

**BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION**

**APPLICATION OF OXY USA WTP LIMITED  
PARTNERSHIP FOR COMPULSORY  
POOLING, EDDY COUNTY, NEW MEXICO.**

**Case No. 13,534**

**MOTION FOR CONTINUANCE**

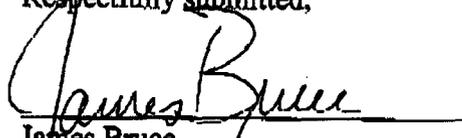
Pogo Producing Company ("Pogo") moves for a two week continuance of the hearing in this matter, and in support thereof, states:

1. The hearing in the above matter is set for August 11<sup>th</sup>.
2. Pogo has informally requested a two week continuance of this matter from applicant, but has not received a response as of this date.
3. As reasons for the continuance, Pogo states;
  - (a) Pogo received notice of this hearing on August 2<sup>nd</sup>. See Exhibit A. Thus, it has had limited time to prepare for the hearing;
  - (b) Pogo's representatives recently met with applicant's representatives to discuss resolution of this matter, and Pogo believes that the parties can reach a voluntary agreement; and
  - (c) At the foregoing meeting, applicant's representatives stated that a drilling rig would not be on location for approximately 60 days, and as a result there is no imminent need to have the case heard on August 11<sup>th</sup>.
4. Pogo will not seek a further continuance if this request is granted.

**WHEREFORE**, Pogo requests that this case be continued to the August 25<sup>th</sup> hearing.

WJS 8/9/05  
cm

Respectfully submitted,



James Bruce  
Post Office Box 1056  
Santa Fe, New Mexico 87504  
(505) 982-2043

Attorney for Pogo Producing Company

WWD 8/9/05

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 9th day of August, 2005 by facsimile transmission:

William F. Carr  
Holland & Hart LLP  
P.O. Box 2208  
Santa Fe, New Mexico 87504  
(505) 983-6043 FAX

  
James Bruce

08/02/2005 08:40 FAX 432 685 8151

Pogo Prod Co - Land Dept -> Jim Bruce

002



William F. Carr  
wcarr@hollandhart.com

RECEIVED

AUG 02 2005

MIDLAND

July 19, 2005

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Pogo Production Company  
Post Office Box 10340  
Midland, Texas 79702

Attention: Terry Gant

Re: Application of OXY USA WTP Limited Partnership for compulsory pooling, Harding County, New Mexico. (Fat Cactus Federal Com Well No. 1)

Ladies and Gentlemen:

This letter is to advise you that OXY USA WTP Limited Partnership has filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of the standard 320-acre spacing and proration unit comprised of the E/2 of Section 15, Township 19 North, Range 27 East, NMPM, Lea County, New Mexico. Said unit will be dedicated to OXY USA WTP Limited Partnership's proposed Fata Cactus Federal Well No. 1 which it proposes to drill at a standard gas well location 660 feet from the North line and 1400 feet from the East line of said Section 15 to test all formations from the surface to the base of the Morrow formation.

This application has been set for hearing before a Division Examiner on August 11, 2005, at the Oil Conservation Division's Santa Fe office located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B to file a Pre-Hearing Statement with the Division at its Santa Fe Office four days in advance of a scheduled hearing, but in no event later than the Friday preceding the scheduled hearing. This statement must include: the names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

Very truly yours,  
  
William F. Carr

cc: Mr. Doug Hurlbut  
OXY USA WTP Limited Partnership



BEFORE THE OIL CONSERVATION DIVISION

APPLICATION OF OXY USA WTP LIMITED PARTNERSHIP FOR  
COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO.

CASE NO. 13,534

RESPONSE IN OPPOSITION OF  
OXY USA WTP LIMITED PARTNERSHIP  
TO POGO PRODUCING COMPANY'S MOTION FOR CONTINUANCE

OXY USA WTP LIMITED PARTNERSHIP ("OXY") opposes the motion of Pogo Producing Company ("Pogo") for a two week continuance of the examiner hearing in the above-referenced case, and states:

1. OXY's application in this case was timely mailed by certified mail to Pogo on July 21, 2004. Although Pogo states it did not receive this letter until August 2, 2005, (See, Exhibit A) and needs additional time to prepare, OXY first proposed this well by letter dated **April 4, 2005** and has been in negotiations with Pogo since that time. Pogo has had ample notice of OXY's plans for this well and should not need additional time to prepare.

2. While Pogo states its belief that the parties can reach a voluntary agreement for this well, no agreement has been reached. OXY hopes to reach a voluntary agreement with Pogo, and states that it is willing to continue negotiations after the hearing on this application.

3. OXY has advised Pogo that its plans have been to drill this well after it drills its Horse Tail Well. However, as OXY has also advised Pogo that it has not received the Application for Permit to Drill the Horse Tail Well and it may be delayed due to archeological concerns. If OXY does not receive the Application for Permit to Drill the Horse Tail Well, it plans to move a drilling rig onto the Fat Cactus location in 20 to 30 days.

OXY has complied with all the requirements of the Division for a compulsory pooling order. OXY may need to move onto the location within a month and therefore requests that Pogo's motion for a continuance be denied and that the hearing on August 11, 2005 proceed as scheduled.

2005 AUG 10 AM 9:15

Respectfully submitted,

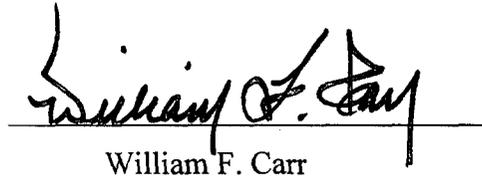


William F. Carr  
Attorney for OXY USA WTP Limited  
Partnership

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 9th day of August, 2005 by facsimile transmission:

James Bruce, Esq.  
Post Office Box 1056  
Santa Fe, New Mexico 87504



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William F. Carr

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

7001 1140 0002 9557 8873

MIDLAND, TX 79702

Postage	\$ 0.60	UNIT ID: 0500
Certified Fee	2.38	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>	

Sent To  
 Pogo Production Co.  
 Street, Apt. No., or PO Box No. P.O. Box 10340  
 City, State, ZIP+ 4 Midland, TX 79702

PS Form 3800, January 2001 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Received by (Please Print Clearly) <i>R. B. C. /</i> B. Date of Delivery <i>8-2-05</i></p> <p>C. Signature <i>RBC</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No                      If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><i>Pogo Production Co.                      P.O. Box 10340                      Midland, TX 79702</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Copy #)</p> <p><i>7001 1140 0002 9557 8873</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

EXHIBIT A