

IN THE DISTRICT COURT OF SANDOVAL COUNTY
STATE OF NEW MEXICO

JOHN K. REIMER and
R. E. MCKENZIE, JR.,

Petitioners

vs.

No. 6026

FLUID POWER PUMP COMPANY,
a corporation,
PETRO-LEWIS CORPORATION,
a corporation,
PARTNERSHIP PROPERTIES CO.,
a Colorado general partnership, and
NEW MEXICO OIL CONSERVATION COMMISSION,

Respondents

ACCEPTANCE OF SERVICE

COMES NOW the undersigned Attorney for New Mexico Oil
Conservation Commission, and hereby acknowledges receipt of
a copy of the Petition filed herein, and accepts service
thereof and waives service as provided by law.

DATED this 17th day of July, 1974.

NEW MEXICO OIL CONSERVATION
COMMISSION

By


William F. Carr

Attorney for New Mexico Oil
Conservation Commission

For Court Use Only
Do Not Write In This Space

THIRTEENTH
IN THE ~~XXXX~~ JUDICIAL DISTRICT COURT,
~~XXXXXXXXXX~~ COUNTY OF ~~XXXXXX~~ SANDOVAL
STATE OF NEW MEXICO

JOHN K. REIMER and

R. E. MCKENZIE, JR.

~~XXXXXXXXXX(S)~~ PETITIONERS

NO. 06076

VS.

FLUID POWER PUMP COMPANY, a corporation,
PETRO-LEWIS CORPORATION, a corporation,
PARTNERSHIP PROPERTIES CO., a Colorado general partnership,
NEW MEXICO OIL CONSERVATION COMMISSION

SUMMONS

~~XXXXXXXXXX(S)~~ RESPONDENTS

THE STATE OF NEW MEXICO

TO FLUID POWER PUMP COMPANY, a corporation,
PETRO-LEWIS CORPORATION, a corporation,
PARTNERSHIP PROPERTIES CO., a Colorado general partnership,
NEW MEXICO OIL CONSERVATION COMMISSION

RESPONDENTS
~~XXXXXXXXXX(S)~~

GREETING:

YOU ARE HEREBY DIRECTED to serve a pleading or motion in response to the complaint within 30 days after service of this summons, and file the same, all as provided by law.

YOU ARE NOTIFIED that, unless you so serve and file a responsive pleading or motion, the plaintiff will apply to the court for the relief demanded in the complaint.

HUNKER, FEDRIC & HIGGINBOTHAM, P.A., P.O. Box 1837, Roswell, New Mexico

ADDRESS OF ATTORNEYS FOR ~~XXXXXXXXXX~~ (OR OF PLAINTIFF, IF NO ATTORNEY) 88201
PETITIONERS

WITNESS THE HONORABLE George H. Perry
DISTRICT JUDGE OF THE ~~XXXX~~ THIRTEENTH JUDICIAL DISTRICT COURT, DIVISION II, OF THE STATE
OF NEW MEXICO, AND THE SEAL OF THE DISTRICT COURT OF ~~XXXXXX~~ SANDOVAL COUNTY, THIS

8th DAY OF July, 1974.

George H. Perry
~~XXXXXXXXXX~~, CLERK

(SEAL)

BY: Donna Ching
DEPUTY

(Sheriff's return when service is made personally on defendants.)

STATE OF NEW MEXICO,

} ss.

County of

I, Sheriff of County,
State of New Mexico, do hereby certify, that I served the within summons by delivering a copy thereof,
with copy of complaint attached, in the county aforesaid, in person to

Dated:, Sheriff

Fees: By, Deputy

(Sheriff's return when service is made on defendants by leaving a copy at usual place of abode.)

STATE OF NEW MEXICO,

} ss.

County of

I, Sheriff of County,
State of New Mexico, do hereby certify, that I served the within summons
by delivering a copy thereof, with copy of complaint attached, in the county aforesaid, to
a person over fifteen years of age, residing at
the usual place of abode of defendant
....., who at the time of such service was absent therefrom.

Dated:, Sheriff

Fees: By, Deputy

(Return when service is made personally on defendants by other than Sheriff.)

STATE OF NEW MEXICO,

} ss.

County of

..... being duly sworn, upon his oath, says, I am over the age of
eighteen years, I served the within summons by delivering a copy thereof, with copy of complaint at-
tached, in the county aforesaid, in person to

Fees:

Subscribed and sworn to before me this day of, 19

(Return when service is made on defendants by other than Sheriff by serving some one residing at usual
place of abode of defendant who is then absent.)

STATE OF NEW MEXICO,

} ss.

County of

..... being duly sworn, upon his oath says, I am over the age of
eighteen years, I served the within summons
by delivering a copy thereof, with copy of complaint attached, in the county aforesaid to
a person over fifteen years of age, residing at the
usual place of abode of defendant
....., who at the time of such service was absent therefrom.

Fees:

Subscribed and sworn to before me this day of, 19

IN THE DISTRICT COURT OF SANDOVAL COUNTY
STATE OF NEW MEXICO

JOHN K. REIMER and
R. E. McKENZIE, Jr.,

Petitioners,

vs.

No. 6026

FLUID POWER PUMP COMPANY,
a corporation,

PETRO-LEWIS CORPORATION,
a corporation,

PARTNERSHIP PROPERTIES CO.,
a Colorado general partnership,
and

NEW MEXICO OIL CONSERVATION COMMISSION,

Respondents,

RESPONSE TO PETITION FOR REVIEW

COMES NOW THE NEW MEXICO OIL CONSERVATION COMMISSION,
acting by and through its attorneys William F. Carr and Thomas W.
Derryberry, Special Assistant Attorneys General, and for its
Answer to the Petition for Review states:

FIRST DEFENSE

1. Respondent admits the allegations contained in Paragraphs 1, 2, 3, 4, and 11 of the Petition for Review.
2. Respondent denies each and every allegation contained in Paragraphs 5, 6, 7, 8, 9, and 10 of the Petition for Review.

SECOND DEFENSE

1. That the court lacks jurisdiction to grant the relief sought by Petitioners inasmuch as the court is jurisdictionally limited to either affirming or vacating the order challenged herein and may not substitute its judgment on substantive matters for that of the New Mexico Oil Conservation Commission.

THIRD DEFENSE

1. Petitioner fails to state a claim upon which relief may be granted.

WHEREFORE, Respondent prays:

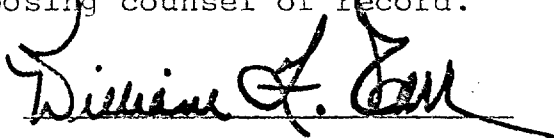
1. That the Petition for Review be dismissed.
2. That Commission Order No. R-4730-B be affirmed.
3. That the court grant Respondent such other relief as the court deems just.

DAVID L. NORVELL
Attorney General


WILLIAM F. CARR

THOMAS W. DERRYBERRY
Special Assistant Attorneys General
representing the Oil Conservation
Commission of New Mexico, P.O.
Box 2088, Santa Fe, New Mexico 87501

I hereby certify that on the
9th day of August, 1974, a copy of
the foregoing pleading was mailed
to opposing counsel of record.



May 26, 1976

George H. Hunker, Jr.
Hunker-Fedric, P.A.
P. O. Box 1837
Roswell, New Mexico 88201

Re: No. 6025 and 6026, Sandoval
County, New Mexico, Reimer and
McKenzie v. Fluid Power and
Petro-Lewis

Dear George:

Enclosed are signed copies of the Stipulations
for Dismissal in the above-captioned causes.

I hope we see you in Santa Fe sometime in the near
future.

Best personal regards.

Very truly yours,

WILLIAM F. CARR
General Counsel

WFC/dr
enc.

IN THE DISTRICT COURT OF SANDOVAL COUNTY

STATE OF NEW MEXICO

JOHN K. REIMER and
R.E. MCKENZIE, JR.

Petitioners

vs.

FLUID POWER PUMP COMPANY,
a corporation,
PETRO-LEWIS CORPORATION,
a corporation,
PARTNERSHIP PROPERTIES CO.,
a Colorado general partnership,
NEW MEXICO OIL CONSERVATION
COMMISSION

Respondents

No. 6026

STIPULATION FOR DISMISSAL

COME NOW the parties herein, state that the matters in dispute have been amicably resolved and stipulate that the Plaintiff's cause of action herein be dismissed with prejudice.

HUNKER-FEDRIC, P.A.

BURR & COOLEY

By: George M. Hunker, Jr.
George M. Hunker, Jr.
Attorney for John K. Reimer
and R. E. McKenzie, Jr.,
Petitioners
P.O. Box 1837
Roswell, New Mexico 88201

By: William J. Cooley
William J. Cooley
Attorney for Respondent
Fluid Power Pump Co.
152 Petroleum Center Bldg.
Farmington, New Mexico 87401

KELLAHIN & FOX

NEW MEXICO OIL CONSERVATION COMMISSION

By: Jason W. Kellahin
Jason W. Kellahin
Attorney for Respondents
Petro-Lewis Corp. and
Partnership Properties Co.
Santa Fe, New Mexico 87501

By: William F. Carr
William F. Carr
Attorney for New Mexico Oil
Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501

LAW OFFICES OF
HUNKER, FEDRIC & HIGGINBOTHAM, P.A.

210 HINKLE BUILDING

POST OFFICE BOX 1837

ROSWELL, NEW MEXICO 88201

GEORGE H. HUNKER, JR.
DON M. FEDRIC
RONALD M. HIGGINBOTHAM

TELEPHONE 622-2700
AREA CODE 505

July 16, 1974

Mr. William F. Carr
Attorney at Law
New Mexico Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico 87501

Re: Reimer & McKenzie vs.
Fluid Power Pump Co. et al
Nos. 06025 and 06026, D/C
Sandoval County, New Mexico

Dear Bill:

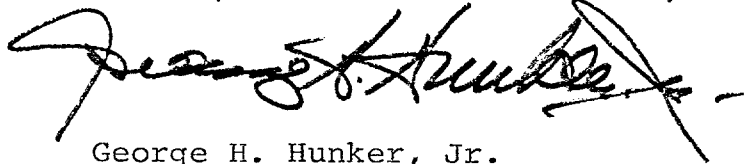
In connection with the Appeals which we have filed with regard to the recent Orders of the New Mexico Oil Conservation Commission, we hand you herewith a copy of each Summons and a copy of each of the Petitions filed by us in behalf of the Petitioners in each of the above styled cases. These Petitions were filed on July 8, and Summons was issued as of that time.

You have indicated to us that you would accept service of process for the Commission, and two Acceptances in duplicate are enclosed. We would appreciate it if you would return the originals of each Acceptance to us in order that we may file them with the District Court Clerk in Sandoval County.

Thank you very much for your help and assistance.

Sincerely yours,

HUNKER, FEDRIC & HIGGINBOTHAM, P.A.



George H. Hunker, Jr.

GHH:dd
Encls.

cc: Mr. John K. Reimer
cc: Mr. R. E. McKenzie, Jr.

LAW OFFICES OF
HUNKER-FEDRIC, P.A.

210 HINKLE BUILDING
POST OFFICE BOX 1837

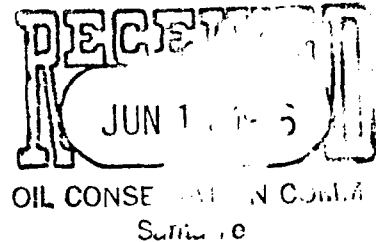
ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

HUNKER JR.

EDMAN

June 16, 1976



District Court Clerk
Sandoval County
Sandoval County Courthouse
Albuquerque, New Mexico 87004

Re: Reimer & McKenzie vs.
Fluid Power Pump Co., et al
Nos. 6025 and 6026
Sandoval County, New Mexico

Dear Madam:

In connection with dismissal of both of the above captioned cases, we enclose herewith duly executed "Stipulations For Dismissal". Please file these accordingly.

Thank you for your kind assistance.

Sincerely yours,

HUNKER - FEDRIC, P.A.

A handwritten signature in dark ink, appearing to read "George H. Hunker, Jr.", written in a cursive style. The signature is positioned above the printed name of the signatory.

George H. Hunker, Jr.

GHH:dd
encls.

cc: Mr. Lloyd R. Wade, w/encls.
cc: Mr. John K. Reimer, w/encls.
cc: Mr. R.E. McKenzie, Jr., w/encls.
cc: Mr. William F. Carr ✓
cc: Mr. William J. Cooley
cc: Mr. Jason W. Kellahin

JASON W. KELLAHIN
ROBERT E. FOX
W. THOMAS KELLAHIN

KELLAHIN AND FOX
ATTORNEYS AT LAW
500 DON GASPAR AVENUE
POST OFFICE BOX 1769
SANTA FE, NEW MEXICO 87501

TELEPHONE 982-4315
AREA CODE 505

August 5, 1974

C
O
P
Y
Mrs. Marybel Seery
District Court Clerk
Sandoval County District Court
Los Lunas, New Mexico 87031

Re: Reimer & McKenzie vs.
Fluid Power Pump Company, et al.,
Sandoval County District Court
Cause Nos. 06025 & 06026

Dear Mrs. Seery:

Please file the enclosed Answers of Petro-Lewis Corporation and Partnership Properties Company in the above referenced actions.

Very truly yours,

W. Thomas Kellahin

WTK:ks

Enclosure

cc: Mr. Mac Moore
✓ Mr. George Hunker
Mr. Bill Carr
Mr. William J. Cooley

STATE OF NEW MEXICO

COUNTY OF SANDOVAL

IN THE DISTRICT COURT

JOHN K. REIMER and
R. E. MCKENZIE, JR.,

Petitioners,

vs.

NO. 6026

FLUID POWER PUMP COMPANY,
a Corporation,
PETRO-LEWIS CORPORATION
a Corporation,
PARTNERSHIP PROPERTIES, CO.,
a Colorado General Partnership,
NEW MEXICO OIL CONSERVATION COMMISSION,

Respondents.

RESPONSE TO PETITION FOR REVIEW

COMES NOW PETRO-LEWIS CORPORATION, a Corporation,
and PARTNERSHIP PROPERTIES, CO., a Colorado general
partnership, acting by and through its attorneys of
record, KELLAHIN & FOX, Santa Fe, New Mexico, and for
its Answer to the Petition for Review states:

FIRST DEFENSE

1. Respondent admits the allegations contained in
Paragraphs One (1), Two (2), Three (3), Four (4) and
Eleven (11).

2. Respondent denies each and every allegation
contained in Paragraphs Five (5), Six (6), Seven (7),
Eight (8), Nine (9) and Ten (10).

SECOND DEFENSE

Petitioner fails to state a claim upon which relief can be granted.

THIRD DEFENSE

1. That the Court lacks jurisdiction to grant Petitioners the relief sought in their prayer in so far as Petitioners seek to have the Court proceed to adjudicate the substantive matters of Petitioner's original application before the New Mexico Oil Conservation Commission.

2. That in reviewing the New Mexico Oil Conservation Commission Order No. R-4730-B, the Court is jurisdictionally limited to either affirming or vacating the said Order.

WHEREFORE, Respondent prays;

1. That the Petition for Review be dismissed.
2. That New Mexico Oil Conservation Commission Order No. R-4730-B be affirmed.
3. That the Court grant Respondent such other and further relief as the Court deems just.

KELLAHIN & FOX

BY _____

P. O. Box 1769
Santa Fe, New Mexico

ATTORNEYS FOR RESPONDENTS,
PETRO-LEWIS CORPORATION and
PARTNERSHIP PROPERTIES COMPANY.

I hereby certify that a true copy of the foregoing instrument was mailed to opposing counsel of record this _____ day of _____, 1974.

IN THE DISTRICT COURT OF SANDOVAL COUNTY

STATE OF NEW MEXICO

JOHN K. REIMER and
R. E. MCKENZIE, JR.,

Petitioners

vs.

No. 6026

FLUID POWER PUMP COMPANY,
a corporation,
PETRO-LEWIS CORPORATION,
a corporation,
PARTNERSHIP PROPERTIES CO.,
a Colorado general partnership,
NEW MEXICO OIL CONSERVATION COMMISSION,

Respondents

P E T I T I O N

Admit COME NOW the Petitioners and state:

1. Petitioner John K. Reimer is a resident of Bernalillo County, New Mexico. Petitioner R. E. McKenzie, Jr. is a resident of Chaves County, New Mexico. Respondents, Fluid Power Pump Company, Petro-Lewis Corporation and Partnership Properties Co., as adverse parties, are engaged in the transaction of business within the State of New Mexico and, therefore, are subject to service of process within or without the State of New Mexico pursuant to Sec. 21-3-16 NMSA, 1953 comp. The New Mexico Oil Conservation Commission is an administrative agency of the State Government of New Mexico and is subject to service of process in this matter pursuant to Sec. 65-3-22(b) NMSA 1953 comp. The property involved in this matter is located in Sandoval County, New Mexico, and said County is where this action must be brought pursuant to Sec. 65-3-22(b) NMSA 1953 comp.

Admit 2. Respondents Fluid Power Pump Company and Petro-Lewis Corporation were granted an Order for compulsory pooling of

property in the Media-Entrada Oil Pool, Sandoval County, New Mexico, under which property Petitioners have an overriding royalty interest, at an Examiner Hearing before Respondent New Mexico Oil Conservation Commission on February 13, 1974, in Case No. 5167.

3. Petitioners appealed the Decision of the Examiner and were granted a Commission Hearing on April 23, 1974, in Case No. 5167 De Novo. As a result of this hearing, Respondent Commission, on May 21, 1974, issued Order R-4730-B for compulsory pooling of Township 19 North, Range 3 West, N.M.P.M., Media-Entrada Oil Pool, Sandoval County, New Mexico, described as follows: Unit No. 1, the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, and N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, dedicated to Applicants' Federal Media Well No. 1, located in Unit M in said Section 14; and Unit No. 2, the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 15, and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22, to be dedicated to the Applicants' Federal Media Well No. 2, located in Unit P of said Section 15. Order No. R-4730-B is attached hereto as Exhibit "A".

4. On June 7, 1974, Petitioners made Application for a Rehearing to Respondent New Mexico Oil Conservation Commission, (which Application is hereto attached as Exhibit "B"), pursuant to 65-3-22 NMSA 1953 comp. Petitioners did not hear from the Commission within ten (10) days and, therefore, said Application for Rehearing was denied pursuant to 65-3-22(a) NMSA 1953 comp.

5. Respondent Commission's Order R-4730-B, pooling the interest of the Petitioners, is erroneous in that no showing was made by Respondents Fluid Power Pump Company or Petro-Lewis Corporation, as required by Sec. 65-3-14 NMSA 1953 comp., that each owner of an interest in the pool would be afforded an opportunity to recover and produce his fair share of the oil in the pool.

6. The Respondent Commission refused to hear testimony tendered by Petitioners which would have shown that Respondents Fluid Power Pump Company and Petro-Lewis Corporation's method of operation of the wells in the pool was resulting in an impairment of Petitioners' correlative rights.

7. Respondent Commission refused to hear testimony tendered which would have shown Respondents Fluid Power Pump Company and Petro-Lewis Corporation's method of operation of the wells in the pool was causing damage to the Media-Entrada formation or reservoir.

8. Finding No. 2 in said Order R-4730-B, that the two (2) non-standard proration units were approved by Respondent Commission's Order No. R-4287, is improper, in that it is based on an Order of Respondent Commission, the basis of which was an improperly filed Application which failed to give notice to the Respondents of the objects of the action, contrary to the Respondent Commission's own Rule 1203.

9. The Order granting Respondents Fluid Power Pump Company and Petro-Lewis Corporation's Application and compulsory pooling of the mineral interests of the Petitioners in the Entrada formation underlying the subject units, constitutes a deprivation of property without due process of law.

10. The Order of Respondent Commission, if permitted to continue, constitutes an impairment of the property rights of the Petitioners without just compensation. The Respondent Commission's Order also results in a deprivation of property rights held by Petitioners without due process of law, for Respondent Commission's Order No. 4287 was improper because Petitioners were not given notice of the objects of the action.

11. Pursuant to Sec. 65-3-22 NMSA 1953 comp, Petitioners are entitled to file a Petition for review of an action of the

Oil Conservation Commission following the Commission's denial of an Application for Rehearing.

WHEREFORE, Petitioners pray that the Court determine Commission Order R-4730-B to be invalid, and proceed to adjudicate Respondents Fluid Power Pump Company and Petro-Lewis Corporation's Application for compulsory pooling of property belonging to the Petitioners.

DATED at Roswell, New Mexico, this 5th day of July, 1974.

HUNKER, FEDRIC & HIGGINBOTHAM, P.A.

By _____
George H. Hunker, Jr.
P. O. Box 1837
Roswell, New Mexico 88201

Attorneys for John K. Reimer
and R. E. McKenzie, Jr.,
Petitioners

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE NO. 5167 DE NOVO
Order No. R-4730-B

APPLICATION OF FLUID POWER PUMP
COMPANY AND PETRO-LEWIS CORPORA-
TION FOR COMPULSORY POOLING,
SANDOVAL COUNTY, NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 a.m. on April 23, 1974, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission."

NOW, on this 21st day of May, 1974, the Commission, a quorum being present, having considered the testimony presented and the exhibits received at said hearing, and being fully advised in the premises,

FINDS:

(1) That due public notice having been given as required by law, the Commission has jurisdiction of this cause and the subject matter thereof.

(2) That the applicants, Fluid Power Pump Company and Petro-Lewis Corporation seek an order pooling all mineral interests in the Entrada formation underlying two non-standard proration units approved by the Commission's Order No. R-4287 in Township 19 North, Range 3 West, NMPM, Media-Entrada Oil Pool, Sandoval County, New Mexico, described as follows:

Unit No. 1, the S/2 SW/4 of Section 14 and the N/2 NW/4 of Section 23, dedicated to applicants' Federal Media Well No. 1, located in Unit M of said Section 14; and Unit No. 2, the S/2 SE/4 of Section 15 and the N/2 NE/4 of Section 22, to be dedicated to applicants' Federal Media Well No. 2, located in Unit P of said Section 15.

(3) That the matter came on for hearing at 9:00 a.m. on February 13, 1974, at Santa Fe, New Mexico, before Examiner Richard L. Stamets, and, pursuant to this hearing, Order No. R-4730 (as corrected by Order No. R-4730-A) was issued on February 21, 1974, which granted Fluid Power Pump Company and Petro-Lewis Corporations' application and compulsorily pooled all mineral interests in the Entrada formation underlying the above-described units.

Case No. 5167 De Novo
Order No. R-4730-B

(4) That on March 18, 1974, application for Hearing De Novo was made by John K. Reimer and R. E. McKenzie Jr. and the matter was set for hearing before the Commission.

(5) That the matter came on for hearing De Novo on April 23, 1974.

(6) That the evidence adduced at said hearing indicates that Commission Order No. R-4730 (as corrected by Order No. R-4730-A), entered February 21, 1974, should be affirmed.

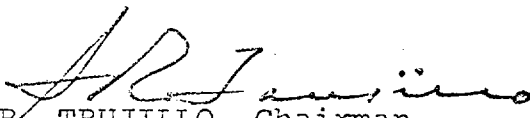
IT IS THEREFORE ORDERED:

(1) That Commission Order No. R-4730 (as corrected by Order No. R-4730-A), entered February 21, 1974, is hereby affirmed.

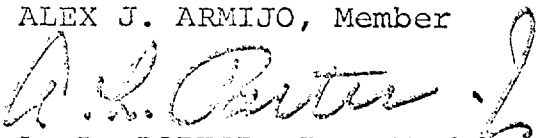
(2) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION


I. R. TRUJILLO, Chairman

ALEX J. ARMIJO, Member


A. L. PORTER, Jr., Member & Secretary

S E A L

dr/

Office Copy
LH: dd/ 6-7-74

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE NO. 5167 - DE NOVO
Order No. R-4730-A

APPLICATION OF FLUID POWER PUMP
COMPANY AND PETRO-LEWIS CORPORA-
TION FOR COMPULSORY POOLING,
SANDOVAL COUNTY, NEW MEXICO.

APPLICATION FOR REHEARING

COME NOW John K. Reimer and R. E. McKenzie, Jr.,
Respondents in the above entitled matter and with reference
to Commission Order R-4730-B dated May 21, 1974, apply to
the Oil Conservation Commission (pursuant to Section 65-3-22 NMSA
1953) for a rehearing in respect to the following matters
determined by its Orders and Decisions which they believe to be
erroneous in the following respects:

1. The Commission refused to hear testimony tendered
which would have shown that Applicants' method of operation
of the wells in the pool was causing damage to the Media Entrada
formation or reservoir.

2. That the Commission refused to hear testimony tendered
which would have shown that Applicants' method of operation of
the wells in the pool was resulting in the impairment of
Respondents' correlative rights.

3. That finding No. 2 is improper in that it was based
on an Order of the Commission, No. R-4287, the basis for which
was an improperly filed Application which failed to give notice
to the Respondents of the objects of the action, contrary to
the Commission's own Rule 1203.

4. That the previous Order of the Commission, if permitted to stand, constitutes an impairment of the property rights of the Respondents (without just compensation) and a deprivation of property rights held by them without due process of law. Attention was called to the fact by the Respondents that the Application in the case wherein Order No. 4287 was entered, was improper in the respects noted.

5. That the entry of an Order granting Fluid Power Pump Company and Petro-Lewis Corporation's Application and compulsorily pooling the mineral interests of the Respondents in the Media-Entrada formation underlying the subject units, constitutes a deprivation of property without due process of law.

6. The Order pooling the interests of Respondents is erroneous in that no showing was made by Applicant as required by Section 65-3-14 NMSA 1953, that each owner of an interest in the pool would be afforded an opportunity to recover and produce his just and fair share of the oil in the pool.

It is respectfully requested that a rehearing be granted to Respondents before the full Commission at an early date.

Fluid Power Pump Company, 1422 Carlisle Boulevard, N.E., Albuquerque, New Mexico 87110, and Partnership Properties Co., a Colorado general partnership, 1400 Colorado State Bank Building, Denver, Colorado 80202, and Petro-Lewis Corporation, 1400 Colorado State Bank Building, Denver, Colorado 80202, are interested parties, and a copy of this Rehearing Application is being forwarded to their attorneys of record.

DATED at Roswell, New Mexico, this 7th day of June, 1974.

George P. Bunker, Jr.
Attorney for John K. Reimer and
R. E. McKenzie, Jr., Respondents
BUNKER, FORD & RICHMOND, P.A.
P. O. Box 1837
Roswell, New Mexico 88201

this is to certify that a true and correct copy of the foregoing Application for Rehearing was mailed to William J. Cooley, Attorney for Fluid Power Pump Company, and to Jason M. Kellahan, Attorney for Petro-Levic Corporation and Partnership Properties Co., this 7th day of June, 1974, said Attorneys representing the Applicants.

George M. Hunter, Jr.