

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

OIL CONSERVATION DIV.

SEP 14 PM 4:42

IN THE MATTER OF THE APPLICATION OF
D. J. SIMMONS, INC. FOR COMPULSORY POOLING,
RIO ARriba COUNTY, NEW MEXICO

M.S.

CASE NO. 12705

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Miller, Stratvert & Torgerson, P.A.,
attorneys for D. J. Simmons, Inc., as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT'S ATTORNEY

J. Scott Hall, Esq.
Miller, Stratvert & Torgerson, P.A.
Post Office Box 1986
Santa Fe, New Mexico 87504
(505) 989-9614

APPLICANT

D. J. Simmons, Inc.
Post Office Box 1469
Farmington, New Mexico 87401
(505) 326-3753

OPPONENT'S ATTORNEY

William F. Carr, Esq.
Michael Feldewert, Esq.
Holland & Hart, LLP and Campbell & Carr
P.O. Box 2208
Santa Fe, New Mexico 87504
(505) 988-4421

OPPONENT

McElvian Oil & Gas Properties, Inc.
Denver, Colorado

OTHER PARTY'S ATTORNEY

None to date/unknown

OTHER PARTY

STATEMENT OF THE CASE

APPLICANT

Applicant seeks an order pooling all mineral interests from the surface to the base of the Mesaverde formation in the E/2 of Section 25, Township 25 North, Range 3 West, NMPM, for all formations and or pools developed on 320-acre spacing, including, but not necessarily limited to, the Mesaverde formation, Blanco-Mesaverde Gas Pool. Said units are to be dedicated to Applicant's Bishop Federal 25-1 well to be drilled at a standard location in the NE/4 of said Section 25 to a depth sufficient to test all formations in the pooled intervals, as well as the Chacra formation and the Gallup-Dakota formation, West Lindrith Gallup-Dakota Oil pool. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk involved in drilling said well. The units are located approximately 5 miles southwest of Lindrith, New Mexico.

OPPOSITION OR OTHER PARTY

McElvain Oil and Gas Properties, Inc. has pending an application for the compulsory pooling the S/2 of Section 25, T-25-N, R-3-W, NMPM in Case. No. 12635.

PROPOSED EVIDENCE

APPLICANT

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
Lisa Gusek, Geologist	25 minutes	5
Ed Dunn, Landman	25 minutes	6
Tom Mullins, Reservoir Engineer	25 minutes	5

OPPOSITION

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
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PROCEDURAL MATTERS

(Please identify any procedural matters which need to be resolved prior to hearing.)

Applicant has filed a Motion to Stay and to Consolidate in this matter and in Case No. 12635.

Respectfully submitted,

MILLER, STRATVERT & TORGERSON, P.A.

By 

J. Scott Hall
Attorneys for D. J. Simmons, Inc.
Post Office Box 1986
Santa Fe, New Mexico 87504-1986
(505) 989-9614

Certificate of Mailing

I hereby certify that a true and correct copy of the foregoing was mailed to counsel of record on the 14 day of September, 2001, as follows:

Michael Feldewert, Esq.
P.O. Box 2208
Santa Fe, New Mexico 87504



J. Scott Hall