

KAREN AUBREY

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October 7, 2010

New Mexico Oil Conservation Division

Attn: Florene

1220 South St. Francis Drive

Santa Fe, NM 87505

RE: Case Nos. 11601, 11626, 11627, 11628, 11629, 11708, 11709,  
11685, 12136 and 11815

Dear Florene:

Enclosed please find Mr. Westfall's original Pre-Hearing Statement that we sent to be fax filed today, October 7, 2010. Thank you for your assistance.

Sincerely,



Tresan Stevens-Bollen

Legal Assistant to Karen Aubrey

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

**APPLICATION OF CONOCOPHILLIPS COMPANY AND BURLINGTON RESOURCES OIL & GAS COMPANY, LP TO REOPEN CASES 11601, 11626, 11627, 11628, 11629, 11708, 11709, 11685, 12136 AND 11815 TO AMEND THE DIVISION ORDERS ENTERED THEREIN TO PERMIT THE ALLOCATION OF PRODUCTION IN COMMINGLED WELLS BY ALTERNATIVE METHODS APPROVED BY THE DIVISION PRIOR TO COMMINGLING; RIO ARRIBA AND SAN JUAN COUNTIES, NEW MEXICO.**

**CASE NOS. 11601, 11626, 11627, 11628, 11629,  
11708, 11709, 11685, 12136 AND  
11815 (REOPENED)**

**PRE-HEARING STATEMENT**

This Pre-Hearing Statement is submitted by Law Office of Karen Aubrey, Karen Aubrey, on behalf of Robert Westfall, as required by the Oil Conservation Division.

**APPEARANCES**

**APPLICANT'S ATTORNEY**

William F. Carr, Esq.  
Ocean Munds-Dry, Esq.  
Holland & Hart, LLP  
P.O. Box 2208  
Santa Fe, NM 87504  
[wcarr@hollandhart.com](mailto:wcarr@hollandhart.com)

**APPLICANT**

ConocoPhillips Company and  
Burlington Resources Oil and Gas  
Company, LP

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**OPPONENT'S ATTORNEY**

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**OPPONENT**

Robert Westfall

## **STATEMENT OF THE CASE**

### **OPPOSITION OR OTHER PARTY:**

Robert Westfall opposes the Application due to the adverse effect it may have on his interests in the proposed co-mingled zones. Mr. Westfall is a royalty owner in all formations underlying a portion of Sections 4, 5, and 9, Township 29 N R6 W N.M.P.M (San Juan County). ConocoPhillips is the operator of the San Juan 29-6 #64M DK; San Juan 29-6 #64 MV NC; San Juan 29-6 #62 MV NC; San Juan 29-6 #259 FC NC; San Juan 29-6 #54 MV NC; San Juan 29-6 #216 FC NC; and the San Juan 29-6 #206 FC NC wells. As represented by ConocoPhillips, Mr. Westfall's percentage royalty interests are significantly different in the Mesa Verde, Fruitland Coal and Dakota formations. Applicant's proposal to employ a new method for allocation of production between co-mingled zones in wells drilled in the future may have an adverse effect on his respective royalty interest to the extent that the new method allocates more production to a zone in which he has a smaller royalty interest.

## **PROPOSED EVIDENCE**

### **APPLICANT**

WITNESSES	EST. TIME	NO. OF EXHIBITS
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### **OPPOSITION**

WITNESSES	EST. TIME	NO. OF EXHIBITS
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Robert Westfall	20 minutes	3
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LAW OFFICE OF KAREN AUBREY

By 

Karen Aubrey

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Attorney for Robert Westfall

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was delivered to counsel of record on this 7<sup>th</sup> day of October, 2010, as follows:

William F. Carr

Holland & Hart LLP

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