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October 7, 2010

New Mexico Oil Conservation Division Attn: Florene 1220 South St. Francis Drive Santa Fe, NM 87505

RE:

Case Nos. 11601, 11626, 11627, 11628, 11629, 11708, 11709, 11685, 12136 and 11815

Dear Florene:

Enclosed please find Mr. Westfall's original Pre-Hearing Statement that we sent to be fax filed today, October 7, 2010. Thank you for your assistance.

KAREN AUBREY

Sincerely,

Tresan Stevens-Bollen Legal Assistant to Karen Aubrey

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

APPLICATION OF CONOCOPHILLPS COMPANY AND BURLINGTON RESOURCES OIL & GAS COMPANY, LP TO REOPEN CASES 11601, 11626, 11627, 11628, 11629, 11708, 11709, 11685, 12136 AND 11815 TO AMEND THE DIVISION ORDERS ENTERED THEREIN TO PERMIT THE ALLOCATION OF PRODUCTION IN COMMINGLED WELLS BY ALTERNATIVE METHODS APPROVED BY THE DIVISION PRIOR TO COMMINGLING; RIO ARRIBA AND SAN JUAN COUNTIES, NEW MEXICO.

CASE NOS. 11601, 11626, 11627, 11628, 11629, 11708, 11709, 11685, 12136 AND 11815 (REOPENED)

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Law Office of Karen Aubrey, Karen Aubrey,

on behalf of Robert Westfall, as required by the Oil Conservation Division.

APPEARANCES

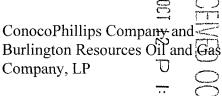
APPLICANT'S ATTORNEY

William F. Carr, Esq. Ocean Munds-Dry, Esq. Holland & Hart, LLP P.O. Box 2208 Santa Fe, NM 87504 wcarr@hollandhart.com

OPPONENT'S ATTORNEY

Karen Aubrey Law Office of Karen Aubrey P.O. Box 8435 Santa Fe, NM 87504 ka@karenaubreylaw.com

APPLICANT



OPPONENT

Robert Westfall

STATEMENT OF THE CASE

OPPOSITION OR OTHER PARTY:

Robert Westfall opposes the Application due to the adverse effect it may have on his interests in the proposed co-mingled zones. Mr. Westfall is a royalty owner in all formations underlying a portion of Sections 4, 5, and 9, Township 29 N R6 W N.M.P.M (San Juan County). ConocoPhillips is the operator of the San Juan 29-6 #64M DK; San Juan 29-6 #64 MV NC; San Juan 29-6 #62 MV NC; San Juan 29-6 #259 FC NC; San Juan 29-6 #54 MV NC; San Juan 29-6 #216 FC NC; and the San Juan 29-6 #206 FC NC wells. As represented by ConocoPhillips, Mr. Westfall's percentage royalty interests are significantly different in the Mesa Verde, Fruitland Coal and Dakota formations. Applicant's proposal to employ a new method for allocation of production between co-mingled zones in wells drilled in the future may have an adverse effect on his respective royalty interest to the extent that the new method allocates more production to a zone in which he has a smaller royalty interest.

PROPOSED EVIDENCE

APPLICANT		
WITNESSES	EST. TIME	NO. OF EXHIBITS
OPPOSITION		
WITNESSES	EST. TIME	NO. OF EXHIBITS
Robert Westfall	20 minutes	3

LAW OFFICE OF KAREN AUBREY ByKaren Aubrey

P.O. Box 8435 Santa Fe, NM 87504-8435 505 982-4287 <u>ka@karenaubreylaw.com</u> Attorney for Robert Westfall

CERTIFICATE OF SERVICE

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I hereby certify that a true and correct copy of the foregoing was delivered to counsel of record on this 7th day of October, 2010, as follows:

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William F. Carr Holland & Hart LLP P.O. Box 2208 Santa Fe, NM 87504 Fax: 983-6043 wcarr@hollandhart.com