



**MONTGOMERY
& ANDREWS**
LAW FIRM

J. Scott Hall

Office: (505) 982-3873

Email: shall@montand.com

Reply To: Santa Fe Office

www.montand.com

2012 SEP 12 P 3:35

September 12, 2012

David Brooks, Esq.
Assistant General Counsel
New Mexico Oil Conservation Division
1220 S. St. Francis Drive
Santa Fe, NM 87505

Via Hand Delivery and E-Mail

Re: *NMOCD Case No. 14904; Application of Heritage Petroleum, Inc. for Compulsory Pooling, Rio Arriba County, New Mexico*

and

NMOCD Case No. 14548 (Reopened); Motion of Jicarilla Apache Nation for Further Orders in Case No. 14548, Order No. R-13326, Rio Arriba County, New Mexico

Dear Mr. Brooks:

I acknowledge the August 30, 2012 communication from Mr. Timothy Evans (Holland & Knight) on behalf of the Jicarilla Apache Nation advising of the likely need to obtain a continuance of the September 20, 2012 hearing in Case No. 14904. Presumably, because of the commonality of certain issues with those in Case No. 14548, the Nation's pending request would include that case, as well.

On behalf of Heritage Petroleum, Inc. this will advise that we will agree to a continuance. In the next few days, we will confer with counsel for the Nation to establish a new date for the hearing and hope to advise you of the same before Docket No. 31-12 is called next week. I also suggest that it would be appropriate to convene a pre-hearing conference to discuss the best means for advancing these cases toward disposition. For now, I will hold in abeyance the filing of a pre-hearing statement or a response to the Nation's Motion to Dismiss until these interim discussions take place.

REPLY TO:

325 Paseo de Peralta
Santa Fe, New Mexico 87501
Telephone (505) 982-3873 • Fax (505) 982-4289

Post Office Box 2307
Santa Fe, New Mexico 87504-2307

6301 Indian School Road NE, Suite 400
Albuquerque, New Mexico 87110
Telephone (505) 884-4200 • Fax (505) 888-8929

Post Office Box 36210
Albuquerque, New Mexico 87176-6210

David Brooks, Esq.
September 12, 2012
Page 2

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Scott Hall". The signature is written in a cursive style with a horizontal line above the "J".

J. Scott Hall

cc: Timothy Q. Evans, Esq.
Shenan R. Atcitty, Esq.
Herbert A. Becker, Esq.
Steven J. Gunn, Esq.

ioc: Seth McMillan, Esq.

406073

David Brooks, Esq.
September 12, 2012
Page 3

bcc: Hal Burlingame
Travis Brown, Esq.
Dick Dolecek
Mike D. Smith