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VIA FACSIMILE
476-3462

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

Re: Request for Dismissal
(1) NMOCD Case 14311
Application of Nadel and Gussman Heyco L.L.C.
For Compulsory Pooling
NW/4 Sec 28, T19S, R34 E
Lea County, New Mexico

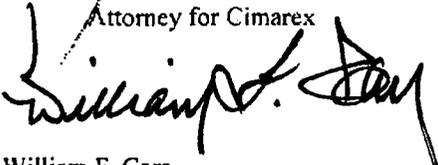
(2) NMOCD Case 14322
Application of Cimarex Energy Co.
For Compulsory Pooling
NW/4 Sec 28, T19S, R34E
Lea County, New Mexico

Dear Mr. Fesmire:

On behalf of Cimarex Energy Co., the applicant in Case 14322, and with the concurrence of Mr. Bill Carr, attorney for Nadel and Gussman Heyco ("NGH") in Case 14311, please dismiss the referenced cases from the August 6, 2009 hearing docket. It is our understanding that the parties have reached a voluntary agreement and are awaiting the final documents. In the event that this settlement fall through then the parties reserved the right to refill its application.

Very truly yours,


W. Thomas Kellahin,
Attorney for Cimarex


William F. Carr,
Attorney for NGH

WTS 8/3/09