

**GALLEGOS LAW FIRM**

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CLIENT:

CLIENT NO.: 97-20.1

DATE: July 2, 1997

TO: Rand Carroll

COMPANY: Oil Conservation Division

TELEFAX NO.: 827-8177

FROM: JASON E Woughty

MESSAGE:

NUMBER OF PAGES INCLUDING COVER SHEET: 14

**IMPORTANT**

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July 2, 1997  
(Our File 97-20.1)

JASON E. DOUGHTY\*

**VIA FAX 827-1389**

Rand Carroll  
Legal Counsel  
Oil Conservation Division  
2040 South Pacheco  
Santa Fe, New Mexico 87505

RE: NMOCD Cases 11808 and 11809  
Application of Burlington Resources Oil & Gas Co. for compulsory pooling,  
Sections 8 and 9, T31N-R10W, NMPM San Juan County, New Mexico

Dear Mr. Carroll:

Attached please find our Motion for Continuance which we filed with the Division on June 30, 1997. I also enclose a copy of our subpoena in the referenced cases which was served upon Mr. Kellahin this afternoon. I apologize for not serving you with a copy these pleadings earlier.

Very truly yours,

GALLEGOS LAW FIRM, P.C.

By: 

JASON E. DOUGHTY

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

JUN 30 1997

Oil Conservation Division

CASE NO. 11808

CASE NO. 11809

RE: APPLICATION OF BURLINGTON RESOURCES  
OIL AND GAS COMPANY FOR COMPULSORY  
POOLING AND A NON-STANDARD PRORATION  
AND SPACING UNIT, SECTIONS 8 AND 9, T31N-  
R10W, NMPM, SAN JUAN COUNTY, NEW MEXICO

MOTION FOR CONTINUANCE

COME NOW, LEE WAYNE MOORE AND JOANN MONTGOMERY MOORE,  
TRUSTEES AND TIMOTHY B. JOHNSON, TRUSTEE FOR RALPH A. BARD, JR.  
TRUST U/A/D FEBRUARY 12, 1983 ET AL (hereinafter sometimes collectively  
referred to as "Movants") by and through their attorneys, GALLEGOS LAW FIRM, P.C.,  
and hereby move for a continuance of the hearings scheduled in the above referenced  
cases for July 10, 1997, and in support of this Motion state:

1. On June 11, 1997, Burlington Resources Oil & Gas Co. ("Burlington") filed  
its application in NMOCD Case No. 11809. On June 12, 1997, Burlington filed its  
application in NMOCD Case No. 11808. These cases are hereinafter sometimes  
referred to collectively as the "Cases". The Cases are presently set to be heard on the  
July 10, 1997 Examiner Hearing Docket.

Served. 6-30-97  
Docketed. \_\_\_\_\_ By: \_\_\_\_\_  
CC: \_\_\_\_\_  
Vol. 1 Tab. 5

2. In Case No. 11809, Burlington seeks, inter alia, an Order from the Division compulsory pooling all of Section 8, T31N, R10W, NMPM San Juan County, New Mexico, for its proposed high risk Deep Pennsylvanian test well, the Marcotte Well No. 2. Burlington estimates that this well will cost \$2,316,973 and assigns it a 10% success rate. Movant Lee Wayne Moore and Joann Montgomery Moore, Trustees acreage contribution to this proposed well is 2.2517% and, as such, their estimated cost contribution would be approximately \$52,171.

3. In Case No. 11808, Burlington seeks, inter alia, an Order from the Division compulsory pooling all of Section 9, T31N, R10W, NMPM San Juan County, New Mexico, for its proposed high risk Deep Pennsylvanian test well, the Scott Well No. 24. Burlington estimates that this well will also cost \$2,316,973 and likewise assigns it a 10% success rate. Movants Timothy B. Johnson, Trustee for Ralph A. Bard, Jr. Trust U/A/D February 12, 1983 et al's cumulative acreage contribution to this proposed well is approximately 64.4% and, as such, their estimated cost contribution would be approximately \$1,492,130. Movant Lee Wayne Moore and Joann Montgomery Moore, Trustees acreage contribution to this proposed well is .294805% and, as such, their estimated cost contribution would be approximately \$6,830.

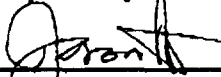
4. Given, inter alia, the Movants' large financial exposure on Burlington's proposed Scott Well No. 24 and the Marcott Well No. 2, it is absolutely reasonable and necessary for the Movants, in order to be in a position to fully to respond to Burlington's applications, to request an opportunity to examine Burlington's information, documents and data supporting the location and drilling of these wells. Accordingly, on June 27, 1997, the Movants submitted a Subpoena Duces Tecum to the Division seeking the

production of certain data and documents relevant to the location and drilling of these wells from Burlington on July 8, 1997.

5. Movants submit that given the amount of data and documents requested from Burlington, it will be extremely difficult for Burlington to produce such data and documents by June 8, 1997. Even if Burlington were able to produce the subpoenaed data and documents, it would be virtually impossible for the Movants to conduct a meaningful review and analysis of Burlington's technical data in order to be fully prepared for the scheduled July 10, 1997 hearing.

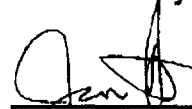
WHEREFORE, Lee Wayne Moore and Joann Montgomery Moore, Trustees and Timothy B. Johnson, Trustee for Ralph A. Bard, Jr. Trust U/A/D February 12, 1983 et al. respectfully request that the hearing in the Cases scheduled for hearing on July 10, 1997 be continued from the Examiner Hearing Docket until such time as the Movants have had an opportunity to receive and review the documents and information requested from Burlington.

Respectfully submitted,

  
\_\_\_\_\_  
JASON E. DOUGHTY  
J. E. GALLEGOS  
GALLEGOS LAW FIRM, P.C  
460 St. Michael's Drive, Bldg. 300  
Santa Fe, New Mexico 87505  
(505) 983-6686

**CERTIFICATE OF MAILING**

I certify that a copy of this pleading was transmitted by hand delivery to counsel of record this 30th day of June, 1997

  
\_\_\_\_\_  
JASON E. DOUGHTY

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

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

**CASE NO. 11808**

**CASE NO. 11809**

**RE: APPLICATION OF BURLINGTON RESOURCES  
OIL AND GAS COMPANY FOR COMPULSORY  
POOLING AND A NON-STANDARD PRORATION  
AND SPACING UNIT, SECTIONS 8 AND 9, T31N-  
R10W, NMPM, SAN JUAN COUNTY, NEW MEXICO**

**SUBPOENA DUCES TECUM**

**TO: Burlington Resources Oil and Gas Co.  
c/o W. Thomas Kellahin  
Kellahin & Kellahin  
Post Office Box 2265  
Santa Fe, New Mexico 87504-2265**

Pursuant to Section 70-2-8, NMSA (1978) and Rule 1211 of the New Mexico Oil Conservation Division's Rules of Procedure, you are hereby ORDERED to appear at 9:00 a.m., July 8, 1997, at the offices of the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico 87505 and to produce the documents and items specified in the attached Exhibit A and to make available to the Applicants and their attorneys, J.E. Gallegos and Jason E. Doughty, for copying, all of said documents.

This subpoena is issued on application of Lee Wayne Moore and Joann Montgomery Moore, Trustees and Timothy B. Johnson, Trustee for Ralph A. Bard, Jr. Trust U/A/D February 12, 1983 et al. (all applicants are identified on Exhibit A hereto)

Served. 7-1-97  
Docketed. \_\_\_\_\_ By: \_\_\_\_\_  
CC: \_\_\_\_\_  
Vol. 2 Tab. 6

through their attorneys, Gallegos Law Firm, 460 St. Michael's Drive, Building 300, Santa Fe, New Mexico 87505.

Dated this 1<sup>st</sup> <sup>July</sup> day of ~~June~~, 1997.

NEW MEXICO OIL CONSERVATION DIVISION

By: 

WILLIAM J. LEMAY, DIRECTOR

## EXHIBIT "A"

**PURPOSE:** The purpose of this subpoena is to provide all of the information necessary for the Applicants to be able to prepare their opposition to Burlington Resources Oil & Gas Company in NMOCD Cases 11808 and 11809.

## DEFINITIONS

Certain terms used in these requests are defined as follows:

A. "Concerning" includes referring to, alluding, responding to, relating to, connected with, commenting on, in reference of, about, regarding, documenting, discussing, showing, describing, mentioning, reflecting, analyzing, constituting, evidencing, or pertaining to.

B. "Document(s)" has the meaning as in SCRA 1986, 1-034 including, inter alia, all written, printed, typed, recorded, pictorial, representational or graphic matter, photographic matter, sound reproductions, computer files, electronic media, tapes, inputs or outputs, however produced or reproduced, or any other matter from which information may be obtained, and drafts and non-identical duplicates or copies thereof and shall further include, but is not limited to, any code, key or other information or material necessary to an understanding of such documents or the information contained therein.

C. "Reflecting" means to show, portray, demonstrate or provide the requested information and, where more than one document is responsive, such term requests only those documents that best and most completely show the information sought.

F. "Burlington" means Burlington Resources Oil and Gas Co. and includes predecessors, the same corporation under some other name, its parent corporation and/or predecessors, the same corporation under some other name, its parent corporation and/or



corporations merged or consolidated into it; and its present or former officers, directors, agents, employees and all other persons acting or purporting to act on its behalf or on behalf of its predecessors, subsidiaries, and/or affiliated companies.

### REQUESTS

**REQUEST NO. 1** Any and all information and/or documents concerning Burlington's proposed location and drilling of the Marcotte Well No. 2 in the southeast quarter of Section 8, T31N, R10W, San Juan County, New Mexico, to include without limitation:

A. any and all documents and/or studies reflecting the engineering justification (drilling, reservoir and/or production) concerning Burlington's choice of this particular well location and Burlington's decision to test the deep Pennsylvanian formation;

B. any and all documents and/or studies reflecting the geologic justification concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation; to include without limitation, any stratigraphic cross sections, geologic cross sections, annotated individual logs, isopach maps, isopleth maps, mud logs, sample (well cutting) logs, conceptual cross sections and block/perspective diagrams, net pay maps, gross pay maps, photogeologic maps, fracture, linear and lineament maps from ariel photographs or other remotely sensed imagery, source rock studies, thermal maturation and/or geohistory studies/models and surface geochemistry studies.

C. any and all documents and/or studies reflecting the geophysical justification concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation; to include without limitation potential field studies (gravity and/or

magnetic), natural and induced electrical current studies, and seismic studies and studies establishing present-day principle horizontal stress.

D. any and all documents and/or studies reflecting the topographical justification concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation to include without limitation cultural and/or archeological considerations, threatened and endangered species, and other surface or subsurface considerations.

E. any and all documents reflecting two dimensional and/or three dimensional seismic information concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation;

F. any and all documents reflecting the interpretation of two dimensional and/or three dimensional seismic information concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation to include without limitation structure maps, isopach/isopleth maps, interpreted cross sections, and displays of seismic "slices" from three-dimensional data cubes;

G. any and all computerized databases reflecting two dimensional and/or three dimensional seismic information concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation to include without limitation digital/computerized seismic data in a format suitable for use in a current industry standard geophysical workstation;

H. any and all documents concerning Burlington's current and potential future working interest ownership in formations underlying the Dakota Formation in Section 8, T31N, R10W, San Juan County, New Mexico, to include without limitation, any farmout or

drilling agreements or like agreements reflecting the right to drill and/or operate the Marcotte Well No. 2, entered into by Burlington with other working interest owners in Section 8, T31N, R10W, San Juan County, New Mexico;

I. All sources, bids, contracts and like documents reflecting the estimated costs as indicated on Burlington's Well Cost Estimate and/or Authorization For Expenditure for the proposed Marcotte Well No. 2; and

J. Any and all documents or data concerning the porosity and/or permeability of formations below the base of the Dakota formation to the top of the Pre-Cambrian aged formation underlying Section 8, T31N, R10W, San Juan County, New Mexico to include without limitation the position of the proposed well over the fault at the top of the Pre-Cambrian basement, any and all analyses of the current in situ reservoir permeability and poro.

K. any and all documents reflecting information from test wells located in the Northern San Juan Basin and/or the Four Corners Platform areas (to include the Barker Dome, Ute Dome and Alkali Gulch fields) which have been used by Burlington to infer and/or extrapolate information concerning the San Juan Basin Deep Pennsylvanian formation, to include, without limitation, thermal modeling studies, geohistory/burial history models or studies, information on reservoir drive mechanism, and reservoir fluids expected to be encountered (e.g. gas over oil over water, gas over water, gas only, H<sub>2</sub>S, and CO<sub>2</sub> as significant quantities in methane).

**REQUEST NO. 2** Any and all information and/or documents concerning Burlington's proposed location and drilling of the Scott Well No. 24 in the northwest quarter of Section 9, T31N, R10W, San Juan County, New Mexico, to include without limitation:

A. any and all documents and/or studies reflecting the engineering (drilling, reservoir and/or production) justification concerning Burlington's choice of this particular well location and Burlington's decision to test the deep Pennsylvanian formation;

B. any and all documents and/or studies reflecting the geologic justification concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation; to include without limitation, any stratigraphic cross sections, geologic cross sections, annotated individual logs, isopach maps, isopleth maps, mud logs, sample (well cutting) logs, conceptual cross sections and block/perspective diagrams, net pay maps, gross pay maps, photogeologic maps, fracture, linear and lineament maps from ariel photographs or other remotely sensed imagery, source rock studies, thermal maturation and/or geohistory studies/models and surface geochemistry studies.

C. any and all documents and/or studies reflecting the geophysical justification concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation; to include without limitation potential field studies (gravity and/or magnetic), natural and induced electrical current studies, and seismic studies and studies establishing present-day principle horizontal stress.

D. any and all documents and/or studies reflecting the topographical justification concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation to include without limitation cultural and/or archeological considerations, threatened and endangered species considerations, and other surface or subsurface considerations.

E. any and all documents reflecting two dimensional and/or three dimensional seismic information concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation;

F. any and all documents reflecting the interpretation of two dimensional and/or three dimensional seismic information concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation to include without limitation structure maps, isopach/isopleth maps, interpreted cross sections, and displays of seismic "slices" from three-dimensional data cubes;

G. any and all computerized databases reflecting two dimensional and/or three dimensional seismic information concerning Burlington's choice of this particular well location to test the deep Pennsylvanian formation to include without limitation digital/computerized seismic data in a format suitable for use in a current industry standard geophysical workstation;

H. any and all documents concerning Burlington's current and potential future working interest ownership in formations underlying the Dakota Formation in Section 9, T31N, R10W, San Juan County, New Mexico, to include without limitation, any farmout or drilling agreements or like agreements reflecting the right to drill and/or operate the Scott Well No. 24, entered into by Burlington with other working interest owners in Section 9, T31N, R10W, San Juan County, New Mexico;

I. All sources, bids, contracts and like documents reflecting the estimated costs as indicated on Burlington's Well Cost Estimate and/or Authorization For Expenditure for the proposed Scott Well No. 24; and

J. Any and all documents or data concerning the porosity and/or permeability of formations below the base of the Dakota formation to the top of the Pre-Cambrian aged formation underlying Section 9, T31N, R10W, San Juan County, New Mexico to include without limitation the position of the proposed well over the fault at the top of the Pre-Cambrian basement, any and all analyses of the current in situ reservoir permeability and poro.

K. any and all documents reflecting information from test wells located in the Northern San Juan Basin and/or the Four Corners Platform areas (to include the Barker Dome, Ute Dome and Alkali Gulch fields) which have been used by Burlington to infer and/or extrapolate information concerning the San Juan Basin Deep Pennsylvanian formation, to include, without limitation, thermal modeling studies, geohistory/burial history models or studies, information on reservoir drive mechanism, and reservoir fluids expected to be encountered (e.g. gas over oil over water, gas over water, gas only, H<sub>2</sub>S, and CO<sub>2</sub> as significant quantities in methane).

**REQUEST NO. 3** Any permits, licenses, contracts, agreements, authorizations and/or other documents concerning Burlington's right and/or authority to undertake geophysical surveys on Sections 8 and/or 9, T31N, R10W, San Juan County, New Mexico.

**REQUEST NO. 4** Any plats, shot point and other maps, diagrams or like documents reflecting the location where either two dimensional and/or three dimensional geophysical surveys on Sections 8 and/or 9, T31N, R10W, San Juan County, New Mexico were undertaken.