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January 5, 2009

Via fax

David K. Brooks
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

RECEIVED
2009 DEC 36 AM 11 06

Re: Case No. 14195/Cimarex Energy Co.

Dear Mr. Brooks:

You sent me the e-mail attached as **Exhibit A**, requesting information on the W ½ of Section 15 (incorrectly described as Section 17 in the e-mail). Please be advised that the affidavit of the landman should have described the W ½ of Section 15 rather than the W ½ of Section 10. In addition, the only affected party is COG Operating, LLC, which is the operator of record of the offsetting well units in Section 15. **Exhibit B**. Chesapeake was notified because it was a party to the pooling cases on this acreage (Case Nos. 14213, 14214, and 14215). The pooling cases were settled, and COG remains the operator. I am having the affidavit corrected and will provide a signed copy to you.

Very truly yours,


James Bruce

Attorney for Cimarex Energy Co.

Case No. 14195; Application of Cimarex Energy Co. for a Non-Standard Unit etc.

Page 1 of 1

From: Brooks, David K., EMNRD <david.brooks@state.nm.us>

To: JamesBruc@aol.com

Subject: Case No. 14195; Application of Cimarex Energy Co. for a Non-Standard Unit etc.

Date: Wed, 10 Dec 2008 11:50 am

Dear Jim

It seems I failed to notice a discrepancy regarding notice at the hearing of this case on October 16.

Mr. Tresner's affidavit, in identifying offset operators, includes the W/2 of Section 10, which does not offset the proposed unit, the S/2 N/2 of Section 16. The affidavit omits the W/2 of Section ~~17~~¹⁵, which does offset the proposed unit. The affidavit identified COG and Chesapeake as owners in the W/2 of Section 10, and those were the parties noticed according to your notice affidavit. The land map attached, however, identified Chesapeake and Harvey E. Yates as owners in W/2 of Section ~~17~~¹⁵, the correct offset.

Please have Mr. Tressner furnish a correct affidavit. If there is any owner in the W/2 of Section ~~17~~¹⁵ who is an "affected person," who has not received notice, we will have to re-set this case to give the appropriate notice. That may not be necessary, however. Our system shows that COG operates three offsetting wells in Section 15 - its Hercules ## 1, 2 and 3. However, I have not been able to ascertain in what formation those wells are completed if they are. If those wells are completed in the Wolfcamp, then COG is the Division-designated operator, and no one else would need notice.

Please advise,

David

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EXHIBIT **A**

Well File Search - Select API Number to View

Please select the API Number you wish to view from the list below by clicking the radio button next to the API Number. Then click the "Continue" button to see the thumbnails for the API you selected. The search results are broken out by groups of 25 on each page. Switching pages can be done by clicking the "Next 25" or "Previous 25" links.

4 Records Found

Displaying Screen 1 of 1

API Number	ULSTR	Footages
3000500611	K-15-15S-31E	1980 FSL & 1980 FWL
Well Name & Number: PRE-ONGARD WELL No. 001		
Operator: PRE-ONGARD WELL OPERATOR		
3000527999	E-15-15S-31E	1980 FNL & 330 FWL (S 1/2 N 1/2)
Well Name & Number: HERCULES FEDERAL COM No. 001		
Operator: COG OPERATING LLC		
3000529049	D-15-15S-31E	660 FNL & 430 FWL (N 1/4 - N 1/2)
Well Name & Number: HERCULES FEDERAL COM No. 002		
Operator: COG OPERATING LLC		
3000529050	L-15-15S-31E	1980 FSL & 430 FWL (N 1/2 - S 1/2)
Well Name & Number: HERCULES FEDERAL COM No. 003		
Operator: COG OPERATING LLC		

4 Records Found

Displaying Screen 1 of 1

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EXHIBIT

B