

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

**APPLICATION OF MCELVAIN ENERGY, INC.
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO.**

CASE NO. 16469

CIMAREX ENERGY CO.'S PRE-HEARING STATEMENT

Cimarex Energy Co. ("Cimarex") submits this Pre-Hearing Statement for the above-referenced case pursuant to the rules of the Oil Conservation Division.

APPEARANCES

APPLICANT

McElvain Energy, Inc.

ATTORNEY

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OPPOSING

Cimarex Energy Co.

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STATEMENT OF CASE

McElvain Energy, Inc. seeks an order pooling all uncommitted interest in the Bone Spring formation (E-K Bone Spring Pool (Pool Code 21650)) in the 240-acre, more or less, horizontal spacing unit comprised of the W/2 NW/4 of Section 6, Township 19 South, Range 34 East, and the W/2 W/2 of Section 31, Township 18 South, Range 34 East, NMPM, Lea County, New Mexico for its proposed **EK 31 BS2 Federal Com No. 4H** well.

There are unresolved title questions concerning NW/4 of Section 6 and Cimarex is in the process of submitting competing well proposals to pooled parties within this area and will file competing applications with the Division. Cimarex opposes McElvain's application because if granted it will result in waste and impair Cimarex's correlative rights.

PROPOSED EVIDENCE

CIMAREX ENERGY CO.:

<u>WITNESS</u>	<u>ESTIMATED TIME</u>	<u>EXHIBITS</u>
Riley Morris – Landman	Approx. 20	Approx. 4
Staci Mueller – Geologist	Approx. 30	Approx. 6

PROCEDURAL ISSUES

Cimarex requests that Case No. 16469 be continued to a future hearing Examiner docket schedule to allow time for the resolution of title questions and consideration of Cimarex's competing development proposal.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following counsel of record by electronic mail on October 25, 2018:

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