss in the above-captioned case to the following named counsel:

W. Thomas Kellahin, Esq.
Kellahin & Kellahin
117 North Guadalupe Street
Santa Fe, New Mexico 87501

Michael J. Condon, Esq.
Gallegos Law Firm
460 St. Michael's Drive, #300
Santa Fe, New Mexico 87501



William F. Carr

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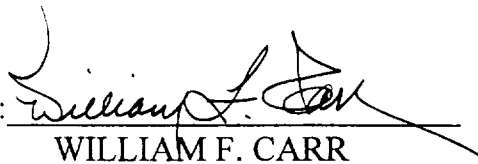
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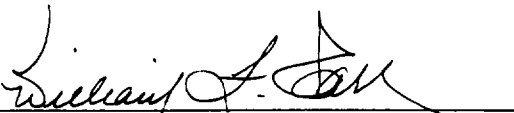
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APPROVED AND
FORWARDED:
G. J. [Signature]

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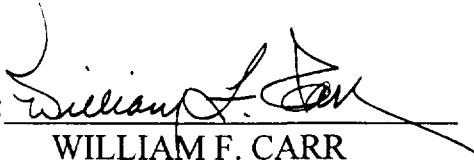
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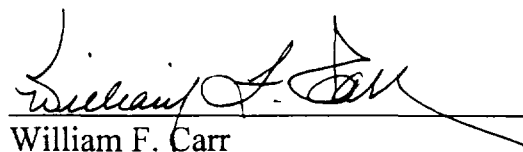
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