

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

AMENDED OF DUKE ENERGY FIELD SERVICES, LP FOR APPROVAL OF AN ACID GAS
INJECTION WELL, LEA COUNTY, NEW MEXICO.

CASE NO. 13589

NOTICE OF INTERVENTION
AND
PRE-HEARING STATEMENT

The Oil Conservation Division submits this notice of intervention and pre-hearing statement pursuant to 19.15.14.1209 NMAC and 19.15.14.1211 NMAC.

Notice of Intervention

1. Pursuant to 19.15.14.1209.B NMAC, the Oil Conservation Division (OCD) asks the Oil Conservation Commission (OCC) Chairman to exercise his discretion to allow the late intervention of the OCD in this adjudicatory case.
2. The OCD is the entity responsible for administering the Oil and Gas Act, and the rules issued pursuant to that act, including rules related to injection wells. The OCD also administers the underground injection control (UIC) program in New Mexico under primacy authority granted by the Environmental Protection Agency.
3. The OCD seeks to intervene in this action to provide relevant information to the OCC regarding the permitting of acid gas injection wells. The OCD does not oppose the application, but may propose permit conditions based on the testimony presented by the applicant at the hearing.
4. The name and contact information for the OCD is as follows:

David Brooks, Attorney
Oil Conservation Division
Energy, Minerals and Natural Resources Department
1220 S. St. Francis Drive
Santa Fe, NM 87505

(505) 476-3450
Fax: 476-3462
David.brooks@state.nm.us

Pre-hearing statement

1. Names of party and the party's attorney: See paragraph 4, above.
2. Statement of the case: The applicant seeks a permit for an acid gas injection well to be located approximately 4.5 miles west of Hobbs, New Mexico.
3. Witnesses:

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a. David Catanach. Mr. Catanach is a petroleum engineer, and has been an OCD hearing examiner since 1985. Mr. Catanach is the former director of the UIC program for the OCD. The OCD may seek to have Mr. Catanach testify as an expert petroleum engineer, and as an expert in injection wells, including acid gas injection wells.

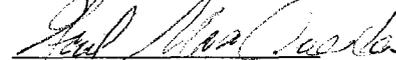
b. Roger Anderson. Mr. Anderson holds a B.S. in chemical engineering, and has been the bureau chief for the OCD's environmental bureau since 1991. The OCD may seek to have Mr. Anderson testify as an expert in environmental issues related to acid gas injection wells.

4. Time: The OCD estimates that its case will take 30 minutes.

5. There are no procedural matters to be resolved prior to hearing.

6. Statement of support/opposition: The OCD does not oppose the application. The OCD may call Mr. Catanach and/or Mr. Anderson to testify regarding permits issued by the OCD for acid gas injection wells, and to make recommendations regarding conditions to be attached to any permit issued in this case. The OCD will ask the OCC to take administrative notice of the following administrative orders permitting acid gas injection wells: SWD-936; SWD-838, as amended; SWD-416, as amended.

Respectfully submitted,
This 3rd day of November, 2005 by

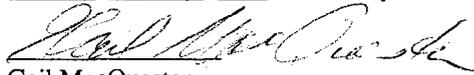


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Attorney for the Oil Conservation Division

Certificate of Service

I certify that a copy of this Notice of Intervention and Pre-hearing Statement was served by e-mail to Mr. William F. Carr, Holland & Hart, LLP, attorney for Duke Energy Field Services, LP, at wcarr@hollandhart.com this 3rd day of November 2005.



Gail MacQuesten