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October 24, 2001

VIA HAND-DELIVERY

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

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OIL CONSERVATION DIV

**RE: Case No. 12747, Application of McElvain Oil & Gas Properties
For Compulsory Pooling
D. J. Simmons' "Motion To Continue"**

Dear Ms. Wrotenbery,

McElvain is in receipt of a Motion to Continue filed by D. J. Simmons in the above referenced matter. D. J. Simmons' motion requests that McElvain's pending pooling application be continued "indefinitely, pending resolution by the Oil Conservation Commission of Case Nos. 12635 and 12705."

Case No. 12635 is a *de novo* appeal of an existing pooling order entered by the Division upon application by McElvain. See Order R-11663. Case No. 12705 is a pooling application filed by D. J. Simmons two months after the Division's hearing in Case No. 12635, and therefore the subject of McElvain's pending Motion to Dismiss filed in Case No. 12705.

McElvain does not oppose a continuance of Case No. 12747, but suggests the Division set the matter for hearing on the December 6th Examiner docket, rather than continue the case "indefinitely."

Thank you for your attention to this matter.

Sincerely,



Michael H. Feldewert

MHF/ras

cc (via fax): J. Scott Hall, attorney for D. J. Simmons
Mona Binion, McElvain Oil & Gas Properties, Inc.