

**JAMES BRUCE**  
ATTORNEY AT LAW

POST OFFICE BOX 1056  
SANTA FE, NEW MEXICO 87504

369 MONTEZUMA, NO. 213  
SANTA FE, NEW MEXICO 87501

(505) 982-2043 (Phone)  
(505) 660-6612 (Cell)  
(505) 982-2151 (Fax)

[jamesbruc@aol.com](mailto:jamesbruc@aol.com)

RECEIVED

2008 MAY 7 PM 4 01

May 7, 2008

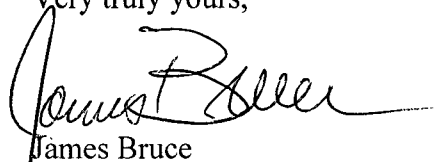
Mark E. Fesmire, P.E.  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Re: Case No. 14000 *de novo*/Harvey E. Yates Co.

Dear Mr. Fesmire:

Enclosed are an original and five copies of Harvey E. Yates Co.'s corrected pre-hearing statement. The only change was correcting the name of the landman who will testify for applicant.

Very truly yours,

A handwritten signature in black ink, appearing to read "James Bruce", with a long horizontal flourish extending to the right.

James Bruce

Attorney for Harvey E. Yates Co.

cc: Mikal Altomare

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

RECEIVED  
MAY 7 PM 4 01

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

**APPLICATION OF HARVEY E. YATES  
COMPANY FOR EXPANSION OF A UNIT  
AREA, OTERO COUNTY, NEW MEXICO.**

**Case No. 14,000 (*de novo*)  
Order No. R-10527-A**

**CORRECTED PRE-HEARING STATEMENT**

This pre-hearing statement is submitted by applicant as required by the Oil Conservation Commission.

**APPEARANCES**

**APPLICANT**

Harvey E. Yates Company  
P.O. Box 1933  
Roswell, New Mexico 87504

Attention: Melissa Randle  
(505) 623-6601

**APPLICANT'S ATTORNEY**

James Bruce  
Post Office Box 1056  
Santa Fe, New Mexico 87504  
(505) 982-2043

**OPPONENT**

Oil Conservation Division

**OPPONENT'S ATTORNEY**

Mikal Altomare

**STATEMENT OF THE CASE**

**APPLICANT**

Applicant seeks approval of the expansion of the Bennett Ranch Unit Area, originally approved by Division Order No. R-10527. The unit area, as expanded, comprises 11,637.09 acres of federal and state lands covering all of Sections 1-3, 10-15, 22-27, 35, and 36, Township 26 South, Range 12 East, NMPM, and Sections 18, 19, 30, and 31, Township 26 South, Range 13 East, NMPM.

The Division, by Order No. R-10527-A, denied expansion of the unit for the reasons stated in Finding Paragraphs (8)(b) – 8(e) of the order (attached as Exhibit A). Applicant will present

testimony that the reasons relied upon by the Division in denying expansion are baseless or do not relate to unit expansion.

OPPONENT

**PROPOSED EVIDENCE**

APPLICANT

<u>WITNESSES</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
Vernon Dyer (landman)	20 minutes	6
Gordon Yahney (geologist)	30 minutes	4

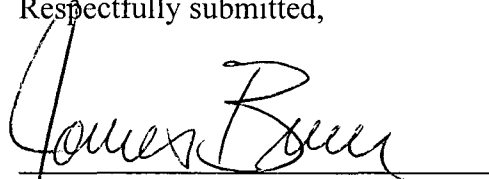
OPPONENT

<u>WITNESSES</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
------------------	------------------	-----------------

**PROCEDURAL MATTERS**

-None-

Respectfully submitted,




James Bruce  
Post Office Box 1056  
Santa Fe, New Mexico 87504  
(505) 982-2043

Attorney for Harvey E. Yates Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading, with attached exhibits, was served upon the following counsel of record this 17th day of May, 2008 by hand delivery:

Mikal Altomare  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

  
James Bruce