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July 2, 2004

**VIA HAND DELIVERY**

Mark E. Fesmire, P.E.  
Director  
Oil Conservation Division  
Energy, Minerals & Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

**Re: Case No. 13290: Application of Nearburg Exploration Company, L.L.C. for Compulsory Pooling, Eddy County, New Mexico.**

Dear Mr. Fesmire:

Nearburg Exploration Company, L.L.C., respectfully requests that the above-referenced case, scheduled for hearing on July 8, 2004, be dismissed. Your attention to this request is appreciated.

Very truly yours,

William F. Carr  
of Holland & Hart LLP

WFC:keh

cc: James Bruce, Esq.  
Bob Shelton

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WFC  
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