

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

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Oil Conservation Division

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

APPLICATION OF NEARBURG EXPLORATION
CORPORATION FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.

CASE NO. 11265

APPLICATION OF YATES PETROLEUM
CORPORATION FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.

CASE NO. 11263

CONSOLIDATED
PRE-HEARING STATEMENT

This pre-hearing statement is submitted by NEARBURG
EXPLORATION CORPORATION, as required by the Oil Conservation
Division.

APPEARANCE OF PARTIES

APPLICANT IN CASE 11265
OPPONENT IN CASE 11263

ATTORNEY

Nearburg Exploration Company
3300 North "A" Street
Midland, Texas 79705
(915) 686-8235
attn: Bob Shelton

W. Thomas Kellahin
KELLAHIN & KELLAHIN
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Santa Fe, NM 87504
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OPPONENT IN CASE 11265
APPLICANT IN CASE 11263

ATTORNEY

Yates Petroleum Corporation

Ernest L. Carroll, Esq
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(505) 746-3505

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STATEMENT OF CASE

Pursuant to Section 70-2-17(c) NMSA (1978) and in order to obtain its just and equitable share of potential production underlying this NE/4 of Section 21, T19S, R25E, Nearburg Exploration Company needs an order of the Division pooling the identified and described mineral interests involved in order to protect correlative rights and prevent waste.

Nearburg requests an order pooling the mineral interest of described in this spacing unit for the drilling of its Alto "21" Well No. 1 at a standard well location (Unit A) for potential production from the North Dagger Draw-Upper Pennsylvanian Pool upon terms and conditions which include:

- (1) Nearburg Producing Company be named operator;
- (2) The order make provisions for applicant and all working interest owners to participate in the costs of drilling, completing, equipping and operating the well;
- (3) In the event a working interest owner fails to elect to participate, then provision be made to recover out of production, the costs of the drilling, completing, equipping and operating the well, including a risk factor penalty of 200 %;
- (4) A provision for overhead rates and a method for adjusting those rates in accordance with COPAS accounting procedures;
- (5) For such other and further relief as may be proper.

PROPOSED EVIDENCE

APPLICANT in Case 11265:

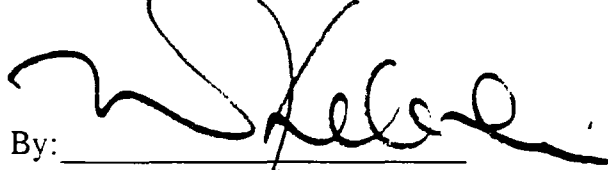
WITNESSES	EST. TIME	EXHIBITS
Joe Fitzgerald (landman)	20 min.	@ 6 exhibits
Jerry Elger (geologist)	45 Min.	@ 4 exhibits
Tim McDonald (petroleum engineer)	45 Min.	@ 4 exhibits

PROCEDURAL MATTERS

Consolidation of Cases 11265 and 11263.

Request by Nearburg to continue these cases to the June 1, 1995
Examiner's docket so that Nearburg will have an opportunity to review the data
requested from Yates to be produced on April 20, 1995.

KELLAHIN AND KELLAHIN



By: _____
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