



MODRALL SPERLING

2006 OCT 13 PM 1 50

October 12, 2006

VIA FACSIMILE (505-476-3462)  
And Regular Mail

Larry P. Ausherman  
505.848.1836  
Fax: 505.848.9710  
lpasherman@modrall.com

Ms. Florene Davidson  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Re: Joint Motion for Continuance; *In the Matter of the Application of Lynx Petroleum Consultants, Inc. for Permit to Drill in Potash Area, Eddy 'BD' State No. 2 Well, Eddy County, New Mexico*; Oil Conservation Division Case No. 13762

Dear Ms. Davidson:

Enclosed for facsimile filing in the above referenced matter is the parties' Joint Motion for Continuance. I will forward to you the original and two copies of this motion to you for your records. I would appreciate it if you would please return an endorsed copy of the Joint Motion to me in the enclosed self-addressed, stamped envelope. Thank you for your attention to this matter.

Very truly yours,



Larry P. Ausherman

LPA:cpc

Enclosures

cc:w/enclosure via facsimile:

Charles N. Lakins  
William F. Carr  
Mary Lynn Bogle  
James E. Haas  
Steven B. Richardson

Modrall Sperling  
Roehl Harris & Sisk P.A.

Bank of America Centre  
500 Fourth Street NW  
Suite 1000  
Albuquerque,  
New Mexico 87102

PO Box 2168  
Albuquerque,  
New Mexico 87103-2168

Tel: 505.848.1800  
www.modrall.com

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

2006 OCT 13 PM 1 50

**IN THE MATTER OF THE APPLICATION OF  
LYNX PETROLEUM CONSULTANTS, INC.  
FOR PERMIT TO DRILL IN POTASH AREA,  
EDDY 'BD' STATE NO. 2 WELL,  
EDDY COUNTY, NEW MEXICO.**

**Case No. 13762**

**JOINT MOTION FOR CONTINUANCE**

Intrepid Potash-New Mexico, LLC ("Intrepid") and Lynx Petroleum Consultants, Inc. ("Lynx") hereby move the Oil Conservation Commission ("Commission") for a continuance of the currently scheduled October 19, 2006 hearing in this matter. As grounds for this Motion, the Parties state:

1. The hearing is currently set for the Commission's regularly scheduled October 19, 2006 hearing date, and it could not be completed on that day.
2. The Parties have agreed upon hearing dates of December 7 and 8, 2006 as dates convenient for the Parties and witnesses.
3. The Parties have confirmed by conversations with General Counsel for New Mexico Energy, Minerals, and Natural Resources Department that those dates would be available for the Commission.
4. Continuing the evidentiary hearing to December 7 and 8, 2006, would still allow key motions to be heard by the Commission on October 19 and decided well in advance of the December 7 and 8 hearing dates. The outcome of those motions will influence how the Parties prepare for and participate in the evidentiary hearing.
5. Counsel for Lynx has discussed this schedule with Intervenor and they are available for the Motion Hearing on October 19, 2006 and the Evidentiary Hearing of December 7 and 8, 2006.

The Parties respectfully request that:

1. The currently scheduled evidentiary hearing of this matter, which is set on the regularly scheduled meeting of the Commission on October 19, 2006 be continued and that it be heard by the Commission on December 7 and 8, 2006 instead.
2. This matter be retained on the docket of the October 19 regularly scheduled meeting of the Commission for the limited purpose of hearing pending motions, and that those

motions be decided well in advance of the December 7 and 8, 2006 hearing. Those motions are Lynx's Notice of Filing of Motion for Summary Judgment, Intrepid's Motion to Strike Notice of Intervention, and discovery matters.

Respectfully Submitted,

By: 

Larry P. Ausherman

Walter E. Stern

Adam H. Greenwood

Modrall, Sperling, Roehl, Harris, & Sisk, P.A.

Post Office Box 2168

Albuquerque, New Mexico 87103-2168

Telephone: (505) 848-1800

Facsimile: (505) 848-9710

Email: lpa@modrall.com

ATTORNEYS FOR INTREPID POTASH-  
NEW MEXICO, LLC

By: 

Pete V. Domenici, Jr.

Charles N. Lakins

Domenici Law Firm, P.C.

320 Gold Ave. SW, Suite 1000

Albuquerque, NM 87102

Telephone: 505-883-6250

Facsimile: 505-884-3424

clakins@domenicilaw.com

ATTORNEYS FOR  
LYNX PETROLEUM CONSULTANTS, INC.

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record via facsimile this 12<sup>th</sup> day of October 2006:

William F. Carr  
Michael H. Feldewert  
Ocean Munds-Dry  
Counsel for Intervenor BEPCo., L.P.  
Holland & Hart, LLP  
110 N. Guadalupe Street, Suite 1  
Santa Fe, NM 87504-2208  
(505) 988-4421

Mary Lynn Bogle  
Gregory J. Nibert  
Counsel for Intervenor Devon Energy Production, L.P.  
Hinkle, Hensley, Shanor & Martin, LLP  
PO Box 10  
Roswell, NM 88202-0010  
(505) 622-6510

James E. Haas  
Counsel for Intervenor Yates Petroleum Corporation  
Losee, Carson & Haas, P.A.  
P.O. Box 1720  
Artesia, NM 88211-1720  
(505) 746-3505

Modrall, Sperling, Roehl, Harris & Sisk, P.A.

By: 

Larry P. Ausherman