

MILLER STRATVERT

LAW OFFICES

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Alisa R. Wigley-DeLara

Of Counsel

William K. Stratvert
James B. Collins
Sharon P. Gross
Terri S. Beach
Robert D. Taichert

Reply to Santa Fe

150 Washington Ave., Suite 300
Santa Fe, NM 87501

Mailing Address:
P.O. Box 1986
Santa Fe, NM 87504-1986

Telephone: (505) 989-9614
Facsimile: (505) 989-9857

Writer's Direct E-Mail:
shall@mstlaw.com

* Board Certified Specialist: Natural Resources - Oil & Gas Law
** Board Certified Specialist: Real Estate Law

August 14, 2006

VIA FACSIMILE

Mr. Mark Fesmire, Director
New Mexico Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico

Re: NMOCD Case No. 13756: In The Matter Of The Application Of XTO Energy, Inc.
For Compulsory Pooling, Eddy County, New Mexico

Dear Mr. Fesmire:

On behalf of the Applicant, XTO Energy, Inc., we request that the referenced matter be dismissed.

Thank you for your attention to this matter.

Very truly yours,

MILLER STRATVERT P.A.



J. Scott Hall

JSH/glb

cc: Mark Dale
Ocean Munds-Dry, Esq.

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A PROFESSIONAL ASSOCIATION

ALBUQUERQUE
(505) 842-1950

FARMINGTON
(505) 326-4521

LAS CRUCES
(505) 523-2481

SANTA FE
(505) 989-9614

wvj 9/11/06