

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

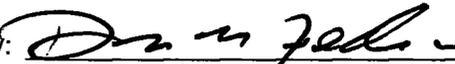
2011 JUL 25 A  
RECEIVED ODD  
Case No. 14416 (Re-opened)  
Order No. R-13213A

**Notice to Cimarex Energy Co**  
**Of Election to Participate in Unit Well**

By and through Counsel of Record, each of the heirs of H. N. Smith, deceased, being Robin E. Birnie, Allison L. Birnie, Cameron S. Birnie Jason Bond and Cindy Kochi, hereby elect, to the extent of their respective interests to participate in the unit well located in the E/2E/2 of Section 18 T15S, R31E, Chaves County, New Mexico, known as the Cimarex Franklin 18 Federal Com Well No. 4 (API no. 30-005 29090).

Dated this 25<sup>th</sup> day of July, 2011.

Respectfully submitted

By: 

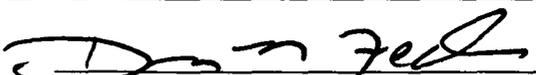
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ATTORNEYS FOR THE HEIRS OF H. N. SMITH  
ROBIN E. BIRNIE, ALLISON L. BIRNIE, CAMERON S.  
BIRNIE, CINDI KOCHI AND JASON BOND

**CERTIFICATION**

I certify that on this 25<sup>th</sup> day of July, 2011, I hand delivered a copy of this Notice to the office of opposing counsel of record, James Bruce.

  
Don M. Fedric