



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

November 5, 1997

Mr. J. Scott Hall
Post Office Box 1986
Santa Fe, NM 87504-1986

Mr. J.E. Gallegos
460 St. Michaels Dr. #300
Santa Fe, NM 87505

Mr. W. Thomas Kellahin
Post Office Box 2265
Santa Fe, NM 87504-2265

Re: **CASES NO.s 11808 & 11809 (*De Novo*)**
Application of Burlington Resources Oil and Gas Company for Compulsory Pooling

Dear Gentlemen:

On October 31, 1997, Total Minatome Corporation ("Total") filed its Second Motion for Stay of the compulsory pooling orders entered in the above-referenced cases. On November 4, 1997, Burlington Resources Oil and Gas Company filed its Response to Total's Motion.

Total claims that Burlington has wrongly rejected Total's tender of its proportionate share of well costs, and therefore has denied Total's rights under the compulsory pooling order. Burlington claims that Total has failed to make a proper and timely election to participate pursuant to the compulsory pooling order.

The Division and the Commission will not determine whether elections have been timely and properly made or wrongly rejected. These issues are issues for the courts to resolve if the entities cannot do so themselves. The issues raised do not constitute grounds for staying compulsory pooling orders.

Total's Second Motion for Stay of the compulsory pooling orders is denied.

Sincerely

A handwritten signature in black ink, appearing to read "William J. Lemay".

William J. Lemay
Director