

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

IN THE MATTER OF THE APPLICATION  
BY SYNERGY OPERATING, LLC FOR  
COMPULSORY POOLING,  
SAN JUAN COUNTY, NEW MEXICO

Case No. 13,663

**JOINT MOTION FOR CONTINUANCE OF HEARING**

Edwin Smith, LLC, Joseph Robbins, and J. Truman Walmsley, the Trustee of the Bypass Trust under the Will of June H. Walmsley, Deceased, Dated April 7, 1992 (Walmsley) (collectively "Movants"), request the hearing examiner to continue the above-referenced matter set for hearing on March 30, 2006, for the following reasons:

1. Neither Ed Smith, LLC, Joseph Robbins, nor Burlington Resources were provided with an Authority for Expenditure (AFE) for the Duff 105 well and were not given the opportunity to voluntarily participate in the Duff 105 well.
2. Edwin Smith, LLC, is the operator of the Claude Smith well, which is located in the southwest quarter of Section 8, Township 29 North, Range 11 West, N.M.P.M., San Juan County, New Mexico (the Property).
3. Edwin Smith, LLC, is in the process of filing an application for permit to drill a coalbed methane well in the same southwest quarter of the Property as Synergy is proposing to drill the Duff 105 well.

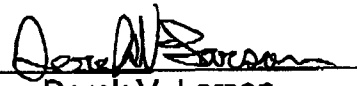
4. Edwin Smith, LLC, has obtained voluntary support from Joseph C. Robbins and Walmsley for it to drill the well proposed in the southwest quarter of the Property. Edwin Smith, LLC, is discussing its proposal with Burlington.
5. Edwin Smith, LLC, has also Linda Dean, Senior Land Person for Burlington, who indicated that Burlington was unaware of the questions surrounding Synergy's claimed possessory interest in the Property and had not received an estimate of well costs for the Duff 105 well or any other notice that Synergy planned to drill the Duff 105 well. Ms. Dean stated that in light of the questions surrounding Synergy's possessory interest that Burlington will request Synergy to withdraw its current request to drill and force pool the Duff 105 well until Synergy's possessory interest issues have been resolved. Additionally, Burlington stated that if Synergy's possessory interests in the Property are determined to be invalid that Burlington would be interested in assuming Synergy's role as operator of the Duff 104 well and would further be interested in drilling and operating the Duff 105 well.
6. Edwin Smith, LLC's, possessory interests in the Property is without question and Edwin Smith, LLC, has experience as an operator and can meet all of the requirements of an operator.
7. Burlington does not oppose this motion. Synergy Operating, LLC, opposes this motion.

WHEREFORE, Movants request a continuance of the hearing scheduled to take place on March 30, 2006, with respect to the above-referenced caption until all parties

have been provided with an AFE and so that the application to drill submitted by Edwin Smith, LLC, can be heard at the same time as the above-captioned matter, or alternatively so that Burlington will have had an opportunity to request Synergy to withdraw the above-captioned matter.

Respectfully submitted,

SUTIN THAYER & BROWNE,  
A Professional Corporation

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telephonically approved March 28, 2006

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Attorney for J. Truman Walmsley, the Trustee  
of the Bypass Trust under the Will of June H.  
Walmsley, Deceased, Dated April 7, 1992.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was hand-delivered to the following counsel of record on the 28th day of March 2006:

James G. Bruce  
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Sutin, Thayer & Browne  
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