

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

IN THE MATTER OF THE APPLICATION  
OF McELVAIN OIL & GAS PROPERTIES, INC.  
FOR COMPULSORY POOLING,  
RIO ARRIBA COUNTY, NEW MEXICO

CASE NO. 12,747

**MOTION TO CONTINUE**

D. J. Simmons, Inc., ("Simmons"), a party of record in this matter, through its counsel, moves that the Division enter its order continuing the hearing in this matter pending the outcome of two related cases currently pending before the New Mexico Oil Conservation Commission. As grounds for this motion, Simmons states:

The Applicant in the this case seeks an order pooling the Mesaverde formation underlying the N/2 of Section 25, T-25-N, R-3-W, NMPM. The NE/4 of the same section is at issue in the two compulsory pooling proceedings that have been consolidated for hearing by the Commission on November 6<sup>th</sup> (Case No. 12635: Application of McElvain Oil and Gas Properties, Inc., *de novo*; and Case No. 12705: Application of D. J. Simmons, Inc.).

It is possible that the outcome of the Commission hearing on the consolidated applications will obviate the need to proceed with a hearing on the application in Case No. 12747.

A continuance may avoid a duplicative and otherwise unnecessary hearing and will serve the interests of economy and the efficient administration of the Division's docket.

As of today, counsel for McElvain Oil and Gas Properties has not responded to our request for concurrence to this motion.

WHEREFORE, D. J. Simmons, Inc. requests the Division enter its Order continuing the hearing in this matter indefinitely, pending the resolution by the Oil Conservation Commission of Case Nos. 12635 and 12705.

Respectfully submitted,

MILLER, STRATVERT & TORGERSON, P.A.

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#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to counsel of record on the 23 day of October 2001, as follows:

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