

**BEFORE THE  
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 DAVID H. ARRINGTON OIL & GAS INC. FOR COMPULSORY  
POOLING, LEA COUNTY, NEW MEXICO.**

2011 AUG 17 AM 10:00  
RECEIVED OCO  
CASE NO. ~~14497~~  
(De Novo)

**APPLICATION OF MARSHALL & WINSTON, INC. TO CANCEL AN OPERATOR'S  
AUTHORITY AND TERMINATE A SPACING UNIT AND APPROVE A CHANGE OF  
OPERATOR, LEA COUNTY, NEW MEXICO.**

CASE NO. 14538  
(De Novo)

**MOTION FOR CONTINUANCE**

David H. Arrington Oil & Gas Inc. ("Arrington"), through its attorneys, Holland & Hart, LLP, hereby moves the Oil Conservation Commission for a continuance of the hearing in the above-referenced matters, currently set for the August 25, 2011 Commission Docket and in support of its motion, Arrington states as follows:

1. The matter at issue in this motion was originally presented to the Oil Conservation Division by Holland & Hart LLP on September 2, 2010, and Order No. R-13372 was entered by the Division on March 16, 2011 for Case Nos. 14497 and 14538.

2. Arrington has requested that the Commission review *de novo* the Division's decision and Order in Case Nos. 14497 and 14538.

3. Two of Arrington's witnesses, Keith E. Bucy and Art Carrasco, will be unavailable for the August 25th hearing before the Commission. As a small company, Mr. Bucy and Mr. Carrasco are Arrington's only petroleum engineers. They just learned that they will be needed on-

site in West Texas and Arkansas for the completion (frac jobs) of wells. Arrington is given little advanced notice and a short window of time from the companies that provide the necessary equipment to perform the frac jobs and thus they were unable to foresee the conflict with the hearing date. Mr. Bucy and Mr. Carrasco have prepared economic analyses that Arrington plans to present at the hearing. This analysis and their testimony is an important component of Arrington's case. The other witnesses are not sufficiently familiar nor do they have the expertise to present the information.

4. Therefore, Arrington requests that the hearing be continued from August 25, 2011, to September 22, 2011, on both Case No. 14497 and Case No. 14538 to enable Arrington's witnesses to be present and available to give testimony.

5. Counsel for Marshall & Winston, Inc., Mr. Bruce has indicated that Marshall & Winston opposes the continuance.

WHEREFORE, David H. Arrington Oil & Gas Inc. requests that the Commission hearing in both Case No. 14497 and Case No. 14538 be continued from the August 25, 2011 to the Commission hearing schedule for September 22, 2011.

Respectfully,

HOLLAND & HART LLP

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ATTORNEYS FOR DAVID H. ARRINGTON OIL  
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**CERTIFICATE OF SERVICE**

I certify that on August <sup>17</sup>16, 2011, I served a copy of the foregoing document to the following by email and U.S. mail:

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