

NEW MEXICO OIL CONSERVATION COMMISSION

EXAMINER HEARING

SANTA FE, NEW MEXICO

Hearing Date OCTOBER 4, 1989 Time: 8:15 A.M.

NAME	REPRESENTING	LOCATION
Bob Haller	Byram	Santa Fe
Dr. Bob Kander	El Paso Natural Gas	El Paso TX
J. W. COLLIER	AMOCO PRODUCTION	HOUSTON, TEXAS
E. F. Goodfellow	Amoco Production Co.	HOUSTON, TX
Rick Foppiano	OXY USA, INC	Tulsa, OK
Pat Bent	Meridian Oil	Farmington
ALAN ALEXANDER	MERIDIAN OIL	FARMINGTON
Ray Beck	Yates	Artesia
Kathy Colbert	Yatbet	artesia
David R Vandiver	Fisk + Vandiver	Artesia
Alex Hope -	Hinkle Law Firm	SFe
W Perry Pearce	Montgomery & Andrews	Santa Fe
KENT LUND	AMOCO PROD. CO	DENVER, CO.
W. Kellen	Kellen Kellen Artesia	Santa Fe
Joanne Reuter	Hartman	Santa Fe
RICHARD DILLON	DEYX ENERGY CO.	MIDLAND, TX
Don Miller	Cons Energy	Santa Fe

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NAME	REPRESENTING	LOCATION
<i>Victor Lyon</i>	<i>OCD</i>	<i>Santa Fe</i>

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

EXAMINER HEARING

IN THE MATTER OF:

Application of Yates Petroleum Case 9700  
Corporation for compulsory  
pooling, Eddy County, New Mexico

TRANSCRIPT OF PROCEEDINGS

BEFORE: MICHAEL E. STOGNER, EXAMINER

STATE LAND OFFICE BUILDING

SANTA FE, NEW MEXICO

October 4, 1989

**ORIGINAL**

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

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FOR THE DIVISION:

ROBERT G. STOVALL  
Attorney at Law  
Legal Counsel to the Division  
State Land Office Building  
Santa Fe, New Mexico

FOR THE APPLICANT:

FISK & VANDIVER  
Attorneys at Law  
Seventh & Mahone/Suite E  
Artesia, New Mexico 88210  
BY: DAVID R. VANDIVER, ESQ.

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1 HEARING EXAMINER: I'll call the next case,  
2 No. 9700.

3 MR. STOVALL: Application of Yates  
4 Petroleum Corporation for compulsory pooling, Eddy  
5 County, New Mexico.

6 HEARING EXAMINER: Call for appearances.

7 MR. VANDIVER: Mr. Examiner, I'm David  
8 Vandiver of Fisk & Vandiver, Artesia, New Mexico,  
9 appearing on behalf of the Applicant, and I have two  
10 witnesses to be sworn.

11 HEARING EXAMINER: Are there any other  
12 appearances in this case?

13 Will the witnesses please stand and be  
14 sworn at this time?

15 (Witnesses sworn.)

16 MR. VANDIVER: Mr. Examiner, before I  
17 proceed, I'd like to point out that, as originally  
18 advertised, the location for the proposed well which  
19 is the subject of Case 9700 has changed from 660 feet  
20 from the north line and 1980 feet from the west line  
21 of Section 2 in Township 20 South, Range 24 East, to  
22 1980 feet from the north line, and 1980 feet from the  
23 west line of said Section 2, and it will be necessary  
24 to readvertise to reflect the change in location.

25 HEARING EXAMINER: Mr. Vandiver, as I

1 understand it, Case No. 9700 will be readvertised and  
2 scheduled for the hearing the 18th of October --

3 MR. VANDIVER: Yes.

4 HEARING EXAMINER: -- which the change is  
5 1980 feet from the north line and 1980 feet from the  
6 west line; is that correct?

7 MR. VANDIVER: Yes, sir.

8 HEARING EXAMINER: And you're ready to  
9 present testimony today?

10 MR. VANDIVER: Yes, sir.

11 HEARING EXAMINER: In that case, we will go  
12 ahead and hear Case No. 9700, at which time the record  
13 will be held open in this case until the hearing on  
14 the 18th, at which time it will be called, and if  
15 there's any further testimony, or if anybody should  
16 have opposition, they should do so at that time.

17 Mr. VanDiver, you may continue.

18 MR. VANDIVER: Thank you, sir.

19 KATHY COLBERT,  
20 the witness herein, after having been first sworn upon  
21 her oath, was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. VANDIVER:

24 Q. Ms. Colbert, state your name, your  
25 occupation, and by whom you're employed, please,

1 ma'am.

2 A. My name is Kathy Colbert. I'm employed by  
3 Yates Petroleum Corporation, Artesia, New Mexico, as a  
4 landman.

5 Q. You've previously testified on numerous  
6 occasions before the New Mexico Oil Conservation  
7 Division and had your qualifications as a landman  
8 accepted, and your qualifications are a matter of  
9 record, are they not?

10 A. Yes, they are.

11 Q. Are you familiar with Yates Petroleum  
12 Corporation's application in Case No. 9700?

13 A. Yes, I am.

14 Q. Are you familiar with the title to the land  
15 within the spacing unit for the proposed well which is  
16 the subject of Case 9700?

17 A. That's correct.

18 MR. VANDIVER: Mr. Examiner, I tender Ms.  
19 Colbert as an expert.

20 HEARING EXAMINER: Ms. Colbert is so  
21 qualified.

22 Q. (BY MR. VANDIVER) Ms. Colbert, what's the  
23 purpose of Yates Petroleum Corporation's application  
24 in Case 9700?

25 A. In Case 9700, Yates Petroleum Corporation

1 is seeking an order to compulsory pool all mineral  
2 interests from the surface to the base of the Morrow  
3 formation underlying the north half of Section 2,  
4 Township 20 South, Range 24 East, to form a 391.04-  
5 acre gas spacing unit to include any and all  
6 formations developed on a 320-acre spacing, and on the  
7 northwest quarter of said Section 2 to form a 159.64-  
8 acre spacing unit for all formations developed on  
9 160-acre spacing.

10           The length of our proposed well is 1980  
11 feet from the north line, 1980 feet from the west  
12 line.

13           Q.     Ms. Colbert, if I could refer you to what's  
14 been marked for identification as Applicant's Exhibit  
15 No. 1 and ask you to orient the examiner with regard  
16 to the proposed location.

17           A.     Exhibit No. 1 is a land plat showing the  
18 proposed location outlined in red of Section 2,  
19 Township 20 South, Range 24 East, Eddy County.

20           Q.     Does it show the location on that exhibit?

21           A.     Yes. The location is shown as 1980 from  
22 the north, 1980 from the west.

23           Q.     Now, if I could refer you to Applicant's  
24 Exhibit No. 2 and ask you to describe what's contained  
25 in that exhibit.

1           A.       Exhibit No. 2 are copies of various written  
2 correspondence that we have had with the working  
3 interest owners under this north half of 2 for the  
4 last six months.

5           Q.       Now, if I could ask you to briefly,  
6 beginning with the first letter at the back of the  
7 exhibit, to describe briefly what that correspondence  
8 reflects.

9           A.       Yes. The first written correspondence is  
10 dated May 2, 1989. This is where we formally proposed  
11 the drilling of the well to the working interest  
12 owners, furnished them with not only copies of AFE's  
13 but also operating agreements.

14          Q.       If you could continue, the next letter, May  
15 15?

16          A.       May 15 is simply a follow-up letter where  
17 we point out that we were still ready to drill this  
18 well. Our geologist had spoken with several of the  
19 working interest owners, as I also had. We were  
20 simply trying to let them know, if they needed to talk  
21 anymore, that we were ready to discuss the well.

22          Q.       And then the subsequent letters of May 25,  
23 June 13?

24          A.       Again, correspondence to the working  
25 interest owners where we tried to keep them updated on

1 the well, and also letting them know if they did not  
2 desire to spend their money and participate in the  
3 actual drilling of the well, that we would be willing  
4 to take a farmout.

5 Q. What's the basis of the farmout you  
6 proposed?

7 A. We did propose that, should they decide to  
8 farm out, we did propose that we would deliver a 75  
9 net revenue lease. After payout of the well, they  
10 could convert that override to a quarter working  
11 interest.

12 Q. Now, if you could briefly go through the  
13 other letters.

14 A. The other letters follow our efforts during  
15 the summer to try and work with the working interest  
16 owners to either join and drill the well with us or  
17 farm out. We had many conversations with them also  
18 through the telephone where part of them indicated  
19 their desire that they don't know that they want to  
20 spend their money this year, maybe in a few years.  
21 Because of drilling in the area, you will notice some  
22 of these letters during the summer refer to a location  
23 change.

24 We had asked the people to agree to  
25 changing the location from the 660 north to the 1980

1 north. Simply due to the other drilling in the area,  
2 we felt it might have a better shot.

3           While they did not have opposition to this,  
4 I could not get them to actually agree to it in  
5 writing.

6           Q.       Several of these working interest owners  
7 have subsequently agreed to participate in a Yates  
8 proposed well, have they not?

9           A.       That's correct. At this point we only have  
10 three parties who have not agreed to participate in  
11 some form.

12          Q.       And who are they?

13          A.       Those are Tom R. Cone, Kenneth Cone, and  
14 Cathie Cone Auvenshine.

15          Q.       This application has been pending since  
16 June of 1989, has it not? Why have you continued it  
17 until this day?

18          A.       We continued it in an effort to work  
19 something out with these parties. We are heavily  
20 involved with them in the area. We know from past  
21 experiences, when it actually comes down to it, we  
22 come to the Commission and try to force pool. They  
23 will sign papers at this point. We were trying to  
24 avoid an unnecessary trip and work something out to  
25 agree with all parties.

1 Q. If the application, or if Yate's  
2 application in this case is granted, and an order for  
3 forced pooling is entered, would Yates still be  
4 willing to negotiate with the parties who have not  
5 agreed to participate?

6 A. Yes, we would.

7 Q. And the correspondence reflected in Exhibit  
8 2 is not only the written communication; you've had a  
9 number of telephone conversations with the other  
10 working interest owners; is that correct?

11 A. That's correct, and even some actual  
12 meetings during this summer.

13 Q. Now, if I could refer you to -- first, if I  
14 could ask you, I believe your requests to have the  
15 working interest owners join in this case have been  
16 reasonable?

17 A. Oh, yes.

18 Q. If I could refer you to Applicant's Exhibit  
19 No. 3, and ask you to identify that and describe what  
20 it is, please.

21 A. Exhibit No. 3 is an Operating Agreement on  
22 the standard A.A.P.L. Form 610-1977. This agreement  
23 designates Yates Petroleum Corporation as Operator.

24 Q. If I could refer you to Exhibit A to this  
25 Operating Agreement, does that set out the parties'

1 interests in this well?

2 A. Yes, it does.

3 Q. On Exhibit A-1? And what percentage of the  
4 parties have at this point not agreed to participate?

5 A. A little over 7-1/2 percent have not agreed  
6 to participate.

7 Q. Those parties who have agreed to  
8 participate have signed this operating agreement?

9 A. That's correct.

10 Q. Now, if I could refer you to Exhibit C, the  
11 Accounting Procedure form, and on page 3 of that  
12 exhibit, ask you what the proposed overhead rates are,  
13 and how you arrived at those figures.

14 A. The proposed rates are \$5,400 for a  
15 drilling rate, \$540 for a producing well rate. This  
16 well is 9600 feet deep. This is within the guidelines  
17 of COPAS, including the Ernst & Whinney study for a  
18 well of this depth.

19 Q. Do you have other wells in the area in  
20 which you have had nonoperators agree to the same  
21 overhead rates?

22 A. Yes, we have.

23 Q. Now, if I could refer you to -- anything  
24 else with regard to Exhibit 3?

25 A. No.

1 Q. Now, if I could refer you to Applicant's  
2 Exhibit 4 and ask you to describe what that is,  
3 please.

4 A. Exhibit 4 is Yates Petroleum Corporation's  
5 Authority For Expenditure for the proposed Catclaw AGM  
6 State Com No. 1 Well. This is the AFE that was  
7 presented to the working interest owners.

8 Q. What does it indicate as predicted cost of  
9 a dry hole and completion?

10 A. Estimated cost for drilling the dry hole is  
11 \$324,600. Actual estimated completion cost, \$668,400.

12 Q. The nonoperators who have agreed to  
13 participate have signed this AFE; is that correct?

14 A. That's correct.

15 Q. Have you drilled other wells in the area  
16 with similar projected costs?

17 A. Yes, we have.

18 Q. Which wells are those?

19 A. The Cacti, which is located in the south  
20 half of 2, is the nearest well. It also was a Morrow  
21 well.

22 Q. How do the costs reflected on this  
23 Authority For Expenditure compare with the costs of  
24 drilling the Cacti well?

25 A. They are comparable. This AFE was prepared

1 after the other Morrow wells in the area were drilled.

2 Q. In your opinion, are these reasonable well  
3 costs reflected on this AFE?

4 A. They seem to be, yes, sir.

5 Q. Now, if I could refer you to Applicant's  
6 Exhibits 5, 6, 7, and 8, and ask you to describe what  
7 those are, please.

8 A. Exhibits 5, 6, 7, and 8 are the Affidavits  
9 of Mailing, notifying all the working interest owners  
10 of the proceedings in this forced pooling area.

11 Q. And Exhibits 6 and 8, in accordance with  
12 the State Land Office rules, further gives notice to  
13 the Commissioner of Public Lands?

14 A. That's correct, Exhibit 6.

15 Q. Were Exhibits 1 through 4 prepared by you  
16 or under your direction and supervision?

17 A. Yes, they were.

18 MR. VANDIVER: Mr. Examiner, I would move  
19 admission of Applicant's Exhibit Nos. 1 through 8 at  
20 this time.

21 HEARING EXAMINER: Exhibits 1 through 8  
22 will be admitted into evidence.

23 DIRECT EXAMINATION

24 BY HEARING EXAMINER:

25 Q. Ms. Colbert, I'd like to refer to the

1 Exhibit A-1 in Exhibit No. 3. You said 7-1/2 percent  
2 or approximately 7-1/2 percent of the owners have not  
3 joined yet?

4 A. Yes.

5 Q. Those being Clifford Cone?

6 A. No, sir. Tom Cone, Kenneth Cone, Cathie  
7 Cone Auvenshine are the three parties that have not  
8 signed.

9 Q. When I look at this exhibit, I show that  
10 each of them have 7.985 acres apiece in the  
11 participating area?

12 A. Correct.

13 Q. Does that same percentage of the acreage  
14 that covers the 320-acre proration unit also reflect  
15 on the 160-acre proration unit?

16 A. Only if you pool the north half first, as  
17 this operating agreement does, to drill down through  
18 the Morrow. It would be the same on a 160. You just  
19 would not show that it was on 319.04 acres.

20 Q. So their percentage is the same --

21 A. Yes.

22 Q. -- covering both?

23 A. Yes.

24 Q. So each of their interests is undivided in  
25 the south half and also undivided in the north -- I'm

1 sorry -- the north half as in the northwest quarter;  
2 is that correct?

3 A. They have an interest, if you'll look on  
4 Exhibit 1, the land plat --

5 Q. Okay.

6 A. Their group owns that E 2781 lease, which  
7 has 80 acres in the north half, being approximately a  
8 quarter of the well.

9 When you cut it down to a 160, they have 40  
10 in it, which still approximates to a quarter of a  
11 well.

12 Q. Also, in your overhead charge request, you  
13 requested \$5,400 drilling and \$540 producing. Have  
14 the other parties that joined agreed to these overhead  
15 charges?

16 A. Yes they have.

17 Q. Have these overhead charges also been  
18 carried out on the other wells drilled to the Morrow  
19 formation in this area?

20 A. Yes they have, not only in 20 24, but up in  
21 19 24. These are our standard charges for a well of  
22 this depth.

23 Q. And these charges have also been reflected  
24 in other compulsory pooling orders issued from these  
25 hearings?

1           A.       I would believe that on the Cacti, you  
2 know, we came to you and had a hearing on the Cacti  
3 which was cancelled because the Cones did sign after  
4 the hearing. But I believe it was the same operating  
5 agreement presented.

6           HEARING EXAMINER: Are there any other  
7 questions of Ms. Colbert? If not, she may be  
8 excused.

9           Mr. Vandiver?

10          MR. VANDIVER: One other.

11                       RAY BECK,  
12 the witness herein, having been first duly sworn upon  
13 his oath, was examined and testified as follows:

14                       DIRECT EXAMINATION

15 BY MR. VANDIVER:

16          Q.       Mr. Beck, you previously testified in Case  
17 No. 9770 and had your qualifications accepted?

18          A.       This is true.

19          Q.       Are you familiar with Yates Petroleum  
20 Corporation's application in Case No. 9700?

21          A.       Yes, I am.

22          Q.       Have you made a study of the available  
23 geological data with regard to this proposed well?

24          A.       Yes, I have.

25          MR. VANDIVER: Mr. Examiner, I tender Mr.

1 Beck as an expert petroleum geologist.

2 HEARING EXAMINER: Mr. Beck is so  
3 qualified.

4 Q. (BY MR. VANDIVER) Mr. Beck, do you have an  
5 opinion as to the risk involved in drilling the  
6 proposed Yates Petroleum Corporation Catclaw AGM No. 1  
7 well?

8 A. Yes, I do.

9 Q. What's your opinion?

10 A. It's my opinion that the risk penalties  
11 would be 200 percent; that is, all costs plus 200  
12 percent penalty.

13 Q. With regard to the risk of either drilling  
14 a dry hole or a well that will not be economic in the  
15 sense that it will not return the costs of drilling  
16 the well, how do you assess the risk of that  
17 eventuality?

18 A. Well, the study made, if you're drilling a  
19 Morrow well, which this well is a Morrow well, it  
20 would be a 1 in 4 chance or 25 percent of the wells in  
21 the area have been historically successful in the  
22 Morrow.

23 Q. What is the basis for your opinion?

24 A. Well, on Exhibit No. 9, there are -- this  
25 is a production map of an area of 12 sections

1 surrounding the location of the proposed Yates Catclaw  
2 Well for the north half of 2 of 20 South, 24 East.

3 The large, circled well spots on this  
4 exhibit are Morrow penetrations, and where colored in  
5 red are Morrow completions. The legend below explains  
6 other colored well spots.

7 The production diagram showing cumulative  
8 production and recent average daily production are  
9 next to the Morrow-Atoka completions.

10 The proposed Catclaw AGM State is a Morrow  
11 test well. The 12 surrounding sections, there have  
12 been 12 Morrow penetrations, of which only three we  
13 believe will pay out as economic Morrow wells of  
14 varying quality.

15 First is the Conoco Dee State No. 1 in  
16 Section 36 of 19 24, which has produced over 3.83  
17 Mcf.

18 Next is the Yates Oakason No. 3 in Section  
19 34 of 19 South, 24 East, which has a long payout, but  
20 we believe it will pay out as a Morrow well. We see  
21 it produce almost 300 million cubic feet a day.

22 Last is the Yates Conoco Well in Section 11  
23 of 20 South, 24 East, which is a very recent  
24 completion with little history, but we believe it will  
25 pay out as an economic Morrow well.

1           The remaining nine Morrow penetrations read  
2 as dry holes and are noneconomical in the  
3 Morrow-Atoka.

4           Then as for drilling Morrow wells, 3 of 12,  
5 or 25 percent, have been successful, which constitutes  
6 a high risk. There's also a high risk associated with  
7 recently soft gas prices. Yates recently shut down  
8 all discretionary Morrow gas production because the  
9 price went down to \$1.00 and \$1.26 per Mcf.

10           Regarding uphole shallower production,  
11 there are two Wolfcamp wells which produce from  
12 different Wolfcamp wells. One is an isolated oil well  
13 in Section 36 of 19 South, 24 East, which made almost  
14 47,000 barrels of oil and has not been found again in  
15 the six surrounding wells.

16           Another Wolfcamp well in the northwest,  
17 Section 1, 20 South, 24 East, is an isolated gas well  
18 which has only produced 230 million cubic feet of  
19 gas. Therefore, the chances of finding economic  
20 Wolfcamp production is remote or high risk.

21           Other uphole shallower production is from  
22 the Canyon Dolomite, shown as green well spots on the  
23 exhibit. This is newer production of oil, sewer gas,  
24 and high water production. Examples of these wells is  
25 shown by two wells on either side of the proposed

1 location.

2           First is the Yates Cholla in the northeast  
3 southeast of Section 3, 20 South, 24 East, which has  
4 lately produced 25 barrels of oil per day, plus 960  
5 Mcf of sewer gas per day, plus 238 barrels of water  
6 per day.

7           On the other side is the recompleted Yates  
8 Foster Well in the northwest northwest of Section 1,  
9 20 South, 24 East, which has recently produced 63  
10 barrels of oil per day, plus 471 Mcf of sewer gas per  
11 day, plus 1,875 barrels of water per day.

12           Also please note the Conoco Debbie Well in  
13 the northeast of the southeast of Section 11, 20  
14 South, 24 East, which only produced 5,496 barrels of  
15 oil from the Canyon Dolomite before being plugged and  
16 abandoned. In addition, the Yates Cacti Well  
17 offsetting the proposed location to the south is one  
18 of the poorer looking logs in the canyon in the area.

19           It should also be mentioned that the Canyon  
20 Dolomite production is very high in lease operating  
21 expense due to high electricity cost and operating  
22 downhole pumps, changing out pumps, and disposing of  
23 very high volumes of produced water.

24           In addition, the sewer gas has a 16 to 20  
25 percent shrinkage in volume because of the sweetening

1 process prior to sales. Therefore, the uphole canyon  
2 shallow production has high risk due to uncertainty of  
3 reservoir quality and also due to very high lease  
4 operating expense.

5 That's all I have to say about this  
6 exhibit.

7 Q. And based upon the information that you  
8 have reviewed, you're recommending the -- if this  
9 application is approved, the imposition of the maximum  
10 penalty allowed under our statute?

11 A. That is true.

12 Q. Mr. Beck, was Exhibit 9 prepared by you or  
13 under your direction and supervision?

14 A. This was prepared by me.

15 Q. In your opinion, would the granting of  
16 Yates' application in this case be in the interests of  
17 conservation, the prevention of waste, and the  
18 protection of correlative rights?

19 A. I believe it will.

20 MR. VANDIVER: Mr. Examiner, I would move  
21 the admission of Applicant's No. 9, and I have no  
22 further questions of this witness.

23 HEARING EXAMINER: Exhibit No. 9 will be  
24 admitted into evidence at this time.

25 Are there any questions of the witness? If

1 not, Mr. Beck may be excused.

2 Does anybody have anything further in Case  
3 No. 9700 at this time? This case will be left open  
4 pending the Examiner's Hearing scheduled for October  
5 13, 1989.

6 If there's nothing further in this  
7 particular case, we'll carry on.

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1 CERTIFICATE OF REPORTER

2  
3 STATE OF NEW MEXICO )  
4 COUNTY OF SANTA FE ) ss.

5  
6 I, Deborah O'Bine, Certified Shorthand  
7 Reporter and Notary Public, HEREBY CERTIFY that the  
8 foregoing transcript of proceedings before the Oil  
9 Conservation Division was reported by me; that I  
10 caused my notes to be transcribed under my personal  
11 supervision; and that the foregoing is a true and  
12 accurate record of the proceedings.

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

17 WITNESS MY HAND AND SEAL November 1, 1989.

18   
19 \_\_\_\_\_  
20 DEBORAH O'BINE  
CSR No. 127

21 My commission expires: August 10, 1990

22  
23 I do hereby certify that the foregoing is  
24 a complete record of the proceedings in  
the Examiner hearing of Case No. 4704,  
heard by me on 4 October 1989.

25 , Examiner  
Oil Conservation Division