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## FAX TRANSMITTAL FORM

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- ☐ Urgent  
☐ For Review  
☐ Please Comment  
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## From

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Date sent: 4-07-03  
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- 3-

**Attached is a Devon's Response to EGL's Motion to Dismiss**

**Copies to:**

**J. Scott Hall**  
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**Richard Winchester**  
**Devon**  
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**STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION**

**IN THE MATTER OF THE APPLICATION  
DEVON ENERGY PRODUCTION COMPANY, L.P.  
FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**CASE NO. 13048**

**DEVON ENERGY PRODUCTION COMPANY, L.P.'S  
RESPONSE TO  
EGL RESOURCES, INC.'S.  
MOTION TO DISMISS**

DEVON ENERGY PRODUCTION COMPANY, L.P. ("Devon") hereby response to EGL Resources, Inc. ("EGL") Motion to Dismiss Devon's application.

Devon has only one position; that the well is a wildcat. Its application is to pool the N/4 of Section 4, T23S, R34E to form a standard 320-acre spacing unit. In doing so, Devon mistakenly referenced the Antelope Ridge-Devonian Gas Pool as a pool spaced on 320-acre units and within one mile to the N/2 of this section. But those two clerical errors may be disregarded and are of no consequences.

Contrary to EGL's argument, the Special Rules for the North Bell Lake-Devonian Gas Pool only apply within 1 miles of the outer boundary of the pool. EGL wants the Division to rewrite the rules so that these special rules apply for units one mile or closer to the outer boundary of the pool. Contrary to EGL's argument, the Special Pool Rules and Rule 104 are not in conflict.

NMOCD Case 13048

Devon's Response to Motion to Dismiss

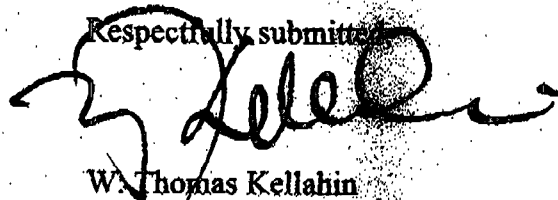
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In a desperate attempt to avoid having the Division dismiss its case, EGL attempts to create confusion where none exists. EGL's reference to Order R-9493 adds nothing to the discussion. This is an order entered by Jim Morrow more than 12 years ago for a well that was never drilled to the Devonian. Mr. Morrow misapplied the rules. EGL now asks the Division to repeat Mr. Morrow's mistake.

Please refer to Devon's Motion to Dismiss EGL application, which it hereby incorporates by reference.

Wherefore, Devon moves that the Division deny EGL's motion to dismiss case 13048.

Respectfully submitted,



W. Thomas Kellahin

#### CERTIFICATE OF SERVICE

I, W. Thomas Kellahin, certify that a true and correct copy of this pleading was transited on April 7, 2003 by facsimile to J. Scott Hall, Esq., attorney for EGL Resources and Robert Landreth.



W. Thomas Kellahin