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Michael H. Feldewert

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August 31, 2001

**HAND-DELIVERED**

Lori Wrottenbery, Director  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
1220 South St. Francis Drive  
Santa Fe, NM 87505

**RE: Case No. 12698, de novo  
In the Matter of the Application of Mewbourne Oil Company for  
Compulsory Pooling, Eddy County, New Mexico**

Dear Ms. Wrottenbery,

I am in receipt of your August 30<sup>th</sup> letter. While I appreciate the Commission's desire to decide cases promptly, I respectfully request that the Commission follow its normal scheduling practices and hear the above referenced matter in October.

The *de novo* appeals were not due to be filed until September 11<sup>th</sup>. While the appeals were filed early, they were nonetheless filed after the deadline for placing the matter on the September 14<sup>th</sup> Commission docket because of counsel's schedule and the possibility that witnesses for the applicants could not be available until October. Indeed, I instructed my office to file the appeals after the deadline for the September 14<sup>th</sup> Commission docket because I have depositions scheduled on the 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> of September, and because Mr. Carr is unavailable for a September 14<sup>th</sup> hearing due to his recent surgery.

I see no prejudice to Mewbourne in following the Commission's regular scheduling practices and hearing this matter in October. The Division's order is not stayed, so Mewbourne is free to drill its well at any time. The only issue Heyco intends to raise at the Commission hearing concerns the formations which should be subject to the pooling order: Mewbourne intends to drill a Morrow well, yet seeks to tie up in its pooling order the shallower formations other working interest owners in the spacing unit desire to develop.

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OIL CONSERVATION DIV.

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New Mexico Oil Conservation Division  
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For the above reasons, the applicants respectfully request that the Commission follow its normal scheduling practice and hear the *de novo* appeals at its October docket. Thank you for your attention to this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Feldewert", written in a cursive style.

Michael H. Feldewert

MHF/ras

cc (via fax): Stephen Ross, Esq., Oil Conservation Division  
James Bruce, Esq.