APPLICATION OF CIMAREX ENERGY CO. TO AMEND ORDER NO. R-21295-A, LEA COUNTY, NEW MEXICO

CASE NO. 22526 ORDER NO. R-21295-A (Re-Open)

Examiner Docket: February 3, 2022

CIMAREX ENERGY CO. EXHIBITS



Earl E. DeBrine, Jr. Deana M. Bennett Jamie L. Allen

500 Fourth Street NW, Suite 1000 P. O. Box 2168 / Albuquerque, NM 87103 Telephone 505.848.1800

APPLICATION OF CIMAREX ENERGY CO. TO AMEND ORDER NO. R-21295-A, LEA COUNTY, NEW MEXICO

CASE NO. 22526 ORDER NO. R-21295-A (Re-Open)

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Tab A: Declaration of Kelsi Henriques, Land Professional

• Exhibit 1: Application

• Exhibit 2: Order No. R-21295-A

• Exhibit 3: Order No. R-21295

• Exhibit 4: Notice Affidavit

APPLICATION OF CIMAREX ENERGY CO. TO AMEND ORDER NO. R-21295-A, LEA COUNTY, NEW MEXICO

> CASE NO. 22526 ORDER NO. R-21295-A (Re-Open)

SELF-AFFIRMED DECLARATION

Kelsi Henriques hereby states and declares as follows:

- 1. I am over the age of 18, I am a land supervisor for Cimarex Energy Co. ("Cimarex") and I have personal knowledge of the matters stated herein. I have previously testified before the Oil Conservation Division ("Division") and I have been qualified by the Division as an expert petroleum landman.
- 2. My area of responsibility at Cimarex includes the area of Lea County in New Mexico.
- 3. I am familiar with the application filed by Cimarex in this case, which is attached as **Exhibit 1**.
- 4. I submit the following information pursuant to NMAC 19.15.4.12.A(1) in support of the above referenced application.
 - 5. I am familiar with the status of the lands that are subject to this application.
- 6. The purpose of the application is to amend Order No. R-21295-A, attached as **Exhibit 2**, to allow for a one-year extension of time to commence drilling the initial well under the Order.



- 7. Order No. R-21295, attached as **Exhibit 3**, pooled uncommitted interest owners in a 320-acre, more or less, Bone Spring horizontal spacing unit comprised of the E/2 W/2 of Section 20 and E/2 W/2 of Section 29, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico.
 - 8. Order No. R-21295 designated Cimarex as the operator of the wells and the unit.
- 9. This is Cimarex's second request for an extension of time. On February 2, 2021, Cimarex submitted an application to amend Order No. R-21295 to allow for an extension of time for drilling the initial well under the Order.
- 10. On March 15, 2021, the Division entered Order No. R-21295-A which granted Cimarex's request for an extension of time, through March 15, 2022. See Exhibit 2, ¶ 7.
- 11. Order No. R-21295-A ¶ 8 states: "This Order shall terminate automatically if Operator fails to comply with Paragraph 7 unless prior to termination Operator applies, and OCD grants, to amend Order R-21295 for good cause shown."
 - 12. Good cause exists for Cimarex's request for a second extension of time.
- 13. As Cimarex explained in its first extension request, there have been changes in Cimarex's drilling schedule due to COVID-19 and current market conditions.
- 14. Cimarex's operations and drilling activity continue to be impacted by COVID-19 and oil and gas market conditions, which continue to delay Cimarex's drilling plans.
 - 15. Cimarex is in good standing under the statewide rules and regulations.
- 16. Under Order No. R-21295-A, Cimarex would be required to commence drilling the initial well March 15, 2022.
- 17. Cimarex asks that the deadline to commence drilling the initial well be extended for one year from March 15, 2022 March 15, 2023.

Received by OCD: 2/1/2022 10:30:13 AM

- 18. Cimarex, through its counsel, notified all pooled parties of Cimarex's request to reopen Order No. R-21295-A for the purpose specified in the application. No opposition is expected because the pooled parties have been contacted, and have not indicated any opposition.
- 19. Proof of notification is attached as **Exhibit 4** to this Declaration. Exhibit 4 shows the parties who were notified of this hearing, the status of whether they received notice, and an affidavit of publication from the Hobbs News-Sun newspaper, showing that notice of this hearing was published on January 16, 2022.
- 20. The attachments to this declaration were prepared by me, or compiled from company business records, or were prepared at my direction.
- 21. In my opinion, the granting of this application is in the interests of conservation and the prevention of waste.

I attest under penalty of perjury under the laws of the State of New Mexico that the information provided herein is correct and complete to the best of my knowledge and belief.

Dated: January 3, 2022

Kelsi Henriques

APPLICATION OF CIMAREX ENERGY CO. TO AMEND ORDER NO. R-21295-A, LEA COUNTY, NEW MEXICO CASE NO. <u>22526</u> ORDER NO. R-21295-A (Re-Open)

APPLICATION

Cimarex Energy Co. ("Cimarex"), OGRID Number 215099, through its undersigned attorney, files this application with the Oil Conservation Division ("Division") for the limited purpose of amending Order No. R-21295 ("the Order") to allow for a second extension of time for drilling the initial well under the Order. In support of this application, Cimarex states as follows:

- 1. The Division heard Case No. 21144 on April 16, 2020 and entered the Order on April 28, 2020.
- 2. The Order designated Cimarex as the operator of the unit and the **James 20-29 Federal Com 38H** and **James 20-29 Federal Com 39H** wells; and pooled uncommitted interest owners in a 320-acre, more or less, Bone Spring horizontal spacing unit comprised of the E/2 W/2 of Section 20 and E/2 W/2 of Section 29, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico.
- 3. Paragraph 19 of the Order states: "The Operator shall commence drilling the Well(s) within one year after the date of this Order; and complete each Well no later than one (1) year after the commencement of drilling the Well." Paragraph 20 of the Order states: "This Order shall terminate automatically if Operator fails to comply with Paragraph 19 unless Operator obtains an extension by an amendment of this Order for good cause shown."
- 4. Under the Order, Cimarex would have been required to commence drilling the well by April 28, 2021.



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5. Cimarex applied for (in Case 21699), and was granted, a one-year extension of time

to drill the initial well, through March 15, 2022. See Order R-21295-A.

6. Cimarex requests that Order R-21295-A be re-opened and amended to allow

Cimarex additional time to commence drilling the initial well under the Order.

7. Order R-21295-A, ¶ 8, requires Cimarex to commence drilling the initial well

within one year of the date of the order, unless OCD grants an extension of time for good cause

shown.

8. Good cause exists for Cimarex's request for a second extension of time.

9. As explained in Cimarex's first extension request, there had been changes in

Cimarex's drilling schedule due to the COVID-19 pandemic and current market conditions.

10. Cimarex's operations and drilling activity continue to be impacted by COVID-19

and oil and gas market conditions, which continue to delay Cimarex's drilling plans.

11. Under Order R-21295-A, Cimarex would be required to commence drilling the

initial well by March 15, 2022.

12. Cimarex asks that the deadline to commence drilling the well be extended for a year

from March 15, 2022 to March 15, 2023.

WHEREFORE, Cimarex requests this application be set for hearing before an Examiner

of the Oil Conservation Division on February 3, 2022, and after notice and hearing as required by

law, the Division amend Order No. R-21295-A to extend the March 15, 2023.

MODRALL, SPERLING, ROEHL, HARRIS

& SISK, P.A.

By: Welna H Bennett

Earl E. DeBrine

Deana M. Bennett

Jamie L. Allen

2

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Attorneys for Applicant

(Re-Open) Application of Cimarex Energy Co. to Amend Order No. R-21295-A, Lea County, New Mexico. Applicant seeks an order from the Oil Conservation Division for the limited purpose of amending Order No. R-21295-A to allow for a one-year extension of time to commence drilling the initial well under the Order. The Division issued Order No. R-21295 on April 28, 2020, which designated Cimarex as the operator of the unit and the James 20-29 Federal Com 38H and James 20-29 Federal Com 39H wells; and pooled uncommitted interest owners in a 320-acre, more or less, Bone Spring horizontal spacing unit comprised of the E/2 W/2 of Section 20 and E/2 W/2 of Section 29, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico.

IN THE MATTER OF APPLICATION FOR COMPULSORY POOLING SUBMITTED BY CIMAREX ENERGY CO.

CASE NO. 21699 ORDER NO. R-21295-A

ORDER

The Director of the New Mexico Oil Conservation Division ("OCD"), having heard this matter through a Hearing Examiner on March 4, 2021, and after considering the testimony, evidence, and recommendation of the Hearing Examiner, issues the following Order.

FINDINGS OF FACT

- Cimarex Energy Co., ("Operator"), submitted an application ("Application") requesting an extension to commence drilling the subject well as required by Order R-21295.
- 2. Operator identified the owners of uncommitted interests in oil and gas minerals in the Unit and provided evidence that notice of the Application was given.
- 3. The Application was heard by the Hearing Examiner, during which Operator presented evidence through affidavits in support of the Application. No other party presented evidence at the hearing.

CONCLUSIONS OF LAW

- 4. OCD has jurisdiction to issue this Order pursuant to NMSA 1978, Section 70-2-17.
- 5. Operator satisfied the notice requirements for the Application and the hearing as required by 19.15.4.12 NMAC.
- 6. OCD satisfied the notice requirements for the hearing as required by 19.15.4.9 NMAC.

ORDER

- 7. The period to commence drilling the subject well is extended for one (1) year from the date of this Order.
- 8. This Order shall terminate automatically if Operator fails to comply with Paragraph 7 unless prior to termination Operator applies, and OCD grants, to amend Order R-21295 for good cause shown.



9. OCD retains jurisdiction of this matter for the entry of such orders as may be deemed necessary.

3/15/2021

10. The remaining provisions of Order R-21295 remain in force or effect.

Date:

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

ADRIENNE SANDOVAL DIRECTOR

AES/kms

CASE NO. 21699 ORDER NO. R-21295-A

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IN THE MATTER OF APPLICATION FOR COMPULSORY POOLING SUBMITTED BY CIMAREX ENERGY CO.

CASE NO. 21144 ORDER NO. R-21295

ORDER

The Director of the New Mexico Oil Conservation Division ("OCD"), having heard this matter through a Hearing Examiner on April 16, 2020, and after considering the testimony, evidence, and recommendation of the Hearing Examiner, issues the following Order.

FINDINGS OF FACT

- 1. Cimarex Energy Co. ("Operator") submitted an application ("Application") to compulsory pool the uncommitted oil and gas interests within the spacing unit ("Unit") described in Exhibit A. The Unit is expected to be a standard horizontal spacing unit. 19.15.16.15(B) NMAC. Operator seeks to be designated the operator of the Unit.
- 2. Operator will dedicate the well(s) described in Exhibit A ("Well(s)") to the Unit.
- 3. Operator proposes the supervision and risk charges for the Well(s) described in Exhibit A.
- 4. Operator identified the owners of uncommitted interests in oil and gas minerals in the Unit and provided evidence that notice was given.
- 5. The Application was heard by the Hearing Examiner on the date specified above, during which Operator presented evidence through affidavits in support of the Application. No other party presented evidence at the hearing.

CONCLUSIONS OF LAW

- 6. OCD has jurisdiction to issue this Order pursuant to NMSA 1978, Section 70-2-17.
- 7. Operator is the owner of an oil and gas working interest within the Unit.
- 8. Operator satisfied the notice requirements for the Application and the hearing as required by 19.15.4.12 NMAC.
- 9. OCD satisfied the notice requirements for the hearing as required by 19.15.4.9 NMAC.
- 10. Operator has the right to drill the Well(s) to a common source of supply at the depth(s) and location(s) in the Unit described in Exhibit A.

EXHIBIT

- 11. The Unit contains separately owned uncommitted interests in oil and gas minerals.
- 12. Some of the owners of the uncommitted interests have not agreed to commit their interests to the Unit.
- 13. The pooling of uncommitted interests in the Unit will prevent waste and protect correlative rights, including the drilling of unnecessary wells.
- 14. This Order affords to the owner of an uncommitted interest the opportunity to produce his just and equitable share of the oil or gas in the pool.

<u>ORDER</u>

- 15. The uncommitted interests in the Unit are pooled as set forth in Exhibit A.
- 16. The Unit shall be dedicated to the Well(s) set forth in Exhibit A.
- 17. Operator is designated as operator of the Unit and the Well(s).
- 18. If the location of a well will be unorthodox under the spacing rules in effect at the time of completion, Operator shall obtain the OCD's approval for a non-standard location in accordance with 19.15.16.15(C) NMAC.
- 19. The Operator shall commence drilling the Well(s) within one year after the date of this Order, and complete each Well no later than one (1) year after the commencement of drilling the Well.
- 20. This Order shall terminate automatically if Operator fails to comply with Paragraph 19 unless Operator obtains an extension by an amendment of this Order for good cause shown.
- 21. The infill well requirements in 19.15.13.9 NMAC through 19.15.13.12 NMAC shall be applicable.
- 22. Operator shall submit to each owner of an uncommitted working interest in the pool ("Pooled Working Interest") an itemized schedule of estimated costs to drill, complete, and equip the well ("Estimated Well Costs").
- 23. No later than thirty (30) days after Operator submits the Estimated Well Costs, the owner of a Pooled Working Interest shall elect whether to pay its share of the Estimated Well Costs or its share of the actual costs to drill, complete and equip the well ("Actual Well Costs") out of production from the well. An owner of a Pooled Working Interest who elects to pay its share of the Estimated Well Costs shall render payment to Operator no later than thirty (30) days after the expiration of the election period, and shall be liable for operating costs, but not risk charges, for the well. An owner of a Pooled Working Interest who fails to pay its share of the Estimated Well Costs or who

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- elects to pay its share of the Actual Well Costs out of production from the well shall be considered to be a "Non-Consenting Pooled Working Interest."
- 24. No later than one hundred eighty (180) days after Operator submits a Form C-105 for a well, Operator shall submit to OCD and each owner of a Pooled Working Interest an itemized schedule of the Actual Well Costs. The Actual Well Costs shall be considered to be the Reasonable Well Costs unless OCD or an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If OCD or an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Reasonable Well Costs after public notice and hearing.
- 25. No later than sixty (60) days after the expiration of the period to file a written objection to the Actual Well Costs or OCD's order determining the Reasonable Well Costs, whichever is later, each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs shall pay to Operator its share of the Reasonable Well Costs that exceed the Estimated Well Costs, or Operator shall pay to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs its share of the Estimated Well Costs that exceed the Reasonable Well Costs.
- 26. The reasonable charges for supervision to drill and produce a well ("Supervision Charges") shall not exceed the rates specified in Exhibit A, provided however that the rates shall be adjusted annually pursuant to the COPAS form entitled "Accounting Procedure-Joint Operations."
- 27. No later than within ninety (90) days after Operator submits a Form C-105 for a well, Operator shall submit to OCD and each owner of a Pooled Working Interest an itemized schedule of the reasonable charges for operating and maintaining the well ("Operating Charges"), provided however that Operating Charges shall not include the Reasonable Well Costs or Supervision Charges. The Operating Charges shall be considered final unless OCD or an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If OCD or an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Operating Charges after public notice and hearing.
- 28. Operator may withhold the following costs and charges from the share of production due to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs: (a) the proportionate share of the Supervision Charges; and (b) the proportionate share of the Operating Charges.
- 29. Operator may withhold the following costs and charges from the share of production due to each owner of a Non-Consenting Pooled Working Interest: (a) the proportionate share of the Reasonable Well Costs; (b) the proportionate share of the Supervision and Operating Charges; and (c) the percentage of the Reasonable Well Costs specified as the charge for risk described in Exhibit A.

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- 30. Operator shall distribute a proportionate share of the costs and charges withheld pursuant to paragraph 29 to each Pooled Working Interest that paid its share of the Estimated Well Costs.
- 31. Each year on the anniversary of this Order, and no later than ninety (90) days after each payout, Operator shall provide to OCD and each owner of a Non-Consenting Pooled Working Interest a schedule of the revenue attributable to a well and the Supervision and Operating Costs charged against that revenue.
- 32. Any cost or charge that is paid out of production shall be withheld only from the share due to an owner of a Pooled Working Interest. No cost or charge shall be withheld from the share due to an owner of a royalty interests. For the purpose of this Order, an unleased mineral interest shall consist of a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest.
- 33. Except as provided above, Operator shall hold the revenue attributable to a well that is not disbursed for any reason for the account of the person(s) entitled to the revenue as provided in the Oil and Gas Proceeds Payment Act, NMSA 1978, Sections 70-10-1 et seq., and relinquish such revenue as provided in the Uniform Unclaimed Property Act, NMSA 1978, Sections 7-8A-1 et seq.
- 34. The Unit shall terminate if (a) the owners of all Pooled Working Interests reach a voluntary agreement; or (b) the well(s) drilled on the Unit are plugged and abandoned in accordance with the applicable rules. Operator shall inform OCD no later than thirty (30) days after such occurrence.
- 35. OCD retains jurisdiction of this matter for the entry of such orders as may be deemed necessary.

STATE OF NEW MEXICO OIL CONSERVATION DIVISION

ADRIENNE SANDOVAL DIRECTOR

AES/tgw

Date: 4/28/2020

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Exhibit A

ALL III OILINITIOIT III TILL ALL LICALIOIT III OOL	BE SUPPORTED BY SIGNED AFFIDAVITS
Case: 21144	APPLICANT'S RESPONSE
Date	April 16, 2020
Applicant	Cimarex Energy Co.
Designated Operator & OGRID (affiliation if applicable)	Cimarex Energy Co. (OGRID 215099)
Applicant's Counsel:	Modrali Sperling
Case Title:	APPLICATION OF CIMAREX ENERGY CO. FOR COMPULSORY POOLING, LEA COUNTY, NET MEXICO, CASE NO. 21144
Entries of Appearance/Intervenors:	None
Well Family	James
Formation/Pool	
Formation Name(s) or Vertical Extent:	Bone Spring Formation
Primary Product (Oil or Gas):	Oil
Pooling this vertical extent:	Bone Spring Formation
Pool Name and Pool Code:	Sand Dunes; Bone Spring, South Pool (Pool Code: 53805)
Well Location Setback Rules:	Latest Statewide Horizontal Rules Apply
Spacing Unit Size:	320 Acres
Spacing Unit	
Type (Horizontal/Vertical)	Horizontal
Size (Acres)	320 Acres
Building Blocks:	Quarter-Quarter Sections
Orientation:	North to South
Description: TRS/County	E/2 W/2 of Sections 20 and 29, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico
Standard Horizontal Well Spacing Unit (Y/N), If No, describe	Yes
Other Situations	
Depth Severance: Y/N. If yes, description	No
Proximity Tracts: If yes, description	No
Proximity Defining Well: If yes, description	N/A
Applicant's Ownership in Each Tract	Exhibit B.3
	Exhibit 0.5
Well(s)	See Exhibit 8.1 and Exhibit 8.2
Name & API (if assigned), surface and bottom hole location, footages, completion target, orientation, completion status (standard or non-standard)	See Exhibit B.1 and Exhibit B.2
Well #1	James 20-29 Federal Com 38H, API No. 30-025-45603 SHL: 340' from the North line and 760' from the West line of Section 20, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico. SHL: 100' from the South line and 2178' from the West line of Section 29, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico. Completion Target: Bone Spring at approx 10,560 feet TVD. Well Orientation: North to South Completion Location expected to be: Standard
Well #2	James 20-29 Federal Com 39H, API No. 30-025-45604 SHL: 340' from the North line and 740' from the West line of Section 20, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico. BHL: 100' from the South line and 1386' from the West line of Section 29, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico.
	Completion Target: Bone Spring at approx 10,880 feet TVD. Well Orientation: North to South Completion Location expected to be: Non-Standard (Approved via Adminstrative Order 7994)

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Horizontal Well First and Last Take Points	Exhibit 8.2
Completion Target (Formation, TVD and MD)	Exhibit B.1; Exhibit B.2; Exhibit C.1, Exhibit C.6; Exhibit C.7
AFE Capex and Operating Costs	
Drilling Supervision/Manth \$	8,000
Production Supervision/Month \$	800
Justification for Supervision Costs	Exhibit B.6 for AFEs
Requested Risk Charge	200%; see Exhibit B
Notice of Hearing	
Proposed Notice of Hearing	Exhibit 0.1
Proof of Mailed Notice of Hearing (20 days before hearing)	Exhibit D.2
Proof of Published Notice of Hearing (10 days before hearing)	Exhibit D.3
Ownership Determination	
Land Ownership Schematic of the Spacing Unit	Exhibit B; Exhibit B.3
Tract List (including lease numbers and owners)	Exhibit B.3
Pooled Parties (including ownership type)	Exhibit B.3
Unlocatable Parties to be Pooled	Exhibit B.3; Exhibit D.2
Ownership Depth Severance (including percentage above &	
below)	None
Joinder	
Sample Copy of Proposal Letter	Exhibit B.4
List of Interest Owners (le Exhibit A of JOA)	Exhibit B.3
Chronology of Contact with Non-Joined Working Interests	Exhibit 8.7
Overhead Rates In Proposal Letter	Exhibit 8.5
Cost Estimate to Drill and Complete	Exhibit B.6 for AFES
Cost Estimate to Equip Well	Exhibit 8.6 for AFEs
Cost Estimate for Production Facilities	Exhibit B.6 for AFEs
Geology	
Summary (including special considerations)	Exhibit C
Spacing Unit Schematic	Exhibits C.1, C.2, and C.3
Gunbarrel/Lateral Trajectory Schematic	Exhibit C.3
Well Orientation (with rationale)	Exhibit C
Target Formation	Exhibits C.1 through C.4
HSU Cross Section	Exhibits C.4
Depth Severance Discussion	Exhibit B
Forms, Figures and Tables	
C-102	Exhibite B.2
Tracts	Exhibit B.3
Summary of Interests, Unit Recapitulation (Tracts)	Exhibit 8.3
General Location Map (including basin)	Exhibit C.1
Well Bore Location Map	Exhibits B.2, C.1 through C.5
Structure Contour Map - Subsea Depth	Exhibit C.1
Cross Section Location Map (Including wells)	Exhibits C.1
Cross Section (including Landing Zone) Additional Information	Exhibits C.4
CERTIFICATION: I hereby certify that the information pro	vided in this checklist is complete and accurate.
Printed Name (Attorney or Party Representative):	Lance Hough
Signed Name (Attorney or Party Representative):	La falla
Date:	4/14/20

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APPLICATION OF CIMAREX ENERGY CO. TO AMEND ORDER NO. R-21295-A, LEA COUNTY, NEW MEXICO

CASE NO. 22526 ORDER NO. R-21295-A (Re-Open)

SELF-AFFIRMED DECLARATION OF DEANA M. BENNETT

Deana M. Bennett, attorney in fact and authorized representative of Cimarex Energy Co. ("Cimarex"), the Applicant herein, declares and states as follows:

- 1. The above-referenced Application was timely mailed and published as follows:
 - Notice letter mailed on January 13, 2022 (see attachments);
 - Publication in Hobbs News-Sun on January 16, 2022 (see attachment).
- 2. I attest under penalty of perjury under the laws of the State of New Mexico that the information provided herein is correct and complete to the best of my knowledge and belief.

Dated: January 31, 2022

Deana M. Bennett

EXHIBIT 4

		Transaction Repo Firm M Generated	Transaction Report Details - CertifiedPro.net Firm Mail Book ID= 220883 Generated: 2/1/2022 8:21:53 AM		-				
USPS Article Number	Date Created Reference Number	. Name 1	Name 2	City	State	Zip	Mailing Status	Service Options	Mail Delivery Date
9314869904300090695517	2022-01-13 2:10 PM 82762.0197 James	Warren Ventures, Ltd		Midland	X	79701	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-18 2:52 PM
9314869904300090695500	2022-01-13 2:10 PM 82762.0197 James	United States - Department of the Interior	Bureau of Land Management	Santa Fe	ΣN	87508	Delivered	Return Receipt - Electronic, Certified Mail	2072-01-14 1:21 PM
9314869904300090695494	2022-01-13 2:10 PM 82762.0197 James	Tumbler Energy Partners, LLC		Midland	ĭ	79710	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-18 10:37 AM
9314869904300090695487	2022-01-13 2:10 PM 82762.0197 James	TBO Oil & Gas, LLC		Midland	ĭ	79702	Undelivered	Return Receipt - Electronic, Certified Mail	
9314869904300090695470	2022-01-13 2:10 PM 82762.0197 James	Tarpon Engineering Corporation		Midland	¥	79710	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-18 10:37 AM
9314869904300090695463	2022-01-13 2:10 PM 82762.0197 James	Tara N Fedric, Trustee	Tara N Fedric Living Trust	Roswell	Σ	88202	Delivered	Return Receipt - Electronic, Certified Mail	2072-01-19 1:30 PM
9314869904300090695456	2022-01-13 2:10 PM 82762.0197 James	Stillwater Investments		Midland	ĭ	79701	Delivered	Return Receipt - Electronic, Certified Mail	2027-01-18 10:37 AM
9314869904300090695449	2022-01-13 2:10 PM 82762.0197 James	Steven Engwall		Dallas	ĭ	75214	Delivered	Return Receipt - Electronic, Certified Mail	207.2-01-29 6:58 PM
9314869904300090695432	2022-01-13 2:10 PM 82762.0197 James	Robert J Gallivan Jr and wife Brenda Gallivan		St. Paul	Ν	55122	Delivered	Return Receipt - Electronic, Certified Mail	2027-01-18 12:03 PM
9314869904300090695425	2022-01-13 2:10 PM 82762.0197 James	RLP Industries Inc		Houston	¥	77079	Delivered	Return Receipt - Electronic, Certified Mail	20, 2-01-18 2:36 PM
9314869904300090695418	2022-01-13 2:10 PM 82762.0197 James	Patrick J.F. Gratton and wife, Jean M. Gratton		Dallas	ĭ	75220	Undelivered	Return Receipt - Electronic, Certified Mail	
9314869904300090695401	2022-01-13 2:10 PM 82762.0197 James	Oak Valley Mineral and Land, LP		Midland	ĭ	79710	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-18 10:37 AM
9314869904300090695395	2022-01-13 2:10 PM 82762.0197 James	Marker Petroleum Inc.		Tulsa	ŏ	74137	Delivered	Return Receipt - Electronic, Certified Mail	2027-01-19 11:27 AM
9314869904300090695388	2022-01-13 2:10 PM 82762.0197 James	Larry G Engwall and Brenda J Bryant		Santa Anna	5	92705	Delivered	Return Receipt - Electronic, Certified Mail	2072-01-18 1:23 PM
9314869904300090695371	2022-01-13 2:10 PM 82762.0197 James	Kerry D. Hunter		Roswell	ΣZ	88202	Delivered	Return Receipt - Electronic, Certified Mail	2027-01-19 12:10 PM
9314869904300090695364		J 4 Family Limited Partnership		Roswell	ΣN	88202	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-19 10:25 AM
9314869904300090695357		Har-Vest LLC		Roswell	ΣN	88202	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-19 10:25 AM
9314869904300090695340	2022-01-13 2:10 PM 82762.0197 James	Harvard Petroleum Co., LLC		Roswell	ΣN	88201	Delivered	Return Receipt - Electronic, Certified Mail	
9314869904300090695333	2022-01-13 2:10 PM 82762.0197 James	H. Lee Harvard and Jeffery L. Harvard, Co-Trustees	H. Lee and Joanne W. Harvard Trust	Roswell	Σ	88201	Delivered	Return Receipt - Electronic, Certified Mail	
9314869904300090695326	2022-01-13 2:10 PW 82762.0197 James	Gerald Childress and Martha G Childress		Roswell	ΣN	88202	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-19 9:43 AM
9314869904300090695319		Forte Energy Corporation		Dallas	¥	75205	Undelivered	Return Receipt - Electronic, Certified Mail	
9314869904300090695302		EOG Y Resources, Inc.	Attn: Chuck Moran	Midland	ĭ	90262	Delivered	Return Receipt - Electronic, Certified Mail	202 2-01-19 8:01 AM
9314869904300090695296		Earl A. Latimer, III and wife, Kathryn S. Latimer		Roswell	Σ	88201	Delivered	Return Receipt - Electronic, Certified Mail	2072-01-18 4:29 PM
9314869904300090695289	2022-01-13 2:10 PM 82762.0197 James	Crump Family Partnership, Ltd		Midland	ĭ	79710	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-18 10:37 AM
9314869904300090695272	2022-01-13 2:10 PM 82762.0197 James	Charles D Ray		Midland	ĭ	79710	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-18 2:21 PM
9314869904300090695265	2022-01-13 2:10 PM 82762.0197 James	Centennial LLC		Roswell	Σ×	88202	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-19 1:30 PM
9314869904300090695258		CD Ray Exploration LLC		Midland	ĭ	79710	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-18 10:37 AM
9314869904300090695241		Capitan Mountain Oil & Gas, LLC		Roswell	MN	88202	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-21 4:32 PM
9314869904300090695234		Calvin R Kimbrough, Trustee of the Ann Kimbrough	Plains Capital Bank	Ft. Worth	¥	76107	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-18 1:30 PM
9314869904300090695210		Ball Oil & Gas, LLC		Roswell	MN	88202	Delivered	Return Receipt - Electronic, Certified Mail	2022-01-21 4:32 PM
9314869904300090695203	2022-01-13 2:10 PM 82762.0197 James	Alpha Energy Partners, LLC		Midland	¥	79701	Delivered	Return Receipt - Electronic, Certified Mail	2072-01-193:50 PM

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Type of	Name, Street, City, State, Zip	Alpha Energy Partners, LLC 508 W. Wall Street, 12th Floor Midland TX 79701	Ball Oil & Gas, LLC P.O. Box 1401 Roswell NM 88202	Calvin R Kimbrough, Trustee of the Ann Kimbrough Plains Capital Bank 6000 Western Place, Suite 107 Ft. Worth TX 76107	Capitan Mountain Oil & Gas, LLC P.O. Box 1401 Roswell NM 88202	CD Ray Exploration LLC PO Box 51608 Midland TX 79710	Centennial LLC P.O. Box 1837 Roswell NM 88202	Charles D Ray PO Box 51608 Midland TX 79710	Crump Family Partnership, Ltd PO Box 50820 Midland TX 79710	Earl A. Latimer, III and wife, Kathryn S. Latimer 2008 W 27th St. Roswell NM 88201	EOG Y Resources, Inc. Attn: Chuck Moran 5509 Champions Drive Midland TX 79706	Forte Energy Corporation 3840 Windsor Lane Dallas TX 75205	Gerald Childress and Martha G Childress PO Box 3354 Roswell NM 88202	H. Lee Harvard and Jeffery L. Harvard, Co-Trustees H. Lee and Joanne W. Harvard Trust 200 East 2nd St Roswell NM 88201	Harvard Petroleum Co., LLC 200 E Second Street Roswell NM 88201
Skarlene Schuman Polodrall Sperling Roehl Harris & Sisk P.A. O500 Fourth Street, Suite 1000 Malbuquerque NM 87102 Suite 1000	USPS Article Number	9314 8699 0430 0090 6952 03	9314 8699 0430 0090 6952 10	9314 8699 0430 0090 6952 34	9314 8699 0430 0090 6952 41	9314 8699 0430 0090 6952 58	9314 8699 0430 0090 6952 65	9314 8699 0430 0090 6952 72	9314 8699 0430 0090 6952 89	9314 8699 0430 0090 6952 96	9314 8699 0430 0090 6953 02	9314 8699 0430 0090 6953 19	9314 8699 0430 0090 6953 26	9314 8699 0430 0090 6953 33	9314 8699 0430 0090 6953 40
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Parish Schuman Modul Harris & Sisk P.A. 1000 Fourth Street, Suite 1000 Modul Buquerque NM 87102	USPS Article Number	9314 8699 0430 0090 6953 57	9314 8699 0430 0090 6953 64	9314 8699 0430 0090 6953 71	9314 8699 0430 0090 6953 88	9314 8699 0430 0090 6953 95	9314 8699 0430 0090 6954 01	9314 8699 0430 0090 6954 18	9314 8699 0430 0090 6954 25	9314 8699 0430 0090 6954 32	9314 8699 0430 0090 6954 49	9314 8699 0430 0090 6954 56	9314 8699 0430 0090 6954 63	9314 8699 0430 0090 6954 70	9314 8699 0430 0090 6954 87	9314 8699 0430 0090 6954 94
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OCD Examiner Docket: 2/3/22 Cimarex Energy Case No. 22526

Affidavit of Publication

STATE OF NEW MEXICO COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

> Beginning with the issue dated January 16, 2022 and ending with the issue dated January 16, 2022.

Publisher

Sworn and subscribed to before me this 16th day of January 2022.

Business Manager

My commission expires January 29, 2023

(Seal)

GUSSIE BLACK Notary Public - State of New Mexico Commission # 1087526 My Comm. Expires Jan 29, 2023

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said

LEGAL NOTICE January 16, 2022

Case No. 22526: Notice to all affected parties, as well as their heirs and devisees, of EOG Y Resources Inc; Alpha Energy Partners, LLC; TBO Oil & Gas LLC; Crump Family Partnership Ltd; Tarpon Engineering Corp; Warren Ventures Ltd; Charles D Ray; Ball Oil & Gas LLC; Centennial LLC; Earl A Latimer, Ill & wife, Kathryn S Latimer; Har-Vest LLC; Kerry D Hunter; Marker Petroleum Inc; United States of America, through the Department of the Interior, Bureau of Land Management; Forte Energy Corporation; RLP Industries Inc; Capitan Mountain Oil & Gas LLC; Gerald Childress and wife, Martha G Childress; Larry G Engwall and wife, Brenda J Bryant; Steven Engwall; Robert J Gallivan Jr and wife Brenda Gallivan; Patrick J F Gratton and wife Jean M Gratton; Tara N Fedric, Trustee of the Tara N Fedric Living Trust; Calvin R Kimbrough, Trustee of the Ann Kimbrough Irrevocable Trust; 34 Family Limited Partnership; H. Lee Harvard and Jeffery L Harvard, Co-Trustees of the H. Lee and Joanne W. Harvard Trust; Tumbler Energy Partners LLC; Harvard Petroleum Company LLC; CD Ray Exploration LLC; Oak Vailey Mineral and Land LP; and Stillwater Investments of Cimarex Energy Co. (Re-Open) Application to Amend Order No. R-21295-A, Lea County, New Mexico. The State of New Mexico through its Oil Conservation Division, hereby gives notice that the Division will conduct a public hearing at 8:15 a.m. on February 3, 2022 to consider this application. Due to state building closures during the COVID-19 Public Health Emergency, the hearing will be conducted remotely. You may access the instructions to appear under "OCD NOTICES" at http://www.emnrd.state.nm.us/OCD/harings.html. Applicant seeks an order from the Oil Conservation Division for the limited purpose of amending Order No. R-21295-A to allow for a one-year extension of time to commence drilling the initial well under the Order. Order No. R-21295 designated Cimarex as the operator of the unit and the James 20-29 Federal Com 38H and James 20-29 Federal Com 39H wells; and pooled uncommitted intere

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DOLORES SERNA MODRALL, SPERLING, ROEHL, HARRIS & P. O. BOX 2168 ALBUQUERQUE, NM 87103-2168



January 13, 2022

Deana M. Bennett 505.848.1834 dmb@modrall.com

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: APPLICATION OF CIMAREX ENERGY CO TO AMEND ORDER NO. R-21295-A, LEA COUNTY, NEW MEXICO.

CASE NO. 22526

TO: AFFECTED PARTIES

This letter is to advise you that Cimarex Energy Co. ("Cimarex") has filed the above-listed applications

In Case No. 22526, Cimarex seeks an order from the Oil Conservation Division for the limited purpose of amending Order No. R-21295-A to allow for a one-year extension of time to commence drilling the initial well under the Order. Order No. R-21295 designated Cimarex as the operator of the unit and the **James 20-29 Federal Com 38H** and **James 20-29 Federal Com 39H** wells; and pooled uncommitted interest owners in a 320-acre, more or less, Bone Spring horizontal spacing unit comprised of the E/2 W/2 of Section 20 and E/2 W/2 of Section 29, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico.

During the COVID-19 Public Health Emergency, state buildings are closed to the public and hearings will be conducted remotely. The hearing will be conducted on February 3, 2022 beginning at 8:15 a.m. To participate in the electronic hearing, see the instructions posted on the docket for the hearing date: http://www.emnrd.state.nm.us/OCD/hearings.html.

As a party who may be affected by this application, we are notifying you of your right to appear at the hearing and participate in these cases, including the right to present evidence either in support of or in opposition to the applications. Failure to appear at the hearing may preclude you from any involvement in these cases at a later date.

You are further notified that if you desire to appear in this case, then you are requested to file a Pre-Hearing Statement with the Division at least four

Modrall Sperling Roehl Harris & Sisk P.A.

500 Fourth Street NW Suite 1000 Albuquerque, New Mexico 87102

PO Box 2168 Albuquerque, New Mexico 87103-2168

Tel: 505.848.1800 www.modrall.com Page 2

business days in advance of a scheduled hearing before the Division or the Commission, but in no event later than 5:00 p.m. mountain time, on the Thursday preceding the scheduled hearing date, with a copy delivered to the undersigned.

Sincerely,

Weller H. Bernert Deana M. Bennett

Attorney for Applicant

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

APPLICATION OF CIMAREX ENERGY CO. TO AMEND ORDER NO. R-21295-A, LEA COUNTY, NEW MEXICO CASE NO. <u>22526</u> ORDER NO. R-21295-A (Re-Open)

APPLICATION

Cimarex Energy Co. ("Cimarex"), OGRID Number 215099, through its undersigned attorney, files this application with the Oil Conservation Division ("Division") for the limited purpose of amending Order No. R-21295 ("the Order") to allow for a second extension of time for drilling the initial well under the Order. In support of this application, Cimarex states as follows:

- 1. The Division heard Case No. 21144 on April 16, 2020 and entered the Order on April 28, 2020.
- 2. The Order designated Cimarex as the operator of the unit and the James 20-29 Federal Com 38H and James 20-29 Federal Com 39H wells; and pooled uncommitted interest owners in a 320-acre, more or less, Bone Spring horizontal spacing unit comprised of the E/2 W/2 of Section 20 and E/2 W/2 of Section 29, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico.
- 3. Paragraph 19 of the Order states: "The Operator shall commence drilling the Well(s) within one year after the date of this Order; and complete each Well no later than one (1) year after the commencement of drilling the Well." Paragraph 20 of the Order states: "This Order shall terminate automatically if Operator fails to comply with Paragraph 19 unless Operator obtains an extension by an amendment of this Order for good cause shown."
- 4. Under the Order, Cimarex would have been required to commence drilling the well by April 28, 2021.

5. Cimarex applied for (in Case 21699), and was granted, a one-year extension of time to drill the initial well, through March 15, 2022. *See* Order R-21295-A.

6. Cimarex requests that Order R-21295-A be re-opened and amended to allow

Cimarex additional time to commence drilling the initial well under the Order.

7. Order R-21295-A, ¶ 8, requires Cimarex to commence drilling the initial well

within one year of the date of the order, unless OCD grants an extension of time for good cause

shown.

8. Good cause exists for Cimarex's request for a second extension of time.

9. As explained in Cimarex's first extension request, there had been changes in

Cimarex's drilling schedule due to the COVID-19 pandemic and current market conditions.

10. Cimarex's operations and drilling activity continue to be impacted by COVID-19

and oil and gas market conditions, which continue to delay Cimarex's drilling plans.

11. Under Order R-21295-A, Cimarex would be required to commence drilling the

initial well by March 15, 2022.

12. Cimarex asks that the deadline to commence drilling the well be extended for a year

from March 15, 2022 to March 15, 2023.

WHEREFORE, Cimarex requests this application be set for hearing before an Examiner

of the Oil Conservation Division on February 3, 2022, and after notice and hearing as required by

law, the Division amend Order No. R-21295-A to extend the March 15, 2023.

MODRALL, SPERLING, ROEHL, HARRIS

& SISK, P.A.

Bv:

Earl E. DeBrine

Deana M. Bennett

Jamie L. Allen

Post Office Box 2168
500 Fourth Street NW, Suite 1000
Albuquerque, New Mexico 87103-2168
Telephone: 505.848.1800
edebrine@modrall.com
dmb@modrall.com
jallen@modrall.com
Attorneys for Applicant

(Re-Open) Application of Cimarex Energy Co. to Amend Order No. R-21295-A, Lea County, New Mexico. Applicant seeks an order from the Oil Conservation Division for the limited purpose of amending Order No. R-21295-A to allow for a one-year extension of time to commence drilling the initial well under the Order. The Division issued Order No. R-21295 on April 28, 2020, which designated Cimarex as the operator of the unit and the James 20-29 Federal Com 38H and James 20-29 Federal Com 39H wells; and pooled uncommitted interest owners in a 320-acre, more or less, Bone Spring horizontal spacing unit comprised of the E/2 W/2 of Section 20 and E/2 W/2 of Section 29, Township 23 South, Range 32 East, NMPM, Lea County, New Mexico.