

12

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

RECEIVED OGD  
2012 MAY -3 P 4:41

APPLICATION OF CIMAREX ENERGY CO. OF COLORADO  
FOR DESIGNATION OF A NON-STANDARD  
SPACING UNIT AND FOR COMPULSORY POOLING  
LEA COUNTY, NEW MEXICO

CASE 14582  
ORDER R-13357

[Lynch 32 Federal No. 2-H Well-E/2E/2 Sec 23]

**CIMAREX'S PRE-HEARING STATEMENT**

Cimarex Energy Co. of Colorado ("Cimarex") submits their pre-hearing statement  
as required by the New Mexico Oil Conservation Commission.

**APPEARANCES OF THE PARTIES**

**ORIGINAL APPLICANT**

Cimarex Energy Co. of Colorado  
600 N. Marienfeld St., Suite 600  
Midland, TX 79701  
Attn: Mark Compton  
432-471-7800  
Fax: 505-216-2780

**ATTORNEY**

Thomas Kellahin, Esq.  
706 Gonzales Road  
Santa Fe, New Mexico 87501  
phone: 505-982-4285  
Email: [tkellahin@comcast.net](mailto:tkellahin@comcast.net)

and

MODRALL, SPERLING, ROEHL,  
HARRIS & SISK, P.A.  
John R. Cooney  
Earl DeBrine  
Post Office Box 2168  
Bank of America Centre  
500 Fourth Street NW, Suite 1000  
Albuquerque, New Mexico 87103-2168  
Telephone: 505.848.1800

**OPPONENT**

Nearburg Producing Company

**ATTORNEY**

Michael Feldewert, Esq.  
Holland & Hart  
110 North Guadalupe  
Santa Fe, NM 87501  
Phone 505-988-4421

**CIMAREX'S STATEMENT OF THE CASE**

Nearburg has filed a motion to reopen this case for an addition hearing of the effect and meaning of a compulsory pooling order R-13357, an order entered more than one year ago, on February 7, 2011 in which it was a party and appeared at the hearing in January 6, 2011.

The Division has set Nearburg's motion for oral argument on May 10, 2012. Nearburg should not be allowed to turn this motion hearing into an evidentiary hearing and bypass the fact that it failed to file for de novo hearing more than one year ago.

Cimarex will present an oral argument consistent with its Memorandum Response filed on April 27, 2012 in opposition to Nearburg

**PROPOSED EVIDENCE**

**APPLICANT**

**WITNESSES**

**EST. TIME**

**EST. EXHIBIT**

Cimarex does not intend to call any witness and will rely upon the Exhibits filed with its Memorandum Response to Nearburg's Motion to Reopen.

**PROCEDURAL MATTERS**

Cimarex will oppose any attempt to call witnesses to put into evidence testimony in this motion hearing that can be decided based upon the oral argument of the parties and the existing orders, rules and regulations of the Division.

**KELLAHIN & KELLAHIN**



W. Thomas Kellahin  
706 Gonzales Road  
Santa Fe, New Mexico 87501  
Phone 505-982-4285  
Fax 505-216-2780

E-mail: tkellahin@comcast.net

MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.

John R. Cooney  
Post Office Box 2168  
Bank of America Centre  
500 Fourth Street NW, Suite 1000  
Albuquerque, New Mexico 87103-2168  
Telephone: 505.848.1800

### CERTIFICATE OF SERVICE

I certify that on May 3, 2012, I served a copy of the foregoing documents by:

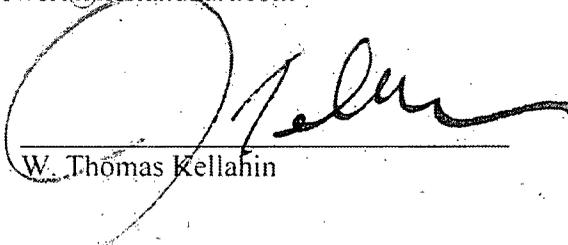
- US Mail, postage prepaid
- Hand Delivery
- Facsimile
- Email

to the following:

Richard Ezeanyim,  
Chief Engineer, OCD  
rezeanyim@state.nm.us

David K. Brooks, Esq.  
OCD Examiner  
David.brooks@state.nm.us

Michael Feldewert, Esq.  
Attorney for Nearburg  
mfeldewert@hollandhart.com

  
\_\_\_\_\_  
W. Thomas Kellahin