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PLEASE REPLY TO SANTA FE

FACSIMILE TRANSMISSION COVER SHEET

DATE: December 19, 1997

TO: Lynn Hebert, Esq.

FAX NO.: 827-8177

FROM: J. Scott Hall, Esq.

OPERATOR: Rozella

RE: NMOCC Case No.s 11808 and 11809 (De Novo)

MESSAGE: Please see attached letter.

NUMBER OF PAGES INCLUDING COVER SHEET:

IF YOU DO NOT RECEIVE THE ENTIRE DOCUMENT, PLEASE CALL OUR SANTA FE OFFICE AS SOON AS POSSIBLE AT (505) 989-9614.

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December 19, 1997

PLEASE REPLY TO SANTA FE

WILLIAM K. STRATVERT, COUNSEL
PAUL W. ROBINSON, COUNSEL

Lynn Hebert, Esq.
New Mexico Oil Conservation Commission
2040 South Pacheco
Santa Fe, New Mexico 87505

BY FACSIMILE

Re: NMOCD Case No.s 11808 and 11809; Application of Burlington Resources Oil and Gas Company for Compulsory Pooling, Unorthodox Well Location and Non-Standard Spacing and Proration Unit, San Juan County, New Mexico. **De Novo**

Dear Lynn:

Today, I received Mr. Kellahin's December 18, 1997 letter requesting the withdrawal of Case No. 11808 in the consolidated **de novo** proceeding presently pending before the Commission. It should be noted that concurrence on the request was not sought.

As you know, it has been the Commission's practice that only the **de novo** applicant (Total, in this case) may obtain the unilateral dismissal of a **de novo** case. (See, for example, Application of Gillespie-Crow, Inc., where Yates Petroleum and Hanley Exploration were the **de novo** applicants.) Accordingly, Burlington's unilateral request to dismiss this **de novo** case here is inappropriate.

During the course of these consolidated proceedings, Burlington's conduct gave rise to many issues affecting both cases which will not be obviated by the dismissal of Case No. 11808 and the vacation of Order R-10877. Total does not wish to waive any right or opportunity to pursue those issues or related discovery. Accordingly, we request that the Commission hold any action on the Burlington request to withdraw in abeyance until counsel have had an opportunity to confer with each other and their respective clients.

Very truly yours,

MILLER, STRATVERT & TORGERSON, P.A.

T. J. Scott Hall

J. Scott Hall

JSH:CMB

Lynn Hebert, Esq.
December 19, 1997
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JSH:CMB

cc: W. Thomas Kellahin, Esq.
J.E. Gallegos, Esq.
Norman Inman, Esq.

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RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW

JASON KELLAHIN (RETIRED 1991)

December 18, 1997

HAND DELIVERED

Mr. William J. LeMay, Director
Oil Conservation Division
2040 South Pacheco
Santa Fe, New Mexico 87504

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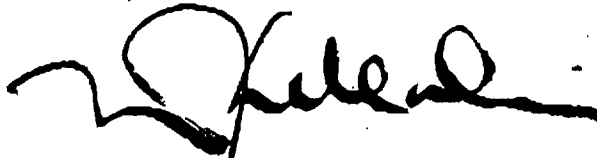
Oil Conservation Division

Re: Request to withdraw application and vacate order
ORDER R-10877 Case 11808 (Scott Well No. 24)
Application of Burlington Resources Oil & Gas
Company for compulsory pooling, Rio Arriba County,
New Mexico

Dear Mr. LeMay:

This compulsory pooling case is currently pending a DeNovo hearing before the Commission. I wish to inform you that Burlington Resources Oil & Gas Company has chosen to withdraw its proposal to drill the referenced well. Accordingly, we are hereby withdrawing our application in their behalf and requesting that the Commission vacate order R-10877 and dismiss case 11808.

Very truly yours,



W. Thomas Kellahin

cc: Lyn Hebert, Commission attorney
Scott Hall, Esq.
Gene Gallegos, Esq.
John Bemis, Esq.

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JASON KELLAHIN (RETIRED 1991)

FACSIMILE COVER SHEETDATE: December 19, 1997
TIME: 9:00 AM

NUMBER OF PAGE -2-

TO: Gene Gallegos, Esq. FROM: W. THOMAS KELLAHIN
OF: Gallegos Law Firm
FAX NO: (505) 986-1367 or 986-0741TO: John Bemis, Esq.
OF: Burlington Resources Oil & Gas Company
FAX NO: (505) 326-9880TO: Scott Hall, Esq.
OF: Miller Law Firm
FAX NO: (505) 989-9857

REF: NMOCD Case 11808 Order R-10877

Gentlemen:

Enclosed is a copy of W. Thomas Kellahin's letter dated December 18, 1997 to the Division.

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