

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

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IN THE MATTER OF THE APPLICATION  
OF CIMAREX ENERGY CO. OF COLORADO  
FOR CANCELLATION OF AN APPLICATION  
FOR PERMIT TO DRILL ISSUED TO COG  
OPERATING LLC, LEA COUNTY, NEW MEXICO.

CASE NO. 14588

**COG'S RESPONSE TO CIMAREX'S MOTION FOR  
ENTRY OF AN EMERGENCY ORDER**

COG OPERATING, LLC ("COG") through its undersigned attorneys, hereby responds to Cimarex Energy Co. of Colorado's ("Cimarex") *Motion for Entry of An Emergency Order* and states as follows:

1. Cimarex has filed a non-standard unit/compulsory pooling application for a 160-acre project area comprised of the E/2 E/2 of Section 32, Township 19 South, Range 32 East, NMPM for its South Lusk 32 State Well No. 1. This application is scheduled to be heard on December 16, 2010. Cimarex proposes that COG operate the well.

2. Cimarex has also filed an application to cancel COG's approved Application for Permit to Drill ("APD") the Magnum Pronto State Com. Well No. 4H which COG has proposed to drill on a 120-acre project area comprised of the SE/4 NE/4 and E/2 SE/4 of Section 32. That application will not be heard until January 6, 2011.

3. In its motion, Cimarex seeks an emergency order cancelling the APD for the Magnum Pronto State Com Well No. 4H "so that the issues of the correct well unit

and related issues can be fully resolved in Case 14579 [Cimarex's application for the South Lusk well]." See motion, page 3.

4. Division rules allow for the entry of an emergency order without a hearing "in the event the division or commission finds an emergency exists" but shall remain in force for no longer than 15 days. 19.15.2.11 NMAC.

5. Notwithstanding the fact that the emergency order would likely expire before the December 16th Examiner hearing, no such emergency exists warranting the cancellation of COG's APD. COG has not yet commenced drilling the well and agrees to not commence drilling the well until this matter is either resolved by mutual agreement of the parties or upon final order from the Division. Therefore, COG respectfully requests the Division deny Cimarex's request for an emergency order cancelling the APD.

6. Additionally, COG requests that Case No. 14579 and Cimarex's application to cancel COG's APD be consolidated and heard on the January 6, 2011 hearing docket in order to conserve the resources of the Division and the parties and because the matters are related.

7. The parties are actively attempting to resolve this matter. Thus, setting both matters for January 6, 2011 will give the parties additional time to try to reach an agreement.

WHEREFORE, COG Operating, LLC requests that Cimarex's motion be denied and that Case No. 14579 and Cimarex's application to cancel COG's APD for the Magnum Pronto Well No. 4H be consolidated and heard on the January 6, 2011 Division Examiner Docket.

Respectfully submitted,

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ATTORNEYS FOR COG OPERATING LLC

### CERTIFICATE OF SERVICE

I certify that on November 23, 2010 I served a copy of the foregoing document to the following by

- U.S. Mail, postage prepaid
- Hand Delivery
- Fax
- Electronic Service by LexisNexis File & Serve

James Bruce  
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