

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

**APPLICATIONS OF XTO ENERGY INC.
FOR A NON-STANDARD SPACING AND
PRORATION UNIT AND COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.**

2011 OCT -4 P 2:17
RECEIVED OGD
CASE NOS. 15832-15843

XTO'S RESPONSE TO DEVON'S MOTION FOR A CONTINUANCE

The applicant in this matter, XTO Energy, Inc. ("XTO"), submits this response to the Motion for a Continuance filed on behalf of Devon Energy Production Company, L.P. ("Devon"). In support of this motion, XTO states as follows:

1. XTO has filed applications in Case Nos. 15832, 15834, 15836, 15838, 15840, and 15842 for compulsory pooling of lands in Section 24 and the N/2 of Section 25 (collectively the "Remuda North Cases"). Cases 15832 and 15834 seek formation of standup 480-acre non-standard spacing units in the Wolfcamp formation while the remaining cases seek formation of standup 240-acre non-standard spacing and proration units in the Bone Spring formation.
2. XTO has also filed applications in Case Nos. 15833, 15835, 15837, 15839, 15841, and 15843 for compulsory pooling of lands in Section 36 and the S/2 of Section 25 (collectively the "Remuda South Cases). Cases 15833 and 15835 seek formation of standup 480-acre non-standard spacing units in the Wolfcamp formation while the remaining cases seek formation of standup 240-acre non-standard spacing and proration units in the Bone Spring formation.
3. On September 18, Devon filed an application to cancel or suspend all APDs associated with the Remuda North Cases. Devon owns a 12.5 percent working interest in Section

24 and purports to have competing laydown development plans for that acreage. However, Devon has not filed for compulsory pooling of the lands in Section 24.

4. With respect to the Remuda **South** Cases, Devon does not seek to cancel or suspend the APDs for development of Section 36 and the S/2 of Section 25, nor has Devon proposed any competing development plans. Devon has merely entered an appearance as a pooled party in the Remuda South Cases.

5. Devon's application to rescind APDs and its purported competing development plan does not pertain to the Remuda **South** Cases. The standup wells proposed in the Remuda **South** cases do not involved Section 24 or the N/2 of Section 25 and will not impact Devon's purported laydown development plans for Section 24. Nonetheless, Devon has requested a continuance of both the Remuda **North** Cases and the Remuda **South** Cases to the October 26, 2017 hearing docket.

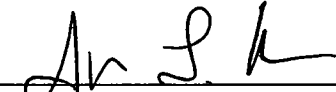
7. XTO does not object to a continuance of the Remuda **North** Cases to the October 26 hearing docket but does not agree to a continuance past October 26th due to rig scheduling issues.

8. XTO does object to a continuance of the Remuda **South** Cases. XTO has rigs scheduled to drill these wells and a continuance of both the Remuda **North** Cases and the Remuda **South** Cases will needlessly put that rig schedule in jeopardy.

WHEREFORE, XTO requests that the Division deny Devon's motion for a continuance for the Remuda **South** Cases (Case Nos. 15833, 15835, 15837, 15839, 15841, and 15843).

Respectfully submitted,

HOLLAND & HART LLP



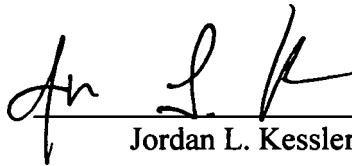
Michael H. Feldewert
Jordan L. Kessler
Post Office Box 2208
Santa Fe, New Mexico 87504-2208
(505) 988-4421
(505) 983-6043 Facsimile
mfeldewert@hollandhart.com
jlkessler@hollandhart.com

ATTORNEYS FOR XTO ENERGY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2017, I served a copy of the foregoing document to the following counsel of record via electronic mail:

James Bruce, Esq.
PO Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043
Jamesbruc@aol.com


Jordan L. Kessler