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- \* NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN NATURAL RESOURCES - OIL & GAS LAW
- \*\* NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN REAL ESTATE LAW

January 18, 2002

Lori Wrotenbery, Director  
New Mexico Oil Conservation Division  
1220 St. Francis Drive  
Santa Fe, New Mexico 87505

**Hand Delivered**

Re: NMOCD Case No. 12802; Application of D.J. Simmons, Inc. for Compulsory Pooling, Rio Arriba County, New Mexico (SE/4 Sec. 25, T-25-N, R-3-W, NMPM; Bishop Federal 25 No. 2 well)

Dear Ms. Wrotenbery:

Enclosed are an original and two copies of the Pre-Hearing Statement of D.J. Simmons, Inc. in the above referenced matter.

Thank you for your attention to this matter.

Yours very truly,

MILLER, STRATVERT & TORGERSON, P.A.



J. Scott Hall

JSH/glb  
Enclosures  
cc: John Byrom (w/encl.)

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

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

CASE NO. 12802

**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**

McElvain Oil & Gas Properties, Inc.  
Denver, Colorado

**OTHER PARTY'S ATTORNEY**

None to date/unknown

**OTHER PARTY**

02 JUN 18 PM 4:48  
01 JUN 18 PM 1:00 PM

**STATEMENT OF THE CASE**

APPLICANT

Applicant seeks an order pooling all mineral interests from the surface to the base of the Gallup-Dakota formation in the SE/4 of Section 25, Township 25 North, Range 3 West, NMPM, for all formations and or pools developed on 160-acre spacing, including, but not necessarily limited to, the Pictured Cliffs, Chacra, and the Gallup-Dakota formations. Said units are to be dedicated to Applicant's Bishop Federal 25-2 well to be drilled at a standard location in the NW/4 SE/4 of said Section 25 to a depth sufficient to test all formations in the pooled intervals, including 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 E/2 of Section 25, T-25-N, R-3-W, NMPM in Case. No. 12801.

**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.)

D. J. Simmons has filed a Motion to Dismiss McElvain's Application for a N/2 unit in the same section in Case No. 12747 and has moved to continue the hearing on McElvain's Application for an E/2 unit in Section 25 in Case No. 12801.

Respectfully submitted,

MILLER, STRATVERT & TORGERSON, P.A.

By J. Scott Hall  
J. Scott Hall  
Attorneys for D. J. Simmons, Inc.  
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**Certificate of Mailing**

I hereby certify that a true and correct copy of the foregoing was mailed to counsel of record on the 18<sup>th</sup> day of January, 2002, as follows:

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

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J. Scott Hall