

Call Tom & Jim



Attorney at Law
7906 Gonzales Rd
Santa Fe, New Mexico
87501

Telephone 505-982-4285
Facsimile 505-982-2047
tkellahin@comcast.net

FAX TRANSMITTAL FORM

To

From

Name: Florene Davidson
Agency: NMOCD

W. Thomas Kellahin

Fax: 505-476-3462

Telephone 505-982-4285
Facsimile 505-982-2047
tkellahin@comcast.net

- Urgent
- For Review
- Please Comment
- Please Reply

Date sent: 5-21-08
Time sent: 6:55 am
Number of pages including cover page:

-3-

Dear Florene,

Yesterday, I filed by email to you, the attached Motion to Continue Case 14124 from May 29th docket to the June 26th docket.

I have discuss this with Mr. Bruce but do not have his concurrence. Because of the Memorial Day weekend coming up, I would like your help to arrange a Pre-hearing conference with the Examiner not later than Friday this week.

Regards,

W. Thomas Kellahin

Cont. to 5/12/08
PK

CC: Jim Bruce Fax 505-982-2151

NOTICE OF CONFIDENTIALITY
THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL AND INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, COPYING, OR UNAUTHORIZED USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE AND RETURN THE FACSIMILE TO THE SENDER AT THE ABOVE ADDRESS. THANK YOU.

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:

Cont to
6/12/08
pt

APPLICATION OF CIMAREX ENERGY CO.
OF COLORADO FOR SPECIAL POOL RULES,
LEA COUNTY, NEW MEXICO

CASE 14124

MOTION TO CONTINUE

Fasken Oil and Ranch. Ltd. ("Fasken"), by its attorney, W. Thomas Kellahin, hereby moves that the New Mexico Oil Conservation Division ("Division") continue the hearing of the referenced case from the May 26, 2008 Examiner's docket to the June 26, 2008 Examiner's docket and as ground therefore STATES:

- (1) On April 21, 2008, Cimarex filed its application for the Apache Ridge-Bone Spring Pool to increase the 40-acre spacing unit depth bracket oil allowable from 275 barrels of oil per day with a 2,000-to-1 GOR to 1300 bopd with a 3,000-1 GOR.
- (2) Fasken is an operator in this pool and is opposed to an increase of 4.75 times the current allowable that, among other thing, (a) will not increases ultimate recovery of hydrocarbons, (b) will violation corrective rights, and (c) drain reserves from the off-setting spacing units.
- (3) On May 1st, Fasken served counsel for Cimarex with a subpoena seeking the production of data by May 15, 2008.
- (4) On May 5th Counsel for Cimarex accepted service of the subpoena
- (5) On May 8th, Cimarex requested that its case be continued to the May 29th docket.
- (6) On May 19th, Fasken and Cimarex voluntarily exchanged data.

- (7) With the hearing only nine days away, and Memorial Day weekend approaching, it is now difficult, if not impossible, for Fasken to review the Cimarex data and be prepared for the hearing on May 29, 2008.
- (8) Today, counsel for Cimarex advised that Cimarex desired to proceed to hearing on Thursday, May 29, 2008 and if the case were continued might not have all its witnesses available on June 12th.
- (9) In order to provide adequate time for preparation and to accommodate the availability of technical witnesses, Fasken requests that this case be continued to the June 26th docket.

Accordingly, Fasken requests that this motion for a continuance be granted and that the Division make its decision on or before Friday, May 23rd.

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 May 20, 2008, I served a copy of the foregoing documents by:

- US Mail, postage prepaid
 Hand Delivery
 Facsimile
 Email

to the following:

James Bruce, Esq.



W. Thomas Kellahin