

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

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IN THE MATTER OF THE HEARING CALLED BY  
THE OIL CONSERVATION DIVISION FOR THE  
PURPOSE OF CONSIDERING:

IN THE MATTER OF THE APPLICATION OF APPLICATION OF THE HEIRS OF H.  
N. SMITH, DECEASED, TO REOPEN OIL CONSERVATION DIVISION CASE NO.  
14415, THE APPLICATION OF CIMAREX ENERGY CO. FOR A NON-STANDARD  
OIL SPACING PRORATION UNIT AND COMPULSORY POOLING, TO AMEND  
ORDER NO. R-13287 TO CLARIFY THE STATUS OF THE INTERESTS OF PARTIES  
NOT PROPERLY POOLED BY SAID ORDER, CHAVEZ COUNTY, NEW MEXICO.

CASE NO. 14415 (Reopened)

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Don M. Fedric, Esq. and by William F. Carr,  
Holland & Hart LLP, as required by the rules of the Oil Conservation Division.

APPEARANCES OF PARTIES

**APPLICANT**

The Heirs of H. N. Smith: Robin E. Birnie,  
Allison Birnie, Cameron Birnie, Cindi Koch  
and Jason Bond

**ATTORNEY**

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William F. Carr, Esq.  
Holland & Hart LLP  
Post Office Box 2208  
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**OPPOSITION**

Cimarex Energy Co.

**ATTORNEY**

James Bruce, Esq.  
Post Office box 1056  
Santa Fe, New Mexico 87504-1056  
Telephone (505) 982-2043  
Facsimile No. (505) 982-2151

## STATEMENT OF CASE

### APPLICANT

The heirs of H. N. Smith, deceased, seek an order (1) declaring the provisions in Division Order No. R- 13287 that pool the W/2E/2 of Section 18, Township 15 South, Range 31 East, N.M.P.M., void as to the interests of the Applicants, and (2) amending Order No. R-13287 to clarify the status of the interests of the parties who were not properly pooled by this Order.

### PROPOSED EVIDENCE

#### APPLICANT

WITNESSES (Name and Expertise)	ESTIMATED TIME	EXHIBITS
<u>Rolla Hinkle</u> Landman	10 minutes	Approximately 2

Mr. Hinkle will testify about his efforts to locate the heirs of H. N. Smith after Mr. Hinkle became aware of the Cimarex force pooling proceedings.

<u>Kelly Owen</u> Investigator	10 minutes	Approximately 2
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Mr. Kelly Owens will testify about his investigative services assistance given to Mr. Hinkle to locate the heirs of H. N. Smith.

<u>Jason Bond</u>	10 minutes	Approximately 1
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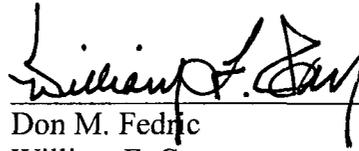
Mr. Bond will testify about his marital relationship with the H. M. Smith heir, Olive F. Bond; her death and her surviving heirs; and Mr. Bond's residence in Roswell, Chaves County, New Mexico.

<u>Robin Birnie</u>	10 minutes	Approximately 2
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Ms. Birnie will testify about her father, the H. N. Smith heir, Richard M. Birnie; his death, residency and probate; who inherited his estate; and the location and residency of his heirs.

### PROCEDURAL MATTERS

The Heirs of H. N. Smith will request that this application be consolidated for the purpose of hearing with Case No. 14416.



Don M. Fedric

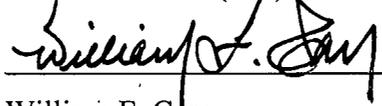
William F. Carr

Attorneys for the Heirs of H. N. Smith

**CERTIFICATE OF SERVICE**

I certify that on January 27, 2011, I served a copy of the foregoing document to the following by facsimile:

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William F. Carr