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October 24, 2001

**VIA HAND-DELIVERY**

Lori Wrotenbery, Director  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
1220 South St. Francis Drive  
Santa Fe, NM 87505

OCT 26 PM 3:29  
OIL CONSERVATION DIV

**RE: Case No. 12747, Application of McElvain Oil & Gas Properties  
For Compulsory Pooling  
D. J. Simmons' "Motion To Continue"**

Dear Ms. Wrotenbery,


McElvain is in receipt of a Motion to Continue filed by D. J. Simmons in the above referenced matter. D. J. Simmons' motion requests that McElvain's pending pooling application be continued "indefinitely, pending resolution by the Oil Conservation Commission of Case Nos. 12635 and 12705."

Case No. 12635 is a *de novo* appeal of an existing pooling order entered by the Division upon application by McElvain. See Order R-11663. Case No. 12705 is a pooling application filed by D. J. Simmons two months after the Division's hearing in Case No. 12635, and therefore the subject of McElvain's pending Motion to Dismiss filed in Case No. 12705.

McElvain does not oppose a continuance of Case No. 12747, but suggests the Division set the matter for hearing on the December 6<sup>th</sup> Examiner docket, rather than continue the case "indefinitely."

Thank you for your attention to this matter.

Sincerely,



Michael H. Feldewert

MHF/ras

cc (via fax): J. Scott Hall, attorney for D. J. Simmons  
Mona Binion, McElvain Oil & Gas Properties, Inc.