



NEW MEXICO ENERGY, MINERALS  
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION  
2040 South Pacheco Street  
Santa Fe, New Mexico 87505  
(505) 827-7131

December 12, 1996

William Thomas Kellahin  
Kellahin & Kellahin  
P. O. Box 2265  
Santa Fe, New Mexico 87502

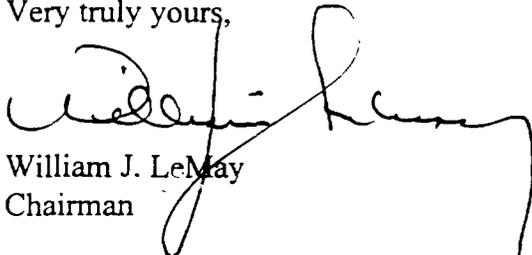
**RE: *Dagger Draw Complex Operator's Committee***  
***Order No. R-4691-G - NMOCD Cases 11525 and 11526***  
***North and South Dagger Draw***

Dear Mr. Kellahin:

In response to your December 11, 1996 letter questioning the formation of the Dagger Draw Complex Operator's Committee by Yates under Order No. R-4691-G, please be assured that this committee will ultimately be appointed by me. The meeting that Yates is requesting and any other meetings pertaining to the formation of this committee and its designated functions are strictly advisory and are not meant to fulfill requirements of the order. In discussing the implementation of this portion of the order I suggested to Mr. Carr as I am suggesting to you, that informal discussions take place so as to bring to the Chairman your recommendations on the size of the committee, who would be available to serve and what specific projects would further the goals of the order and the timetable to accomplish these projects. Part of the reason for not appointing the committee initially was to let the time frame pass for possible rehearing of the case and/or possible court actions that might be taken to appeal the order. As a matter of policy, I have always encouraged operators to discuss among themselves the best way to organize and fulfill the intent of orders passed by the Division and the Commission. This case is no exception. If you all can meet informally and agree on specifics to implement the intent of Order No. R-4691-G, I feel this serves the interest of all parties including those of the Commission.

Again, it is my hope that through informal discussions that a consensus can be reached and brought to the Commission prior to my appointing the committee and charging it with specific responsibilities. If after meeting informally, Conoco or any other operator has an opinion that was either not honored by the group or differs from the group's consensus, I hope that opinion and/or recommendation would be brought to the Chairman along with any consensus that is reached informally by operators in the Dagger Draw Complex.

Very truly yours,



William J. LeMay  
Chairman

cc: Jerry Hoover, Conoco  
William Carr, Attorney for Yates

**KELLAHIN AND KELLAHIN**

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2255

SANTA FE, NEW MEXICO 87504-2255

W. THOMAS KELLAHIN\*

\*NEW MEXICO BOARD OF LEGAL SPECIALIZATION  
RECOGNIZED SPECIALIST IN THE AREA OF  
NATURAL RESOURCES-OIL AND GAS LAW

TELEPHONE (505) 982-4285  
TELEFAX (505) 982-2047

JASON KELLAHIN (RETIRED 1991)

December 12, 1996

**HAND DELIVERED AND BY  
FACSIMILE (505) 827-8177**

Mr. William J. LeMay, Chairman  
Oil Conservation Commission  
2040 South Pacheco  
Santa Fe, New Mexico 87505

**Re: CONOCO'S OPPOSITION TO  
YATES' REQUEST FOR  
NUNC PRO TUNC ORDER  
Orders R-4691-G & R-5353-L-4  
NMOCD Cases 11525 and 11526  
North and South Dagger Draw**

Dear Mr. LeMay:

On behalf of Conoco Inc., we object to Yates Petroleum Corporation's ("Yates") request to the Commission dated December 4, 1996 in which Yates seeks to have the Commission issue a nunc pro tunc order to delete the table set forth in Finding (17) and thereby "correct" the volumes of illegal oil which the Commission found had been overproduced by Yates.

Yates' request is improper and should be denied. A order "nunc pro tunc" is authorized only in limited situations to correct typographical errors, to correct omissions, or to correct other errors made through inadvertence or mistake. It cannot be used as a substitute for a finding that the Commission obviously intended to make but for which Yates now objects.

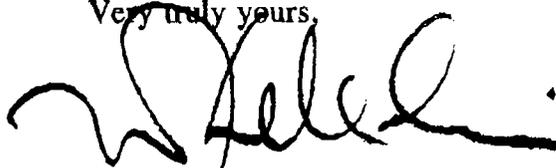
If Yates objects to the fact that the Commission, based upon the evidence submitted, decided certain volumes had been overproduced as set forth in Finding (17)'s table of overproduction volumes, then Yates' only proper remedy is to seek a rehearing.

William J. LeMay  
December 12, 1996  
Page 2.

Conoco finds it peculiar that Yates could produce more than one million barrels of illegal oil over a period in excess of one year and not have a method to determine the exact volume of overproduction. In addition, Yates had a full and complete opportunity to submit that data at the Commission hearing held on September 18, 1996 and failed to do so.

Accordingly, we request the Commission deny Yates' request.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. Thomas Kellahin', written over a horizontal line.

W. Thomas Kellahin

cfx: Conoco Inc.  
Attn: Jerry Hoover  
William F. Carr, Esq.  
Attorney for Yates Petroleum Corporation  
James Bruce, Esq.  
Edmund Kendrick, Esq.