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STATE OF NEW MEXICO  
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES  
OIL CONSERVATION DIVISION  
2007 JUN 14 PM 4:08

IN THE MATTER OF THE APPLICATION  
OF ENCORE OPERATING, L.P. FOR  
COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO

CASE NO. 13943

**PRE-HEARING STATEMENT**

This Pre-Hearing Statement is submitted by Miller Stratvert P.A. (J. Scott Hall) on behalf  
of Encore Operating, L.P., as required by the Oil Conservation Division.

**APPEARANCES**

APPLICANT'S ATTORNEY

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

APPLICANT

Encore Operating, L.P.

OPPONENT'S ATTORNEY

OPPONENT

OTHER PARTY'S ATTORNEY

OTHER PARTY

## STATEMENT OF THE CASE

### APPLICANT

Applicant seeks an order pooling all mineral interests from the surface to the base of the Atoka and Morrow formations underlying the E/2 of Section 28, Township 16 South, Range 34 East, NMPM, Lea County, New Mexico, to form a standard 320-acre gas spacing and proration unit for any and all formations and or pools developed on 320-acres, including but not necessarily limited to the Atoka and Morrow formations. Said units are to be dedicated to Applicant's proposed Encore 28 State Com No. 1 Well to be drilled from a surface location 800' from the North line and 660' from the East line of said Section 28. 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 Encore Operating, LP or its designee as operator of the well and a charge for risk involved in drilling said well.

### OPPOSITION OR OTHER PARTY

#### PROPOSED EVIDENCE

##### APPLICANT WITNESSES

##### EST. TIME

##### NO. OF EXHIBITS

Zack Brittain (Landman)

20 Minutes

6

#### OPPOSITION

##### WITNESSES

##### EST. TIME

##### NO. OF EXHIBITS

#### PROCEDURAL MATTERS

MILLER STRATVERT P.A.

By: J. Scott Hall

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