

(Mr. Graham reads the notice of publication.)

MR. CAMPBELL: If the Commission please, I would like to re-act a little bit. Jack M. Campbell, Roswell, N. M., representing the applicant J. H. Elder.

The Commission files will show that the applicant has furnished a statement from a geologist qualified previously before this Commission that an orthodox location will be non-productive. The applicant has failed to date to furnish the Commission with the plat required by the rules indicating the offset lessees, adjoining lessees. I would like to request the Commission that this case be taken under advisement until such time as the applicant furnishes the Commission with the plat required by the rules, and either the Commission or the applicant notifies adjoining lessees, as required by the rules, and obtains approval to the unorthodox location.

It is my understanding that the applicant has a rig ready to drill. And I believe that the rules will be complied with, and there can be no objection if the opinion of the adjoining lessees is obtained, and they have no objection to the unorthodox location. What I would like to avoid is the re-advertising and re-hearing on the application, provided Rule 104 is complied with with reference to the approval of adjoining lessees, and furnishing of the required plat.

MR. SPURRIER: Mr. Campbell, if we do take the case under advisement and approvals do come in, it will simplify the situation. Suppose they don't?

MR. CAMPBELL: I think it is up to the applicant to see that they do. If they don't come in, there will have to be a hearing. If there is any objection, there will have to be a hearing on the case. What I am asking is, if the plat is furnished and waiver or approval of adjoining lessees is furnished, the Commission then, under the circumstances, grant the application on the basis of the information available to it. If there is objection, of course, there will have to be additional evidence furnished by both the applicant and any protestants to the application.

MR. GRAHAM: You ask for a continuance?

MR. CAMPBELL: I am asking that the Commission take under advisement. In other words, I don't want a continuance to the next hearing if there is no objection from adjoining lessees. If there is objection, the Commission will have to notify the applicant there has been objection and he will be required to furnish testimony to justify the application at that time.

MR. SPURRIER: We might not be able to get the case on the next docket. That is the reason I brought up the question.

MR. CAMPBELL: What is the reason for that?

MR. SPURRIER: Well, if the objections come in in time so that it can be set down for the April hearing, all right. If they don't?

MR. CAMPBELL: That is his problem. He hasn't furnished the Commission with the required information. If he does it, and there is no objection, I would like to ask the Commission, if there is no objection, to grant the application on the basis of the present information furnished to it. If there is objection, there will have to be a continuance until such time as the Commission can properly hear it.

MR. SPURRIER: Mr. Campbell, I think we had better continue this to April 15. You may be faced with -- your client may have to come in for the May hearing otherwise. And we would have to accept evidence to complete compliance with the rules and regulations by May, and some interested persons here may not have opportunity in open hearing to review that. There has been a suggestion made -- you can continue it to any definite date. For example April 10. We have already continued the allowable hearing to April 10.

MR. CAMPBELL: Then I will request that the Commission continue this matter until April 10, if you are willing to.

MR. SPURRIER: If you only need ten days, we can continue it to April 1.

MR. CAMPBELL: Continue it to April 1, and if there is any objection, of course, it will have to be set down. It can still be advertised for the April 15 hearing.

MR. SPURRIER: It won't be necessary. If we continue it

here now until a definite date, everyone is on notice at this moment there will be a hearing on that date.

MR. CAMPBELL: What is that, April 1?

MR. SPURRIER: That is your request.

MR. CAMPBELL: I request April 1.

MR. SPURRIER: Very well, this will be continued to April 1.

STATE OF NEW MEXICO

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COUNTY OF BERNALILLO

I HEREBY CERTIFY That the foregoing transcript is a true record of the matters therein set forth.

DONE at Albuquerque, N. M., March 21, 1952.


Notary Public

My Commission Expires: 8-4-52