

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION**

**IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:**

**APPLICATION OF NADEL AND GUSSMAN PERMIAN, L.L.C. FOR
APPROVAL OF FOUR NON-STANDARD OIL SPACING AND
PRORATION UNITS AND COMPULSORY POOLING, EDDY COUNTY,
NEW MEXICO.**

CASE NO. 14551

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MOTION FOR CONTINUANCE

Chesapeake Operating Inc. ("Chesapeake") moves the Division to enter an order continuing the hearing in this case from the October 14, 2010 examiner hearing docket to the examiner hearing scheduled for November 18, 2010 for the following reasons:

A. Chesapeake attempted to reach an agreement with Nadel and Gussman Permian LLC ("Nadel and Gussman") regarding the further development of Section 12, Township 26 South, Range 29 East, NMPM. Chesapeake only heard back from Nadel and Gussman today, October 12, 2010 that it was not interested in Chesapeake's proposal and planned to proceed forward with its application. Since Nadel and Gussman has rejected Chesapeake's proposal, Chesapeake must now prepare to oppose this case and needs time to do so.

B. Chesapeake's witnesses are not available until the November 18th hearing docket. Last week, Chesapeake's counsel notified Nadel and Gussman's counsel that one of Chesapeake's witnesses had a scheduling conflict on October 14th and requested that the case be continued. However, Chesapeake's counsel was advised that Nadel and Gussman did not agree to continue the case.

Counsel for Nadel and Gussman has been contacted regarding this continuance and objects to a continuance.

WHEREFORE, Chesapeake requests that Oil Conservation Division Case 14551 be continued to the November 18, 2010 examiner hearing docket.

Respectfully submitted,

HOLLAND & HART, LLP

By: Ocean Munds-Dry
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ATTORNEYS FOR CHESAPEAKE
OPERATING INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Continuance was served upon the following this 12th day of October 2010 by Hand-Delivery, Facsimile and/or Electronically:

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