

OIL CONSERVATION DIV.
STATE OF NEW MEXICO
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES
OIL CONSERVATION DIVISION
23

**APPLICATION OF NEARBURG EXPLORATION
COMPANY, L.L.C. FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO.**

No. 12,206

PRE-HEARING STATEMENT

This pre-hearing statement is submitted by Harvey Yates Company, through its counsel of record, Miller, Stratvert & Torgerson, P.A. (J. Scott Hall, Esq.) as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT

ATTORNEY

Nearburg Exploration Company, LLC

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

OPPOSITION OR OTHER PARTY

ATTORNEY

Harvey E. Yates Company

J. Scott Hall, Esq.
Miller, Stratvert & Torgerson, P.A.
Post Office Box 1986
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Matador Petroleum Company

W. Thomas Kellahin, Esq.
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117 North Guadalupe Street
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(505) 982-4285

STATEMENT OF CASE

APPLICANT

(Please make a concise statement of what is being sought with this application and the reasons therefore.)

Application seeks to pool uncommitted interests in the E/2 of Sec. 24, T-10-S, R-33-E, Lea County, New Mexico, for the drilling of its Sagebrush 24 Fed.Com. Well No. 1 to the Morrow formation at an unorthodox location 660' FNL and 990' FEL of said Section 24.

OPPOSITION OR OTHER PARTY

(Please make a concise statement of the basis for opposing this application or otherwise state the position of the party filing this statement.)

It is the position of the Harvey E. Yates Company that this compulsory pooling proceeding is premature

PROPOSED EVIDENCE

APPLICANT

WITNESSES
(Name and expertise)

EST. TIME

EXHIBITS

OPPOSITION

WITNESSES
(Name and expertise)

EST. TIME

EXHIBITS

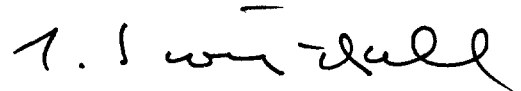
Harvey E. Yates Company
may call Vernon Dyer
(Land Manager) to testify

15

4

PROCEDURAL MATTERS

(Please identify any procedural matters which
need to be resolved prior to the hearing)



Signature

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application was sent this 2 day of July, 1999 to the following counsel of record:

James Bruce, Esq.
612 Old Santa Fe Trail, Suite B
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W. Thomas Kellahin, Esq.
Kellahin & Kellahin
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J. Scott Hall