

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 CONSIDERING:

Case No.: 14633

APPLICATION OF CIMAREX ENERGY COMPANY  
FOR A NON-STANDARD SPACING AND PRORATION  
UNIT, AN UNORTHODOX SURFACE LOCATION AND  
COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.

**COPY**

AND

Case No.: 14634

APPLICATION OF CIMAREX ENERGY COMPANY  
FOR A NON-STANDARD SPACING AND PRORATION  
UNIT AND COMPULSORY POOLING, LEA COUNTY,  
NEW MEXICO.

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
EXAMINER HEARING

BEFORE: DAVID K. BROOKS, Legal Examiner  
TERRY WARNELL, Technical Examiner

DATE: June 9, 2011  
Santa Fe, New Mexico

2011 JUN 29 P 3:42  
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This matter came on for hearing before the New Mexico Oil Conservation Division, DAVID K. BROOKS, Legal Examiner, and TERRY WARNELL, Technical Examiner, on Thursday, June 9, 2011, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South St. Francis Drive, Room 102, Santa Fe, New Mexico.

REPORTED BY: Irene Delgado  
Paul Baca Professional Court Reporters  
500 Fourth Street, NW, Suite 105  
Albuquerque, NM 87103

A P P E A R A N C E S

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FOR OXY:

HOLLAND & HART, LLP  
MICHAEL FELDEWERT, ESQ.  
110 N. Guadalupe, Suite 1  
Santa Fe, NM 87501

1                   EXAMINER BROOKS:  And we have some other  
2 cases here, and there is nobody else here, so I don't  
3 know.

4                   MR. BRUCE:  Which cases?  I'm probably  
5 somewhat aware of them.

6                   EXAMINER WARNELL:  14633 and the 634.

7                   EXAMINER BROOKS:  14633, 14634, and they  
8 are --

9                   MR. BRUCE:  They are Cimarex cases, and they  
10 are --

11                   EXAMINER BROOKS:  They are Tom Kellahin's  
12 cases, and he hasn't advised us what he intended to do  
13 with them.

14                   MR. BRUCE:  I know there was a -- I had to  
15 step out of those, one of many conflicts that I have,  
16 and when talking with Mr. Kellahin, he said he, over  
17 the last week, he said he was continuing whatever he  
18 had, so maybe he just neglected to get a continuance on  
19 them.

20                   EXAMINER BROOKS:  Okay.  Well --

21                   MR. FELDEWERT:  Should we move for  
22 continuance on behalf of Mr. Kellahin?

23                   EXAMINER WARNELL:  I think you just did.

24                   EXAMINER BROOKS:  Well, it seems that your --  
25 your colleague, Mr. Feldewert, filed a motion for

1 continue -- filed an entry of appearance in these  
2 cases, so I think you would have standing to move for  
3 continuance.

4 MR. FELDEWERT: Which cases?

5 EXAMINER BROOKS: 14633, 14634, the  
6 applications of Cimarex.

7 MR. FELDEWERT: Page 3?

8 EXAMINER BROOKS: Yeah, on Page 3, my notes  
9 say that.

10 MR. BRUCE: Reed and Stevens, I believe.

11 EXAMINER BROOKS: My notes indicate that  
12 there was an appearance by Holland and Hart for OXY  
13 in these cases, unless I'm even more confused than I  
14 usually am.

15 MR. FELDEWERT: We'll just move to dismiss.  
16 Mr. Examiner, in light of circumstances, we have no  
17 objection to a continuance for two weeks.

18 EXAMINER BROOKS: Okay. Well, then we will  
19 -- we will take that as a motion for continuance by --  
20 by OXY that the indication are that Cimarex had  
21 requested to -- is requesting a continuance, although  
22 they haven't filed anything. Cases 14633 and 14634  
23 will be continued.

24 MR. FELDEWERT: Just to make the record  
25 clear, on behalf of my client, OXY, I'm not moving to

1 continue the case. I'm saying we do not object to a  
2 continuance.

3 EXAMINER BROOKS: Well, in that case, what I  
4 will do is I will recess this hearing and see if I can  
5 get in touch with Mr. Kellahin.

6 MR. FELDEWERT: Okay

7 EXAMINER BROOKS: And we will be back down  
8 here. You don't need to be here unless you want to be.  
9 I will ask the court reporter to be here so I can make  
10 a record of what we did.

11 MR. FELDEWERT: Okay.

12 MR. BRUCE: Mr. Examiner, maybe I can call  
13 Mr. Kellahin.

14 EXAMINER BROOKS: We'll stand in recess.

15 (Recess taken. Discussion off the record.)

16 EXAMINER BROOKS: We will go back on the  
17 record and state that Cases Number 14633, application  
18 of Cimarex Energy Company for a non-standard spacing  
19 and proration unit, an unorthodox surface location and  
20 compulsory pooling, Lea County, New Mexico, and case  
21 Number 14634, application of Cimarex Energy Company for  
22 a non-standard spacing and proration unit and  
23 compulsory pooling, Lea County, New Mexico, both of  
24 those cases will be continued on the oral motion by  
25 telephone by counsel for Cimarex to 6-23-11. And, with

1 that, the docket will be adjourned.

2 (Docket concluded 9:55 a.m.)

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I hereby certify that the foregoing is a complete record of the proceedings in the Examiner hearing of Case No. \_\_\_\_\_ heard by me on \_\_\_\_\_

\_\_\_\_\_, Examiner  
Oil Conservation Division

REPORTER'S CERTIFICATE

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I, IRENE DELGADO, New Mexico CCR 253, DO  
HEREBY CERTIFY that on June 9, 2011, proceedings in the  
above-captioned case were taken before me and that I  
did report in stenographic shorthand the proceedings  
set forth herein, and the foregoing pages are a true  
and correct transcription to the best of my ability.

I FURTHER CERTIFY that I am neither employed  
by nor related to nor contracted with any of the  
parties or attorneys in this case and that I have no  
interest whatsoever in the final disposition of this  
case in any court.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_.

Irene Delgado  
Irene Delgado CCR 253  
Expires: 12-31-11