

**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:**

**APPLICATION OF ENCORE OPERATING, LP
FOR COMPULSORY POOLING, LEA COUNTY,
NEW MEXICO.**

Case No. 14,097

PRE-HEARING STATEMENT

This pre-hearing statement is submitted by applicant as required by the Oil Conservation Division.

APPEARANCES

APPLICANT

Encore Operating, LP

APPLICANT'S ATTORNEY

J. Scott Hall

OPPONENT

Cimarex Energy Co.
Suite 600
508 West Wall Street
Midland, Texas 79701

OPPONENT'S ATTORNEY

James Bruce
P.O. Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

Attention: Don McClung

STATEMENT OF THE CASE

APPLICANT

Applicant seeks an order approving the pooling of the E/2 of Section 28, Township 16 South, Range 34 East, NMPM for a Morrow test well.

OPPONENT

Cimarex Energy Co. is an interest owner in the well unit, and opposes the pooling because insufficient time has been spent by applicant negotiating with opponent.

PROPOSED EVIDENCE

APPLICANT

WITNESSES

EST. TIME

EXHIBITS

OPPONENT

WITNESSES

EST. TIME

EXHIBITS

Don McClung
(landman)

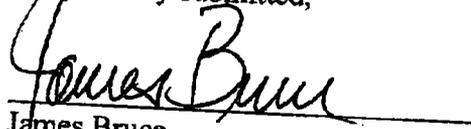
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Approx. 3

PROCEDURAL MATTERS

Cimarex Energy Co. has requested a voluntary continuance from applicant, in order to allow further negotiations between the parties. In addition, Cimarex Energy Co. has quarterly meetings scheduled for the date of the hearing and its witness cannot be present on March 20th.

Respectfully submitted,



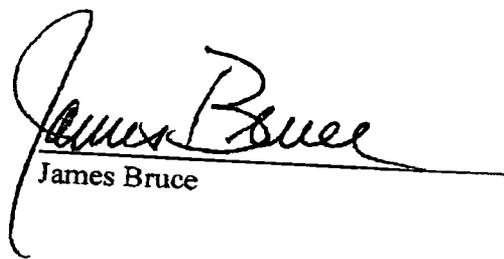
James Bruce
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

Attorney for Cimarex Energy Co.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 17th day of March, 2008 by facsimile transmission:

J. Scott Hall
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(505) 982-4289


James Bruce