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DATE: October 24, 2007

TIME: 3:30pm

To: Mark E. Fesmire (NMOCD) (505) 476-3462  
David Brooks, Esq. (505) 476-3462  
James Bruce, Esq. (505) 982-2151

Re: Application of Quest Cherokee, LLC  
For Approval of An Application  
For Permit to Drill  
Lea County, New Mexico  
Case No. 13870  
Order No. R-12754-A

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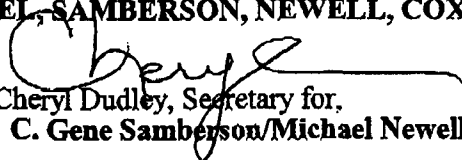
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THANK YOU,

HEIDEL, SAMBERSON, NEWELL, COX & MCMAHON

By:  Cheryl Dudley, Secretary for,  
C. Gene Samberson/Michael Newell

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October 24, 2007

**VIA FACSIMILE**

Mr. Mark E. Fesmire, P.E.  
Director  
New Mexico Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe NM 87505

**Re: Application of Quest Cherokee, LLC  
For Approval of An Application  
For Permit to Drill  
Lea County, New Mexico  
Case No. 13870  
Order No. R-12754-A**

Dear Mr. Fesmire:

As you are aware, Intervenor timely filed a Request for Hearing in the captioned matter and the Division on this date proposed a hearing date at 10:00 A.M. on Thursday, October 25, 2007. Unfortunately, Michael Newell, the only attorney in this firm who has represented the Intervenor in this matter and who is familiar with the case is working out of state in another matter until late this week; therefore he can not be available for hearing on October 25<sup>th</sup>. Mr. Newell can be available for hearing on October 29, 30, 31 or November 1<sup>st</sup>. The proposed hearing time of 10:00 A.M. or even a time later in the day is certainly acceptable to Mr. Newell due to the travel time which is required to arrive in Santa Fe.

By reason of the foregoing, the Intervenor request the Division to set the hearing on October 29, 30, 31 or November 1<sup>st</sup>. For the purpose of holding the hearing on one of the requested dates, Intervenor hereby waive the 15 day period in which to hold the hearing as specified by the captioned order.

Mr. Newell regrets that he can not be available on short notice as proposed for the hearing because of scheduling conflicts.

Letter to Mr. Mark E. Fesmire, P.E.  
Director  
New Mexico Oil Conservation Division  
Re: *Application of Quest Cherokee, LLC*  
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*Lea County, New Mexico*  
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*Order No. R-12754-A*


October 24, 2007

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As soon as feasible, please provide the hearing date and time.

Very Truly Yours,

HEIDEL, SAMBERSON, NEWELL, COX & MCMAHON

By:   
C. Gene Samberson

CGS:cd

pc: David Brooks, Esq.  
James Bruce, Esq.