

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

2009 SEP 14 PM 2 12

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

**CASE NO. 13335**

**APPLICATION OF DEVON ENERGY PRODUCTION COMPANY,  
L.P. FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO.**

**PRE-HEARING STATEMENT**

This Pre-Hearing Statement is submitted by Holland & Hart LLP, as required by the Oil Conservation Division.

**APPEARANCES OF PARTIES**

**APPLICANT**

Devon Energy Production Company, L.P.

**ATTORNEY**

James Bruce, Esq.

**OPPOSITION**

Mr. Raye Miller  
Marbob Energy Corporation  
Post Office Box 227  
Artesia, New Mexico 88211-0227  
(505) 748-3303

**ATTORNEY**

William F. Carr, Esq.  
Holland & Hart LLP  
Post Office Box 2208  
Santa Fe, New Mexico 87504  
(505) 988-4421

**STATEMENT OF CASE**

**APPLICANT:**

Applicant in the above-styled cause seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying certain spacing units located in Section 3, Township 22 South, Range 27 East, NMPM for its proposed Esperanza 3E Fee Well No. 2 to

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be drilled as the infill well on the dedicated W/2 deep gas unit at a location in the SW/4 NW/4 of Section 3.

**OPPOSITION:**

Marbob and Pitch will appear and present testimony and exhibits that will show that it is a party to an operating agreement that governs their interests in the subject spacing well and units. Marbob and Pitch will review the past operations of Devon on these units and will ask to be dismissed from the pooling action because their interests are already committed to this well and these spacing units.

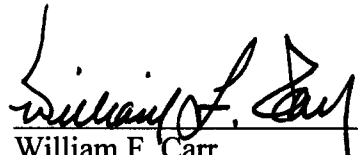
**PROPOSED EVIDENCE**

**APPLICANT**

<b>WITNESSES</b> <b>(Name and Expertise)</b>	<b>ESTIMATED TIME</b>	<b>EXHIBITS</b>
Raye Miller (Land)	Approx. 20 Minutes	Approx. 2

**PROCEDURAL MATTERS**

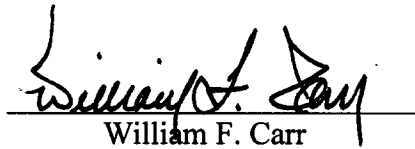
Marbob Energy Corporation has none at this time.

  
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William F. Carr  
Attorney for Marbob Energy Corporation

**CERTIFICATE OF SERVICE**

I certify that on September 14, 2004 I served a copy of the foregoing document to the following by Facsimile to:

Devon Energy Production Company, L.P.  
c/o James Bruce, Esq.  
369 Montezuma, No. 213  
Santa Fe, New Mexico 87501  
Fax No. (505) 982-2151

  
William F. Carr