



September 8, 2004

VIA HAND DELIVERY

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

2004 SEP 8 PM 2 39

Re: New Mexico Oil Conservation Division Case 13226: Application of OXY USA WTP Limited Partnership for rescission of the approval of an application for permit to drill and for compulsory pooling, Eddy County, New Mexico.

Dear Mr. Fesmire:

Magnum Hunter recently acquired the interest of Tom Brown Inc. in the property that is the subject of this hearing. OXY USA WTP, Limited Partnership and Magnum Hunter, have reached an agreement that, once finalized, will resolve the issues in the current dispute. OXY therefore requests that the *de novo* hearing on the above-referenced application be continued to the October 14, 2004 Oil Conservation Commission hearing docket.

Your attention to this request is appreciated.

Very truly yours,

William F. Carr

cc: James G. Bruce, Esq.
Tom Brown, Inc./Magnum Hunter

Mr. Rick Foppiano
OXY USA WTP Limited Partnership