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May 7, 2008

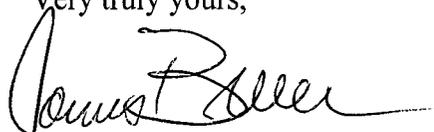
Mark E. Fesmire, P.E.
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: Case No. 14000 *de novo*/Harvey E. Yates Co.

Dear Mr. Fesmire:

Enclosed are an original and five copies of Harvey E. Yates Co.'s corrected pre-hearing statement. The only change was correcting the name of the landman who will testify for applicant.

Very truly yours,


James Bruce
Attorney for Harvey E. Yates Co.

cc: Mikal Altomare

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

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

APPLICATION OF HARVEY E. YATES
COMPANY FOR EXPANSION OF A UNIT
AREA, OTERO COUNTY, NEW MEXICO.

Case No. 14,000 (*de novo*)
Order No. R-10527-A

CORRECTED PRE-HEARING STATEMENT

This pre-hearing statement is submitted by applicant as required by the Oil Conservation Commission.

APPEARANCES

APPLICANT

Harvey E. Yates Company
P.O. Box 1933
Roswell, New Mexico 87504

Attention: Melissa Randle
(505) 623-6601

APPLICANT'S ATTORNEY

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

OPPONENT

Oil Conservation Division

OPPONENT'S ATTORNEY

Mikal Altomare

STATEMENT OF THE CASE

APPLICANT

Applicant seeks approval of the expansion of the Bennett Ranch Unit Area, originally approved by Division Order No. R-10527. The unit area, as expanded, comprises 11,637.09 acres of federal and state lands covering all of Sections 1-3, 10-15, 22-27, 35, and 36, Township 26 South, Range 12 East, NMPM, and Sections 18, 19, 30, and 31, Township 26 South, Range 13 East, NMPM.

The Division, by Order No. R-10527-A, denied expansion of the unit for the reasons stated in Finding Paragraphs (8)(b) – 8(e) of the order (attached as Exhibit A). Applicant will present

testimony that the reasons relied upon by the Division in denying expansion are baseless or do not relate to unit expansion.

OPPONENT

PROPOSED EVIDENCE

APPLICANT

<u>WITNESSES</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
Vernon Dyer (landman)	20 minutes	6
Gordon Yahney (geologist)	30 minutes	4

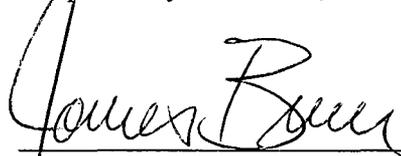
OPPONENT

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

-None-

Respectfully submitted,



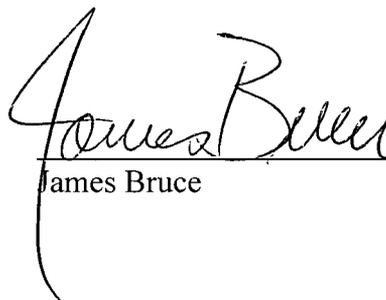
James Bruce
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

Attorney for Harvey E. Yates Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading, with attached exhibits, was served upon the following counsel of record this 17th day of May, 2008 by hand delivery:

Mikal Altomare
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505


James Bruce