

McMillan, Michael, EMNRD

From: Seth McMillan <SMcMillan@montand.com>
Sent: Wednesday, December 27, 2017 11:50 AM
To: McMillan, Michael, EMNRD; Brooks, David K, EMNRD; Dawson, Scott, EMNRD
Cc: David Ortiz; Jordan L. Kessler; 'jamesbruc@aol.com'; J. Scott Hall; Adam Rankin
Subject: Case No. 15755 (Cimarex): request to re-open and continue to January 25, 2018

Mr. Brooks, Mr. McMillan and Mr. Dawson,

I'm writing on behalf of Cimarex to request that the hearing on Case No. 15755 be re-opened and continued until January 25, 2018. You'll recall that, following a brief moment of confusion following our presentation of evidence on December 21, I requested that the case be taken under advisement. My reasons for now requesting re-opening and continuance are as follows:

- Following the December 21 hearing, we were alerted by Examiner McMillan to the fact that we need to publish notice to one outstanding WIO. We're taking care of this piece straightaway, but we believe that we need a continuance at least through the publication notice period to complete this.
- We also owe OCD a couple of outstanding exhibits, including a request by Examiner McMillan for a statement from a Cimarex engineer to the effect that despite the surface location having been changed, the well costs estimated in the original AFE are unchanged. We will also be submitting an updated C-102 reflecting the change of surface location and correcting an error to the project area. We'll provide these documents in due course.
- Finally, and perhaps most importantly: On the advice of Mr. Brooks, we are gathering the addresses to the 40-50 ORRIs on this acreage and we are setting about noticing these folks (or, at least, noticing those overrides arising from leases without pooling clauses, and where no subsequent assignment of the interest includes a pooling clause). This will take us some time. And we believe it makes more sense to notify the ORRIs that the hearing has been continued to January 25, rather than notifying them that the hearing has already taken place and they missed the boat. While my office will likely get a number of inquiries in either event, I expect that our conversations with curious/confused overrides will be more pleasant in the former circumstance than the latter.

For the foregoing reasons, I hope you'll grant Cimarex's request to re-open Case No. 15755 and continue it until January 25, 2018. Please advise. I've copied all counsel who entered an appearance in the case on this email.

Thanks, and happy holidays to all,
Seth



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