

**Brooks, David K., EMNRD**

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**From:** Brooks, David K., EMNRD  
**Sent:** Tuesday, April 26, 2011 1:50 PM  
**To:** 'jamesbruc@aol.com'; Omundsdry@hollandhart.com; Ezeanyim, Richard, EMNRD  
**Subject:** RE: continuance

Ocean and Gentlemen:

Pursuant to our telephone conference this afternoon, Cases 14640 and 14641 are continued to the May 26 docket.

Sincerely

David Brooks  
Examiner

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**From:** jamesbruc@aol.com [mailto:jamesbruc@aol.com]  
**Sent:** Tuesday, April 26, 2011 12:08 PM  
**To:** Omundsdry@hollandhart.com; Ezeanyim, Richard, EMNRD  
**Cc:** Brooks, David K., EMNRD  
**Subject:** Re: continuance

Richard: Concho has known of Burnett's applications for several weeks, and they are only now filing counter-applications. If Concho only wanted a 2 week continuance, why are they just now filing applications that will result in a 4 week continuance? Concho only seeks a continuance for purposes of delay.

Burnett's applications (they will be consolidated for hearing) can be heard in the morning. Since Concho has filed no pre-hearing statement and is presenting no witnesses, Burnett will only present a landman for testimony, and the hearing will be short.

Jim

-----Original Message-----

**From:** Ocean Munds-Dry <Omundsdry@hollandhart.com>  
**To:** jamesbruc <jamesbruc@aol.com>; richard.ezeanyim <richard.ezeanyim@state.nm.us>  
**Sent:** Tue, Apr 26, 2011 11:41 am  
**Subject:** RE: continuance

Two other issues:

1. Concho will be filing a competing pooling application today and these matters should be heard at the same time.
2. Less important, but I have a bit of a conflict on the 28th in that I have to be in Tierra Amarilla by 1 pm for a hearing.

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**From:** jamesbruc@aol.com [mailto:jamesbruc@aol.com]  
**Sent:** Tuesday, April 26, 2011 11:18 AM  
**To:** Ocean Munds-Dry; richard.ezeanyim@state.nm.us  
**Subject:** Re: continuance

Richard: As I stated in my letter, the parties have been negotiating for a number of months and Burnett does not think a two week continuance will be of benefit. The parties can continue negotiating regardless of the hearing.

Jim

-----Original Message-----

From: Ocean Munds-Dry <[Omundsdry@hollandhart.com](mailto:Omundsdry@hollandhart.com)>

To: Ezeanyim, Richard, EMNRD, EMNRD <[richard.ezeanyim@state.nm.us](mailto:richard.ezeanyim@state.nm.us)>; jamesbruc <[jamesbruc@aol.com](mailto:jamesbruc@aol.com)>

Sent: Tue, Apr 26, 2011 11:08 am

Subject: FW: continuance

Richard:

Yesterday we filed a request for a continuance in Cases 14640 & 14641 on behalf of COG. Burnett does not agree to the continuance. COG is requesting 2 weeks to continue negotiations. We believe we are close to a deal but Burnett just countered yesterday and we feel it is premature to go to hearing. Let Jim and I know if you want to get on the phone today to discuss.

Thanks,  
Ocean

-----Original Message-----

From: DS Admin

Sent: Tuesday, April 26, 2011 4:02 AM

To: Ocean Munds-Dry

Subject: continuance

Please open the attached document. This document was digitally sent to you using an HP Digital Sending device.