

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

2008 MAY 25 PM 2 01

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

**APPLICATION OF BASS ENTERPRISES PRODUCTION  
CO. FOR AN ORDER AUTHORIZING THE DRILLING  
OF A WELL IN THE POTASH AREA, EDDY COUNTY,  
NEW MEXICO.**

**Case No. 13,367 (*de novo*)**

**APPLICATION OF DEVON ENERGY PRODUCTION  
COMPANY, L.P. FOR AN ORDER AUTHORIZING THE  
DRILLING OF A WELL IN THE POTASH AREA, EDDY  
COUNTY, NEW MEXICO.**

**Case No. 13,368 (*de novo*)**

**APPLICATION OF DEVON ENERGY PRODUCTION  
COMPANY, L.P. FOR APPROVAL OF AN UNORTHODOX  
WELL LOCATION AND AUTHORIZATION TO DRILL A  
WELL IN THE POTASH AREA, EDDY COUNTY, NEW  
MEXICO.**

**Case No. 13,372 (*de novo*)**

**PRE-HEARING STATEMENT**

This pre-hearing statement is submitted by Kenneth M. Smith as required by the Oil Conservation Commission.

**APPEARANCES**

**APPLICANTS**

Bass Enterprises Production Co.  
Devon Energy Production Company, L.P.

**APPLICANTS' ATTORNEY**

William F. Carr

**OTHER PARTY**

Kenneth M. Smith  
267 Smith Ranch Road  
Hobbs, New Mexico 88240  
(505) 887-3374

**OTHER PARTY'S ATTORNEY**

James Bruce  
Post Office Box 1056  
Santa Fe, New Mexico 87504  
(505) 982-2043

**OPPONENT**

Mosaic Potash Carlsbad, Inc.

**OPPONENT'S ATTORNEY**

Charles C. High, Jr.

## STATEMENT OF THE CASE

### APPLICANT

### OTHER PARTY

Mr. Smith owns the surface and 1/4<sup>th</sup> of the mineral interest in the SW¼NW¼ of Section 24, Township 22 South, Range 30 East, NMPM, Eddy County, New Mexico. He has leased his mineral interest to Devon Energy Production Company, L.P. for oil and gas exploration and development. He supports the drilling of oil and gas wells on his property, as proposed by Devon Energy Production Company, L.P. His property is not subject to a potash lease.

### OPPONENT

## PROPOSED EVIDENCE

### APPLICANT

#### WITNESSES

Kenneth M. Smith

#### EST. TIME

10 min. (direct)

#### EXHIBITS

-None-

### OPPONENT

#### WITNESSES

#### EST. TIME

#### EXHIBITS

## PROCEDURAL MATTERS

-None-

Respectfully submitted,



James Bruce  
Post Office Box 1056  
Santa Fe, New Mexico 87504  
(505) 982-2043


Attorney for Kenneth M. Smith

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 25<sup>th</sup> day of May, 2006 by United States mail:

William F. Carr  
Holland & Hart LLP  
P.O. Box 2208  
Santa Fe, New Mexico 87504

Charles C. High, Jr.  
Kemp Smith LLP  
P.O. Box 2800  
El Paso, Texas 79999

  
James Bruce