



**MONTGOMERY  
& ANDREWS**  
LAW FIRM

J. SCOTT HALL  
Office: (505) 986-2646  
Email: shall@montand.com  
Reply To: Santa Fe Office  
www.montand.com  
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May 19, 2011

Ms. Florene Davidson  
New Mexico Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

**Hand Delivered**

**Re: NMOCD Case No. 14656: Amended Application of Nearburg Producing Company for Designation of a Non-Standard Oil Spacing and Proration Unit, an Unorthodox Surface Location, Compulsory Pooling, and Cancellation of APD's Issued to Nadel and Gussman Permian LLC, Eddy County, New Mexico (Glass "7" E-H No. 1-H Well)**

Dear Ms. Davidson

Enclosed for filing the above case are an original and one copy of Nearburg's Pre-Hearing Statement.

Thank you.

Very truly yours,

Karen Williams  
Assistant to J. Scott Hall

:kw

Enclosure

cc: James Bruce, Esq.  
Gary Larson, Esq.

**REPLY TO** 81154  
325 Paseo de Peralta  
Santa Fe, New Mexico 87501  
Telephone (505) 982-3873 • Fax (505) 982-4289  
Post Office Box 2307  
Santa Fe, New Mexico 87504-2307

6301 Indian School Road NE, Suite 400  
Albuquerque, New Mexico 87110  
Telephone (505) 884-4200 • Fax (505) 888-8929  
Post Office Box 36210  
Albuquerque, New Mexico 87176-6210

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

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IN THE MATTER OF THE AMENDED  
APPLICATION OF NEARBURG PRODUCING  
COMPANY FOR DESIGNATION OF A NON-  
STANDARD OIL SPACING AND PRORATION UNIT,  
AN UNORTHODOX SURFACE LOCATION,  
COMPULSORY POOLING, AND CANCELLATION  
OF APD'S ISSUED TO NADEL AND GUSSMAN  
PERMIAN LLC, EDDY COUNTY, NEW MEXICO

CASE NO. 14656

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Nearburg producing Company as required by  
the Oil Conservation Division.

**APPEARANCES**

APPLICANT

Nearburg Producing Company  
3300 North "A" Street  
Building 2, Suite 120  
Midland, TX 79705-5421

APPLICANT'S ATTORNEY

J. Scott Hall  
Montgomery & Andrews  
P.O. Box 2307  
Santa Fe, NM 87504-2307  
(505) 982-3873

OPPOSING PARTY

Nadel and Gussman Permian, LLC  
601 N. Marienfeld, Suite 508  
Midland, TX 79701

OPPOSING PARTY'S ATTORNEY

Jim Bruce  
P. O. Box 1056  
Santa Fe, NM 87504  
(505) 982-2043

OTHER PARTY

Yates Petroleum Corporation  
105 S. Fourth Street  
Artesia, NM 88210-2118

OTHER PARTY'S ATTORNEY

Gary Larson  
Hinkle, Hensley, Shanor & Martin, LLP  
P.O. Box 2068  
Santa Fe, NM 87504-2068  
(505) 982-4554

## STATEMENT OF THE CASE

### APPLICANT

Nearburg Producing Company seeks an order consolidating the 40-acre spacing units within the S/2 N/2 of Section 7, Township 19 South, Range 26 East, NMPM and designating the consolidated units as a 160-acre± non-standard oil spacing and proration unit for a well location in the Glorieta-Yeso formation for Applicant's horizontal drilling project area. Nearburg further seeks the compulsory pooling of all interests in the Glorieta-Yeso formation underlying the S/2 N/2 of said Section 7 to be dedicated to its Glass "7" E-H No. 1-H Well to be drilled horizontally from an unorthodox surface location 2,080' from the North line and 100' from the East line of Section 12, Township 19 South, Range 25 East to a bottom hole location 2,080' from the North line and 330' from the East line of Section 7, in Township 19 South, Range 26 East, to a depth sufficient to test the Glorieta-Yeso formation. Nearburg also seeks the cancellation of two APD's held by Nadel and Gussman Permian LLC for wells and non-standard units proposed for the E/2 W/2 and the E/2 E/2 of Section 7.

### OPPONENT

In Case No. 14623, Nadel and Gussman Permian, LLC seeks an order consolidating the 40-acre spacing units within the W/2 W/2 of Section 7, Township 19 South Range 26 East, NMPM and designating the consolidated units as a 160-acre± non-standard oil spacing and proration unit for Applicant's horizontal drilling project area. Applicant further seeks the compulsory pooling of all interests in the Glorieta-Yeso formation underlying the W/2 W/2 equivalent of Section 7 to be dedicated to its Long Branch Well No. 1.

In Case Nos. 14624, 14625 and 14626, Nadel and Gussman seeks substantially identical non-standard unit approval and compulsory pooling relief for its Long Branch Well No. 2 (E/2 W/2), Long Branch Well No. 3 (W/2 E/2), and the Long Branch Well No. 4 (E/2 E/2), all within

Section 7, T-19-S R-26-E. These wells, too, are proposed to be drilled to the Glorieta-Yeso formation and all are "stand up" units.

**PROPOSED EVIDENCE**

APPLICANT

<u>WITNESSES</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
Russell Wickman, Landman	30 minutes	7
Bill Elton, Geologist	20 minutes	6
Tim Speer, Petroleum Engineer	20 minutes	6

OPPOSING PARTY

<u>WITNESSES</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
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OPPOSING PARTY

<u>WITNESSES</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
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**PROCEDURAL MATTERS**

Cases 14655, 14656, 14623, 14624, 14625 and 14626 should be consolidated for a single hearing on June 9, 2011.

Respectfully submitted,

MONTGOMERY & ANDREWS, P. A.

By: 

J. Scott Hall  
P.O. Box 2307  
Santa Fe, NM 87504-2307  
(505) 982-3873 - Telephone  
(505) 982-4289 - Fax

Attorneys for Nearburg Producing Company

**Certificate of Service**

I hereby certify that on May 20 2011, a true and correct copy of the foregoing was deposited with the U.S. Postal Service, with proper postage affixed, addressed as follows:

James Bruce, Esq.  
P. O. Box 1056  
Santa Fe, NM 87504  
(505) 982-2043

Gary W. Larson, Esq.  
Hinkle, Hensley, Shanor & Martin, LLP  
P.O. Box 2068  
Santa Fe, NM 87504-2068  
(505) 982-4554



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J. Scott Hall

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