

Brooks, David K., EMNRD

From: jamesbruc@aol.com
Sent: Wednesday, December 10, 2008 12:50 PM
To: Brooks, David K., EMNRD
Subject: Re: Case No. 14195; Application of Cimarex Energy Co. for a Non-Standard Unit etc.

David: I drafted the affidavit and may have screwed it up. But, I will get it corrected.

-----Original Message-----

From: Brooks, David K., EMNRD <david.brooks@state.nm.us>
To: JamesBruc@aol.com
Sent: Wed, 10 Dec 2008 11:50 am
Subject: Case No. 14195; Application of Cimarex Energy Co. for a Non-Standard Unit etc.

Dear Jim

&n bsp;

It seems I failed to notice a discrepancy regarding notice at the hearing of this case on October 16.

Mr. Tresner's affidavit, in identifying offset operators, includes the W/2 of Section 10, which does not offset the proposed unit, the S/2 N/2 of Section 16. The affidavit omits the W/2 of Section 17, which does offset the proposed unit. The affidavit identified COG and Chesapeake as owners in the W/2 of Section 10, and those were the parties noticed according to your notice affidavit. The land map attached, however, identified Chesapeake and Harvey E. Yates as owners in W/2 of Section 17, the correct offset.

Please have Mr. Tressner furnish a correct affidavit. If there is any owner in the W/2 of Section 17 who is an "affected person," who has not received notice, we will have to re-set this case to give the appropriate notice. That may not be necessary, however. Our system shows that COG operates three offsetting wells in Section 15 – its Hercules ## 1, 2 and 3. However, I have not been able to ascertain in what formation those wells are completed if they are. If those wells are completed in the Wolfcamp, then COG is the Division-designated operator, and no one else would need notice.

Please advise,

David

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