

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

2006 MAY 25 PM 2 01

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

**APPLICATION OF BASS ENTERPRISES PRODUCTION
CO. FOR AN ORDER AUTHORIZING THE DRILLING
OF A WELL IN THE POTASH AREA, EDDY COUNTY,
NEW MEXICO.**

Case No. 13,367 (*de novo*)

**APPLICATION OF DEVON ENERGY PRODUCTION
COMPANY, L.P. FOR AN ORDER AUTHORIZING THE
DRILLING OF A WELL IN THE POTASH AREA, EDDY
COUNTY, NEW MEXICO.**

Case No. 13,368 (*de novo*)

**APPLICATION OF DEVON ENERGY PRODUCTION
COMPANY, L.P. FOR APPROVAL OF AN UNORTHODOX
WELL LOCATION AND AUTHORIZATION TO DRILL A
WELL IN THE POTASH AREA, EDDY COUNTY, NEW
MEXICO.**

Case No. 13,372 (*de novo*)

PRE-HEARING STATEMENT

This pre-hearing statement is submitted by Kenneth M. Smith as required by the Oil Conservation Commission.

APPEARANCES

APPLICANTS

Bass Enterprises Production Co.
Devon Energy Production Company, L.P.

APPLICANTS' ATTORNEY

William F. Carr

OTHER PARTY

Kenneth M. Smith
267 Smith Ranch Road
Hobbs, New Mexico 88240
(505) 887-3374

OTHER PARTY'S ATTORNEY

James Bruce
Post Office Box 1056
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OPPONENT

Mosaic Potash Carlsbad, Inc.

OPPONENT'S ATTORNEY

Charles C. High, Jr.

STATEMENT OF THE CASE

APPLICANT

OTHER PARTY

Mr. Smith owns the surface and 1/4th of the mineral interest in the SW¼NW¼ of Section 24, Township 22 South, Range 30 East, NMPM, Eddy County, New Mexico. He has leased his mineral interest to Devon Energy Production Company, L.P. for oil and gas exploration and development. He supports the drilling of oil and gas wells on his property, as proposed by Devon Energy Production Company, L.P. His property is not subject to a potash lease.

OPPONENT

PROPOSED EVIDENCE

APPLICANT

WITNESSES

Kenneth M. Smith

EST. TIME

10 min. (direct)

EXHIBITS

-None-

OPPONENT

WITNESSES

EST. TIME

EXHIBITS

PROCEDURAL MATTERS

-None-

Respectfully submitted,



James Bruce
Post Office Box 1056
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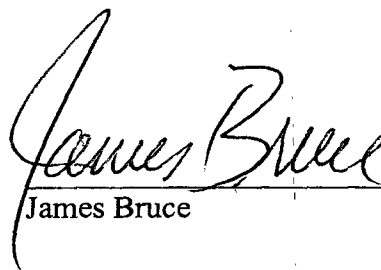
Attorney for Kenneth M. Smith

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 25th day of May, 2006 by United States mail:

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