



Devon Canada Corporation
2000, 400 - 3rd Avenue S.W.
Calgary, Alberta T2P 4K2
Phone: (403) 252-7100

January 27, 2005

ALBERTA ENERGY AND UTILITIES BOARD
640 - 5th Avenue SW
Calgary, Alberta T2P 3G4

Attention: Non-Routine Applications

Re: Non-Routine B140 Well License Applications
Devon Wimborne 6-8-34-26W4M, 8-8-34-26W4M, 14-8-34-26W4M
16-8-34-26W4M, 6-17-34-26W4M, 8-17-34-26W4M, 14-17-34-26W4M
& 16-17-34-26W4M

Enclosed is a copy of Devon's Well License Application for CBM wells at the above mentioned locations. You will note that this application has been identified as non-routine due an objection received from Luscar Ltd. The objection appears to be based solely on the issue of which party is entitled to produce natural gas in coal ("NGC").

Devon's position is that this objection is inappropriate. Devon's mineral leases (copies of which are enclosed with this application) provide rights to all natural gas. The objecting party has rights to the coal but has no substantiated claim to NGC. The option of seeking a legal determination of the ownership of NGC has long been, and continues to be, available to the objecting party to attempt to substantiate a right to NGC. The objecting party has chosen not to avail itself of this option and now simply wishes to assert an unsubstantiated claim in a regulatory forum which cannot ultimately resolve the issue.

Devon acknowledges the validity of the objecting party providing notice of its concerns for the limited purpose of ensuring that there has not been a waiver of any rights so that it is not estopped from seeking a judicial determination of this issue. However, an attempt to prevent development of NGC on the basis of the need for a judicial determination without making any attempt to seek such a determination is, in our view, an inappropriate use the regulatory process which only serves to stagnate the development of the NGC resource.

Furthermore, in consideration of the interests of landowners, Devon has planned to use minimal disturbance construction techniques during this drilling program. This plan will be compromised if these wells can not be drilled during the winter months.

As such, we would ask that prompt approval be granted to this application. Should you have any questions or concerns, we would be pleased to discuss this matter with you further at your convenience.

Yours truly,

DEVON CANADA CORPORATION


Geoff Cain
Landman

Enclosures

cc: without enclosures

Brenda Mason – Luscar Ltd.
Lorne Rollheiser – Devon Canada Corporation