



**MONTGOMERY  
& ANDREWS**

**J. SCOTT HALL**  
Cell: (505) 670-7362  
Email: shall@montand.com  
Reply To: Santa Fe Office  
www.montand.com

RECEIVED OCD  
2009 AUG 27 P 3: 54

August 27, 2009

Ms. Florene Davidson  
NM Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

**Hand Delivered**

**Re: Application of Cimarex Energy Corporation for a Non-Standard Oil Spacing and Proration Unit and Compulsory Pooling, Chaves County, New Mexico, NMOCD Case No. 14373**

Dear Ms. Davidson:

On behalf of COG Operating LLC, enclosed for filing are an original and two copies of COG's Pre-Trial in the above-captioned matter.

Thank you.

Very truly yours,

Karen Williams  
Assistant to J. Scott Hall

:kw

Enclosures

cc: James Bruce, Esq.

*Michael Feldewer, Esq.*

00124832

**REPLY TO:**

325 Paseo de Peralta  
Santa Fe, New Mexico 87501  
Telephone (505) 982-3873 • Fax (505) 982-4289

Post Office Box 2307  
Santa Fe, New Mexico 87504-2307

6301 Indian School Road NE, Suite 400  
Albuquerque, New Mexico 87110  
Telephone (505) 884-4200 • Fax (505) 888-8929

Post Office Box 36210  
Albuquerque, New Mexico 87176-6210

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

**IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF HEARING:**

**CASE NO. 14373**

**APPLICATION OF CIMAREX ENERGY CO. FOR A  
NON-STANDARD OIL SPACING AND PRORATION  
UNIT AND COMPULSORY POOLING, CHAVES  
COUNTY, NEW MEXICO.**

**PRE-HEARING STATEMENT**

This pre-hearing statement is submitted by COG Operating LLC as required by the Oil Conservation Division.

**APPEARANCES**

**APPLICANT**

Cimarex Energy Company

**APPLICANT'S ATTORNEY**

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

**OPPONENT**

COG Operating LLC  
550 W. Texas Ave.  
Suite 1300  
Midland, TX 79701

**OPPONENT'S ATTORNEY**

J. Scott Hall  
Montgomery & Andrews  
P.O. Box 2307  
Santa Fe, New Mexico 87504-2307  
(505) 986-2646

**OTHER PARTY**

Yates Petroleum Corporation  
105 South Fourth Street  
Artesia, New Mexico 88210

**OTHER PARTY'S ATTORNEY**

Michael Feldewert, Esq.  
Holland & Hart, LLP  
PO Box 2208  
Santa Fe, NM 87504-2208  
(505) 988-4421

2009 AUG 27 P 3:54

RECEIVED OGD

**STATEMENT OF THE CASE**

APPLICANT

Applicant seeks an order approving a non-standard oil spacing and proration unit in the Abo/Wolfcamp formation comprised of the S/2 S/2 of Section 12, in Township 15 South, Range 31 East, NMPM.

OPPONENT

COG Operating LLC opposes Cimarex's Application. This case is related to Case No. 14374 in which Cimarex seeks the cancellation of COG's Application. These cases present virtually identical issues which were presented to the Division on August 20, 2009 in the hearing on the Application of Chesapeake Energy Corporation for cancellation of the Division's approval of an Application for Permit to Drill Issued to COG Operating LLC, Case No. 14323. Reference should be had to that case and the numerous other cases challenging APD's for horizontal drilling projects.

**PROPOSED EVIDENCE**

APPLICANT

WITNESSES

EST. TIME

EXHIBITS

OPPONENT

EST. TIME

EXHIBITS

WITNESSES

Jan Spradlin, Landman

20 minutes

Approx. 6

