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

**APPLICATION OF MATADOR PRODUCTION COMPANY  
FOR A NON-STANDARD SPACING AND  
PRORATION UNIT AND COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**CASE NO. 15433**

**PRE-HEARING STATEMENT**

NEARBURG PRODUCING COMPANY and NEARBURG EXPLORATION COMPANY, L.L.C., ("Nearburg"), provide this Pre-Hearing Statement as required by the rules of the Division.

**APPEARANCES**

NEARBURG PRODUCING COMPANY  
and  
NEARBURG EXPLORATION COMPANY

**NEARBURG PRODUCING  
COMPANY'S ATTORNEY**

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**APPLICANT**

MATADOR PRODUCTION COMPANY

**APPLICANT'S ATTORNEY**

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## STATEMENT OF THE CASE

Applicant Matador Production Company seeks an order (1) creating a 160-acre, more or less, spacing and proration unit comprised of the W/2 E/2 of Section 32, Township 18 South, Range 33 East, NMPM, Lea County, New Mexico; and (2) pooling all uncommitted mineral interests in the Bone Spring formation.

## OPPONENT'S STATEMENT

Nearburg opposes the Application in this matter for the reason that the interests in the S/2 of Section 32, including the lands to be dedicated to the proposed non-standard spacing and proration unit, are subject to a pre-existing voluntary pooling agreement and are not available to be forced pooled.

## PROPOSED EVIDENCE

<u>OPPONENT:</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
NEARBURG PRODUCING COMPANY NEARBURG EXPLORATION COMPANY		

### WITNESSES:

Randy Howard, Land Manager	20 min.	3
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## PROCEDURAL MATTERS

Nearburg will file a Motion To Dismiss Matador's Application and may request a continuance of the January 26, 2016 examiner hearing.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: J. Scott Hall

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*Attorneys for Nearburg Producing Company*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on the following counsel of record by electronic mail on January 14, 2016:

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