

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

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

**APPLICATION OF MEWBOURNE OIL COMPANY
FOR COMPULSORY POOLING
LEA COUNTY, NEW MEXICO**

**CASE NO. 13359 De Novo
ORDER NO. R-12283**

2005 APR 4 PM 2 11

**RESPONSE OF FINLEY RESOURCES, INC.
TO MEWBOURNE OIL COMPANY'S
MOTION TO DISMISS**

Finley Resources, Inc., for its Response to the Motion To Dismiss filed on behalf of Mewbourne Oil Company, states:

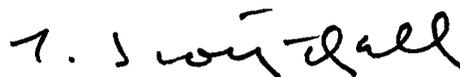
Order No. R-12283 was issued by the Division on February 15, 2005, pooling uncommitted interests owned by Finley Resources, Inc. and Chesapeake Operating, Inc. in the NE/4 of Section 9, T21S, R35E from the surface to 10,000' subsurface. Order No. R-12283 also contained provisions for allocating the costs of drilling and completing the Osudo "9" State Com No. 1 well in the Morrow formation and a subsequent re-completion in formations above 10,000' among the working interest owners whose interests vary by depth.

On February 22, 2005, and March 10, 2005 respectively, Chesapeake Operating, Inc. and Finley Resources, Inc. each filed an Application for Hearing De Novo seeking to challenge, among other things, the cost allocation provisions of Order No. R-12283.

On March 29, 2005, Mewbourne Oil Company filed its motion seeking the dismissal of (a) its own application and (b) the applications for hearing de novo, citing to the abandonment of any plans to re-complete the well in the pooled formations above 10,000'.

Finley Resources, Inc., for its part, does not oppose Mewbourne Oil Company's motion. However, in view of Mewbourne's own request that its original application be dismissed, Finley Resources, Inc. requests that the dismissal be made effective *nunc pro tunc* to February 15, 2005, the date of the issuance of Order No. R-12283 so that the order may not be cited as precedent.

Respectfully submitted,



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Certificate of Mailing

I hereby certify that a true and correct copy of the foregoing was faxed to counsel of record on the 4th day of April, 2005 as follows:

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