

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

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**APPLICATION OF DEVON ENERGY PRODUCTION
COMPANY, L.P. FOR A NON-STANDARD OIL SPACING
AND PRORATION UNIT AND COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.**

Case No. 14,968

**APPLICATION OF DEVON ENERGY PRODUCTION
COMPANY, L.P. FOR A NON-STANDARD OIL SPACING
AND PRORATION UNIT AND COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.**

Case No. 14,969

**DEVON ENERGY PRODUCTION COMPANY, L.P.'S
RESPONSE IN OPPOSITION TO MOTION FOR A CONTINUANCE**

Devon Energy Production Company, L.P. ("Devon") opposes the motion of Khody Land & Mineral Company ("Khody") for a continuance, and in support of its position, states:

1. In these cases Devon requests the pooling of the Delaware formation for two 240 acre well units collectively covering the SW/4 of Section 30 and the W/2 of Section 31, Township 23 South, Range 29 East, N.M.P.M. The cases are scheduled for hearing on March 21, 2013.

2. Khody has filed a motion requesting a two week continuance. Devon opposes the motion for the following reasons:

(a) Motions for a continuance must be filed at least 48 hours prior to hearing. NMAC 19.15.4.13.C. Khody's motion was filed on the afternoon of March 19th, less than 48 hours before hearing. The undersigned did not receive the motion until 3:19 p.m. yesterday. Exhibit A. In addition, the motion does not state any reason why it was not timely filed.

(b) Khody received well proposals from Devon 3-1/2 months ago, and has had ample time to review and decide on the proposals.

(c) Devon's witnesses will be in Santa Fe for two other (unrelated) cases, and desire to present evidence so that a return trip is unnecessary.

For the foregoing reasons, the motion should be denied.

3. Devon also disagrees with Khody's statement that the well units are "unusual." Cimarex Energy Co. has a similar case pending (Case 14,966 on tomorrow's docket), and COG Operating has a similar case pending (Case No. 14,975 on the April 4th docket).

WHEREFORE, Devon requests that Khody's motion be denied.

Respectfully submitted,



James Bruce
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

Attorney for Devon Energy Production
Company, L.P.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 20th day of March, 2013 by facsimile transmission and e-mail:

Michael H. Feldewert
Adam G. Rankin
Holland & Hart LLP
P.O. Box 2208
Santa Fe, New Mexico 87504
(505) 983-6043


James Bruce

From: Michael Feldewert <MFeldewert@hollandhart.com>
To: Jamesbruc <jamesbruc@aol.com>
Cc: Ezeanyim, Richard, EMNRD, EMNRD <richard.ezeanyim@state.nm.us>; Brooks, David K., EMNRD, EMNRD <david.brooks@state.nm.us>; Adam Rankin <AGRankin@hollandhart.com>
Subject: Case Nos. 14968 and 14969
Date: Tue, Mar 19, 2013 3:21 pm
Attachments: Motion_for_Continuance.pdf (128K), Image001.gif (2K)

Sorry. Attached is the motion.

From: Michael Feldewert
Sent: Tuesday, March 19, 2013 3:19 PM
To: 'jamesbruc@aol.com'
Cc: Ezeanyim, Richard, EMNRD; 'Brooks, David K., EMNRD'; Adam Rankin
Subject: Case Nos. 14968 and 14969

Jim: I telephone you earlier this afternoon about a continuance of the pooling applications filed by Devon in Case Nos. 14968 and 14969. Attached is the Motion For Continuance that has been filed today with the Division by Khody Land & Minerals Company.


Michael H. Feldewert

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 H&H Logo

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EXHIBIT

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1 Attached Images