

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

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

**APPLICATION OF CIMAREX ENERGY CO.
OF COLORADO FOR APPROVAL OF A
NON-STANDARD OIL SPACING AND PRORATION
UNIT, AN UNORTHODOX LOCATION, AND
COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.**

**CASE NO. 14674 (*de novo*)
Order No. R-13533-A**

MOTION TO DISMISS

Thomas M. Beall, Carolyn R. Beall, Fuel Products, Inc., Pear Resources and Gardenia Investments, Ltd. hereby moves the Commission for an order dismissing its application for de novo review, and in support states the following:

1. Division Order No. R-13533 (i) approved a 160-acre non-standard oil spacing and proration unit (project area) in the Bone Spring formation comprised of the E/2E/2 of Section 33, Township 19 South, Range 34 East, NMPM, and (ii) pooled of all mineral interests in the Bone Spring formation underlying the E/2E/2 of Section 33. The well unit is dedicated to the Chaparral 33 Fed. Com. Well No. 3, a horizontal well to be drilled at a surface location in the NE/4NE/4, with a terminus in the SE/4SE/4, of Section 33.

2. Order No. R-13533 pooled a number of people, including Tom Beall, Carolyn Beall, and Fuel Products, Inc., who are working interest owners in the well unit.

3. At the Examiner hearing, Thomas M. Beall, Carolyn Beall, Fuel Products, Inc., Pear Resources, and Gardenia Investments, Ltd. entered appearances in the case before the Examiner, and have appealed Order No. R-13533 to the Commission.

4. Following entry of Order No. R-13533, Thomas M. Beall, Carolyn Beall, Fuel Products signed an operating agreement with Cimarex.

5. On July 16, 2012, Cimarex filed a motion to dismiss this case and does not oppose this motion.

WHEREFORE, Thomas M. Beall, Carolyn R. Beall, Fuel Products, Inc., Pear Resources and Gardenia Investments, Ltd. respectfully request that this de novo application be dismissed.

Respectfully submitted,

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**ATTORNEYS FOR
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GARDENIA INVESTMENTS, LTD.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss *de novo* was delivered by electronic mail this 2nd day of August 2012 to the following counsel of record:

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