

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

2009 SEP 14 PM 2

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

CASE NO. 13335

APPLICATION OF DEVON ENERGY PRODUCTION COMPANY,
L.P. FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Holland & Hart LLP, as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT
Devon Energy Production Company, L.P.

ATTORNEY
James Bruce, Esq.

OPPOSITION
Mr. Raye Miller
Marbob Energy Corporation
Post Office Box 227
Artesia, New Mexico 88211-0227
(505) 748-3303

ATTORNEY
William F. Carr, Esq.
Holland & Hart LLP
Post Office Box 2208
Santa Fe, New Mexico 87504
(505) 988-4421

STATEMENT OF CASE

APPLICANT:

Applicant in the above-styled cause seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying certain spacing units located in Section 3, Township 22 South, Range 27 East, NMPM for its proposed Esperanza 3E Fee Well No. 2 to

be drilled as the infill well on the dedicated W/2 deep gas unit at a location in the SW/4 NW/4 of Section 3.

OPPOSITION:

Marbob and Pitch will appear and present testimony and exhibits that will show that it is a party to an operating agreement that governs their interests in the subject spacing well and units. Marbob and Pitch will review the past operations of Devon on these units and will ask to be dismissed from the pooling action because their interests are already committed to this well and these spacing units.

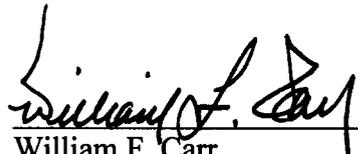
PROPOSED EVIDENCE

APPLICANT

WITNESSES (Name and Expertise)	ESTIMATED TIME	EXHIBITS
Raye Miller (Land)	Approx. 20 Minutes	Approx. 2

PROCEDURAL MATTERS

Marbob Energy Corporation has none at this time.

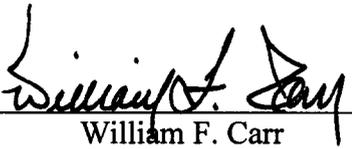


William F. Carr
Attorney for Marbob Energy Corporation

CERTIFICATE OF SERVICE

I certify that on September 14, 2004 I served a copy of the foregoing document to the following by Facsimile to:

Devon Energy Production Company, L.P.
c/o James Bruce, Esq.
369 Montezuma, No. 213
Santa Fe, New Mexico 87501
Fax No. (505) 982-2151



William F. Carr