

Houston, TX 77210-4326  
Attn: Ms. Deborah Gilchrist

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(505) 989-9614

To Moore's knowledge, no other party has entered an appearance or filed opposition in this matter.

### **PROPOSED EVIDENCE**

The applicant, Burlington Resources Oil and Gas Company ("Burlington"), served its Pre-Hearing Statement on July 8, 1997.

### **OPPOSITION OR OTHER PARTY**

Moore, an interested party, intends to present the following exhibits and witnesses in opposition to Burlington's Application:

<b><u>WITNESSES</u></b>	<b><u>EST. TIME</u></b>	<b><u>EXHIBITS</u></b>
Tom Moore, Manager for Moore and experienced industry participant	30 Min.	@ 3 exhibits
David Schoderbek, Geophysicist for Burlington	60 Min.	@ 3 exhibits

Other exhibits may be offered depending upon the proof offered by Burlington in support of its Application.

### **STATEMENT OF THE CASE**

Moore opposes the application of Burlington for compulsory pooling and a non-standard gas proration and spacing unit for its proposed Scott Well No. 24. Contrary to accepted practice before the Division and in violation of NMSA (1978) Section 70-2-17(C) Burlington has prematurely instituted a compulsory pooling action against Moore without first undertaking a good faith and reasonable effort to obtain a voluntary agreement for the future development of the acreage at issue. In addition, Burlington must come forward with evidence justifying the basis for its requested 200% maximum risk penalty

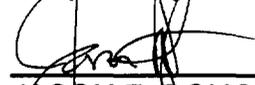
factor to be applied in the event a working interest owner elects not to participate in the proposed well.

Burlington's effort to force pool Moore in this case is not justified under Section 70-2-17(C) or on a geologic/geophysical basis, but rather is for the purpose of either casting unnecessary expense on Moore or forcing a nonconsent confiscation of Moore's property in violation of its correlative rights. Furthermore, Moore has been denied procedural due process by the Division's rush to hearing which has deprived Moore of any opportunity for discovery and for preparation essential to presenting technical evidence.

### PROCEDURAL MATTERS

Moore renews its Motion to Dismiss and Motion for Continuance, which were denied telephonically by the assigned hearing Examiner at approximately 3:00 p.m. on July 8, 1997. In addition, Moore renews its request for enforcement of its Subpoena Duces Tecum which was quashed telephonically by the assigned hearing Examiner at approximately 3:00 p.m on July 8, 1997

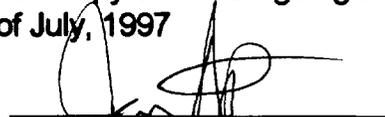
Respectfully submitted,



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### CERTIFICATE OF SERVICE

I certify that I have caused a true and correct copy of the foregoing to be transmitted by facsimile to counsel of record on this 9th day of July, 1997

  
JASON E. DOUGHTY