

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

RECEIVED
2007 SEP 13 AM 9 18

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

APPLICATION OF HARVEY E. YATES COMPANY
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO

CASE 13999

PRE-HEARING STATEMENT

XTO Energy Inc. submits this pre-hearing statement as required by the New Mexico Oil Conservation Division.

APPEARANCES OF THE PARTIES

APPLICANT

Harvey E. Yates Company

ATTORNEY

James Bruce, Esq.

OPPONENT

XTO ENERGY, Inc.
810 Houston St. Suite 2000
Fort Worth, TX 76102
Attn: Steve Cobb
817-885-3305

ATTORNEY

Thomas Kellahin, Esq.
706 Gonzales Road
Santa Fe, New Mexico 87501
505-982-4285

STATEMENT OF THE CASE

OPPONENT:

XTO Energy, Inc. is attempting to reach a voluntary agreement for the development of the spacing unit and believes that the case should be continued.

PROPOSED EVIDENCE

OPPONENT

WITNESSES

EST. TIME

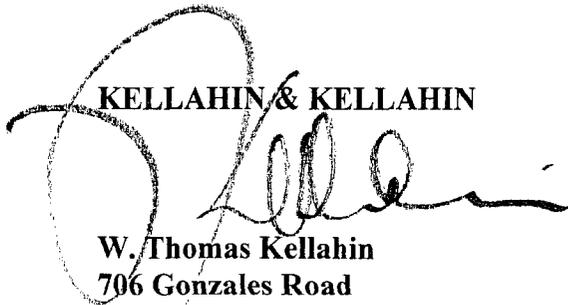
EST. EXHIBITS

None at this time

PROCEDURAL MATTERS

None

KELLAHIN & KELLAHIN



**W. Thomas Kellahin
706 Gonzales Road
Santa Fe, New Mexico 87501
Phone 505-982-4285
Fax 505-982-2047
E-mail: tkellahin@comcast.net**