

KELLAHIN & KELLAHIN
Attorney at Law

W. THOMAS KELLAHIN
706 GONZALES ROAD
SANTA FE, NEW MEXICO 87501

June 2, 2008

TELEPHONE 505-982-4285
FACSIMILE 505-982-2047
TKELLAHIN@COMCAST.NET

VIA FACSIMILE
476-3462

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

Re: Motion for Continuance and Consolidation
NMOCD Case 14124 —
Application Cimarex Energy Co. of Colorado for
Special Pool Rules (Capacity Allowables) Apache Ridge-Bone Spring Pool

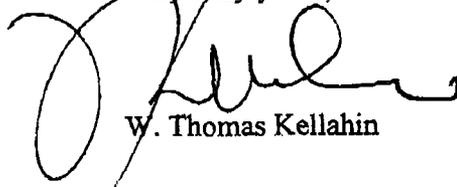
NMOCD Case 14145
Application of Fasken Oil and Ranch, Ltd.
for a Compliance Order requiring Cimarex to Comply with
the Division's oil proration rules for Apache Ridge-Bone Spring Pool
Lea County

WWT 8/10/08

Dear Mr. Fesmire:

My client, Fasken Oil and Ranch, Ltd., in order to save time for the Division and the parties, desires to continue the Cimarex Case 14124 from the June 12th docket to the June 26th docket so that Fasken's Case 14145 can be heard on the same docket. Our Motion is enclosed

Very truly yours,


W. Thomas Kellahin

Facsimile to:

James Bruce for Cimarex
Fasken Oil and Ranch, Ltd.
Attn: Jimmy Carlile

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

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

**APPLICATION OF CIMAREX ENERGY CO. OF
COLORADO FOR SPECIAL POOL RULES FOR THE
APACHE-RIDGE BONE SPRING POOL,
LEA COUNTY, NEW MEXICO**

CASE 14124

MOTION TO CONTINUE

W. Thomas Kellahin, on behalf of Fasken Oil and Ranch, Ltd. ("Fasken") moves that the New Mexico Oil Conservation Division ("Division") continue the hearing of the Case 14124 from the June 12, 2008 docket to the June 26, 2008 docket and as ground therefore STATES:

- (1) Fasken has filed a Division case seeking a Compliance Order against Cimarex to require Cimarex to shut-in overproduced wellbore, to "make-up" an estimated 48,600 barrels of oil and to comply with the Division's oil proration rules for the Apache-Ridge Bone Spring Pool.**
- (2) Fasken's case has been docketed at Case # 14145 on the June 26th docket.**
- (3) Cimarex has filed Division Case 14124 seeking to increase the depth bracket oil allowable for the same pool from ~~275 barrel of oil per day to 1300 barrels of oil per day retroactive to August 1, 2007~~**
- (4) The Division's order entered in each case will affect the other.**
- (5) The evidence to be introduced in each case will overlap.**
- (6) A continuance and consolidation for the same evidentiary hearing with the entry of separate orders will save the time of the Division and that of the parties.**

(7) Counsel for Cimarex was unavailable either Friday, May 30th or Monday, June 2nd to discuss if Cimarex was opposed to this motion.

Accordingly, Fasken requests that this motion for a continuance and consolidation be granted.

KELLAHIN & KELLAHIN



**W. Thomas Kellahin
706 Gonzales Road
Santa Fe, New Mexico 87501
Phone 505-982-4285
Fax 505-982-2047
E-mail: tkellahin@comcast.net**

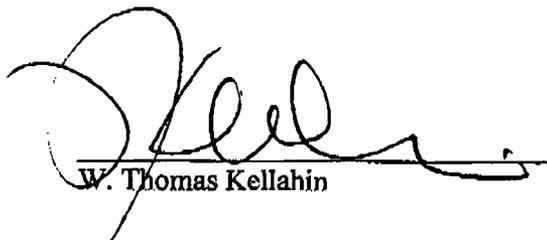
CERTIFICATE OF SERVICE

I certify that on June 3, 2008, I served a copy of the foregoing documents by:

- US Mail, postage prepaid
- Hand Delivery
- Facsimile
- E-mail

to the following:

James Bruce, Esq.
jamesbruc@oal.com


W. Thomas Kellahin