

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

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

**APPLICATION OF BETTIS, BOYLE &  
STOVALL FOR COMPULSORY POOLING, LEA  
COUNTY, NEW MEXICO.**

OIL CONSERVATION DIV.  
01 MAY 25 PM 4:27  
CASE NO. 12601  
*ms*

**PRE-HEARING STATEMENT**

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

**APPEARANCES OF PARTIES**

**APPLICANT**

Bettis, Boyle & Stovall  
Attention: C. Mark Maloney  
Post Office Box 2627  
Roswell, New Mexico 88202-2627  
(505) 622.9907

**ATTORNEY**

William F. Carr, Esq.  
Holland & Hart LLP and Campbell & Carr  
Post Office Box 2208  
Santa Fe, New Mexico 87504-2208  
(505) 988.4421

**OTHER PARTIES**

Sun-West Oil and Gas, Inc.

**ATTORNEY**

Sealy H. Cavin, Jr.  
Stratton & Cavin, P.A.  
Post Office Box 1216  
Albuquerque, NM 87103-1216  
(505) 243-5400  
(505) 243-1700 (Facsimile)

## STATEMENT OF CASE

### APPLICANT

Applicant seeks an order pooling all mineral interests from the surface to the base of the Bough C formation in the following described spacing and proration units located in Section 30, Township 9 South, Range 33 East: Lots 3 and 4 (W/2 SW/4 equivalent) to form a 79.73-acre standard spacing and proration unit for all formations and/or pools developed on 80-acre spacing within that vertical extent which includes but is not necessarily limited to the Undesignated Flying "M"-San Andres Pool; and Lot 3 (NW/4 SW/4 equivalent) to form a 39.82-acre standard spacing and proration unit for all formations and/or pools developed on 40-acre spacing within that vertical extent which includes but is not necessarily limited to the South Flying "M"-Bough Pool. Said units are to be dedicated to a well to be drilled at a standard location in the NW/4 SW/4 of Section 30 to a depth sufficient to test all formations from the surface to the base of the Bough C formation. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of applicant as operator of the well and a charge for risk involved in drilling said well. Said area is located approximately 8 miles northeast of Caprock, New Mexico.

## PROPOSED EVIDENCE

### APPLICANT

WITNESSES  
(Name and Expertise)

ESTIMATED TIME

EXHIBITS

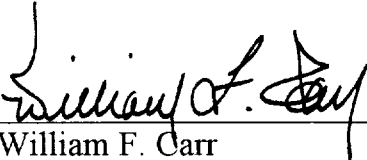
Mark Maloney (Landman)

Approximately 10 Minutes

Approximately 4

## PROCEDURAL MATTERS

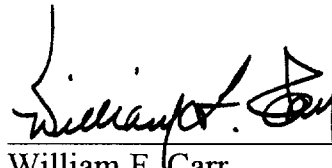
Bettis, Boyle & Stovall has none at this time.

  
\_\_\_\_\_  
William F. Carr  
Attorney for Bettis, Boyle & Stovall

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of May, 2001, I have caused to be faxed a copy of our Pre-Hearing Statement in the above-captioned case to the following counsel of record:

Sealy H. Cavin, Jr.  
Stratton & Cavin, P.A.  
Post Office Box 1216  
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(505) 243-5400  
(505) 243-1700 (Facsimile)

A handwritten signature in black ink, appearing to read "William F. Carr", is written over a horizontal line.

William F. Carr  
Attorney for Bettis, Boyle & Stovall

# STRATTON & CAVIN, P.A.

HAROLD D. STRATTON, JR. \*†\*\*  
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° New Mexico Board of Legal  
Specialization Recognized Specialist in  
the Area of Natural Resources - Oil and  
Gas Law

May 24, 2001

**VIA FACSIMILE (505) 476-3462  
and FIRST CLASS MAIL**

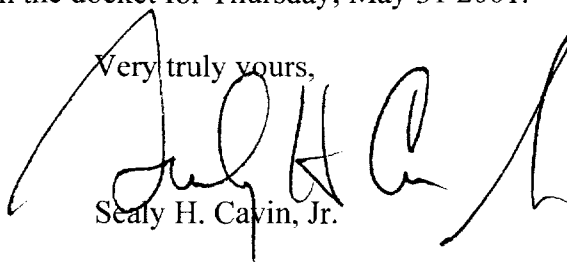
Lori Wrotenbery, Director  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
1220 S. St. Francis Drive  
Santa Fe, NM 87504

Re: Pre-Hearing Statement for Case No. 12601

Dear Ms. Wrotenbery:

On behalf of Sun-West Oil and Gas, Inc., I am enclosing triplicate originals of the Pre-Hearing Statement which is filed in connection with the above-referenced case scheduled for public hearing before a Division Examiner on the docket for Thursday, May 31 2001.

Very truly yours,



Sealy H. Cavin, Jr.

SHC/sks  
Enclosures

cc: William F. Carr, Esq. (via facsimile)

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DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES  
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**IN THE MATTER OF THE HEARING  
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**CASE NO. 12601**

**APPLICATION OF BETTIS, BOYLE  
& STOVALL FOR COMPULSORY  
POOLING, LEA COUNTY, NEW MEXICO**

**PRE-HEARING STATEMENT**

This pre-hearing statement is submitted by Sun-West Oil and Gas, Inc. as required by the Oil Conservation Division.

**APPEARANCES OF PARTIES**

**APPLICANT**

Bettis, Boyle & Stovall  
Post Office Box 1240  
Graham, Texas 76450-7240

**ATTORNEY**

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Campbell & Carr  
William F. Carr  
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Santa Fe, New Mexico 87504  
Telephone: (505) 988-4421

**OPPOSITION OR OTHER PARTY**

Sun-West Oil and Gas, Inc.  
Attn: Shane Spear, President  
Post Office Box 1684  
Midland, Texas 79702

**ATTORNEY**

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Sealy H. Cavin, Jr.  
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Telephone: (505) 243-5400

## STATEMENT OF CASE

### APPLICANT

Applicant, Bettis, Boyle and Stovall seek to reopen Case No. 12601 and Order No. R-11573 to address the appropriate royalty burdens on the proposed well for purposes of the charge for risk involved in drilling said well.

### OPPOSITION OR OTHER PARTY

Sun-West is opposed to the application on the grounds that there is no legal basis for taking its property.

## PROPOSED EVIDENCE

### APPLICANT

WITNESS

EST. TIME

EXHIBITS

To be identified by applicant.

### OPPOSITION

WITNESS

EST. TIME

EXHIBITS

## PROCEDURAL MATTERS

Sun-West is not aware of any procedural matters which need to be addressed prior to the hearing.

RESPECTFULLY SUBMITTED:

STRATTON & CAVIN, P.A.

By: 

Sealy H. Cavin, Jr.

Attorneys for Sun-West Oil and Gas, Inc.

Post Office Box 1216

Albuquerque, New Mexico 87103-1216

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