

NEW MEXICO OIL CONSERVATION DIVISION

Examiner Hearing  
Santa Fe, New Mexico  
May 27, 1999 -- 8:15 A.M.

**ILLEGIBLE**

Name	Representing	Location
Bob Coates	Eastman	Albany
SLOTT HALL	MILLER, S. RAYMOND	ST-
DAVE BONEAU	YATES PETROLEUM	ARTEZIA
W. Kellaher	Kellaher & Kellaher	San Antonio
D Cromwell	Enersys	Birmingham, AL
BARNEY KAHN	ENERGEN	BIRMINGHAM, AL
Ken Gray	"	Midland, TX
L. Squires	Squires Karcher	NOBBS
William A. Jan	Jan & Jan	San Antonio
James Bruce	—	"
Lynn S. Charles	Charles B. Gillespie Jr.	Midland, TX
James Rogers	Harding Pet. Svc.	Midland, TX
JOHN McDERMOTT	Gilco	Midland, TX
MARK ALMOCKA	Gillespie Oil, Inc.	MIDLAND, TX.

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: )  
 )  
 APPLICATION OF CHESAPEAKE OPERATING, )  
 INC., FOR COMPULSORY POOLING, )  
 LEA COUNTY, NEW MEXICO )

CASE NO. 12,186

ORIGINAL

99 JUN 4 PM 2:52  
 OIL CONSERVATION DIV

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: MICHAEL E. STOGNER, Hearing Examiner

May 27th, 1999

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, MICHAEL E. STOGNER, Hearing Examiner, on Thursday, May 27th, 1999, at the New Mexico Energy, Minerals and Natural Resources Department, Porter Hall, 2040 South Pacheco, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

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## I N D E X

May 27th, 1999  
Examiner Hearing  
CASE NO. 12,186

PAGE

REPORTER'S CERTIFICATE

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\* \* \*

## A P P E A R A N C E S

FOR THE DIVISION:

RAND L. CARROLL  
Attorney at Law  
Legal Counsel to the Division  
2040 South Pacheco  
Santa Fe, New Mexico 87505

FOR THE APPLICANT:

KELLAHIN & KELLAHIN  
117 N. Guadalupe  
P.O. Box 2265  
Santa Fe, New Mexico 87504-2265  
By: W. THOMAS KELLAHIN

FOR AMERISTATE OIL AND GAS:

CAMPBELL, CARR, BERGE and SHERIDAN, P.A.  
Suite 1 - 110 N. Guadalupe  
P.O. Box 2208  
Santa Fe, New Mexico 87504-2208  
By: WILLIAM F. CARR

\* \* \*

1 WHEREUPON, the following proceedings were had at  
2 8:17 a.m.:

3 EXAMINER STOGNER: At this time I'll call the  
4 hearing to order for Docket Number 16-99. Please note  
5 today's date, Thursday, May 27th, 1999. I'm Michael  
6 Stogner, appointed Hearing Examiner for today's cases.

7 Go up to the to the top of the page and the  
8 second case and at this time call Case Number 12,186.

9 MR. CARROLL: Application of Chesapeake  
10 Operating, Inc., for compulsory pooling, Lea County, New  
11 Mexico.

12 EXAMINER STOGNER: Call for appearances.

13 MR. KELLAHIN: Mr. Examiner, I'm Tom Kellahin of  
14 the Santa Fe law firm of Kellahin and Kellahin, appearing  
15 on behalf of the Applicant.

16 MR. CARR: May it please the Examiner, my name is  
17 William F. Carr with the Santa Fe law firm Campbell, Carr,  
18 Berge and Sheridan. I represent Ameristate Oil and Gas.

19 EXAMINER STOGNER: Any other appearances?

20 Okay, I believe there's some issues in this case  
21 that need to be resolved today. I believe there was a  
22 subpoena issued last week at the request of Ameristate; is  
23 that correct?

24 MR. CARR: That's correct.

25 MR. KELLAHIN: That's correct.

1 MR. CARR: Mr. Examiner, we also at that time  
2 requested a continuance. Yesterday afternoon I was served  
3 with a Motion to Quash. Mr. Kellahin has agreed to the  
4 continuance, so with your permission we would request that  
5 the case be continued to June the 10th, and in the meantime  
6 we'll pursue the information concerning the subpoena  
7 information.

8 EXAMINER STOGNER: Okay, at this time Case Number  
9 12,186 will be continued to June the 10th.

10 MR. CARROLL: Mr. Carr, Mr. Kellahin, you said  
11 you are going to work on the issue of the subpoena. So  
12 you're going to try to come to some agreement or --

13 MR. CARR: I'm going to respond to the Motion to  
14 Quash and discuss with Mr. Kellahin where we stand on the  
15 data we're seeking. If he can report on the temp order at  
16 that time, we'll have to have an argument on the Motion to  
17 Quash.

18 MR. CARROLL: We'll you'll need --

19 MR. KELLAHIN: We need a time frame --

20 MR. CARROLL: -- an argument prior to that time,  
21 right.

22 MR. KELLAHIN: We need a time frame, Mr.  
23 Examiner, for Mr. Carr to respond to the Motion to Quash.

24 MR. CARR: We will respond -- We can respond next  
25 week. We'll do it within a week and then advise you at

1 that time where we stand on the issue of the subpoena.

2 EXAMINER STOGNER: Is that satisfactory?

3 MR. KELLAHIN: That's fine with me, sir.

4 EXAMINER STOGNER: Okay. And also I believe  
5 there was a request to dismiss the Ameristate case?

6 MR. KELLAHIN: Yes, sir.

7 EXAMINER STOGNER: That will be deferred until  
8 that time also.

9 MR. CARR: Correct.

10 EXAMINER STOGNER: Okay.

11 (Thereupon, these proceedings were concluded at  
12 8:20 a.m.)

13 \* \* \*

14  
15  
16  
17 I do hereby certify that the foregoing is  
18 a complete record of the proceedings in  
19 the above hearing on Case No. 12186  
20 heard by me on 37 May 1999  
21  
22  
23  
24  
25  
Off Conservation Division

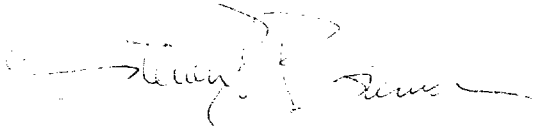
## CERTIFICATE OF REPORTER

STATE OF NEW MEXICO    )  
                              ) ss.  
COUNTY OF SANTA FE    )

I, Steven T. Brenner, Certified Court Reporter  
and Notary Public, HEREBY CERTIFY that the foregoing  
transcript of proceedings before the Oil Conservation  
Division was reported by me; that I transcribed my notes;  
and that the foregoing is a true and accurate record of the  
proceedings.

I FURTHER CERTIFY that I am not a relative or  
employee of any of the parties or attorneys involved in  
this matter and that I have no personal interest in the  
final disposition of this matter.

WITNESS MY HAND AND SEAL May 29th, 1999.

  
\_\_\_\_\_  
STEVEN T. BRENNER  
CCR No. 7

My commission expires: October 14, 2002