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June 2, 2008

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Mr. Mark E. Fesmire, Director  
Oil Conservation Division  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

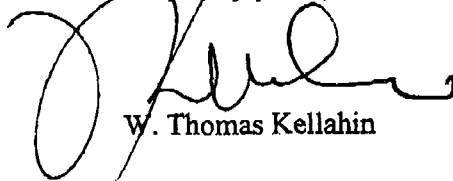
Re: **Motion for Continuance and Consolidation**  
NMOCD Case 14124 —  
Application Cimarex Energy Co. of Colorado for  
Special Pool Rules (Capacity Allowables) Apache Ridge-Bone Spring Pool

NMOCD Case 14145  
Application of Fasken Oil and Ranch, Ltd.  
for a Compliance Order requiring Cimarex to Comply with  
the Division's oil proration rules for Apache Ridge-Bone Spring Pool  
Lea County

Dear Mr. Fesmire:

My client, Fasken Oil and Ranch, Ltd., in order to save time for the Division and the parties, desires to continue the Cimarex Case 14124 from the June 12<sup>th</sup> docket to the June 26<sup>th</sup> docket so that Fasken's Case 14145 can be heard on the same docket. Our Motion is enclosed

Very truly yours,



W. Thomas Kellahin

Facsimile to:

James Bruce for Cimarex  
Fasken Oil and Ranch, Ltd.  
Attn: Jimmy Carlile

WWT 6/10/08

**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 HEARING:**

**APPLICATION OF CIMAREX ENERGY CO. OF  
COLORADO FOR SPECIAL POOL RULES FOR THE  
APACHE-RIDGE BONE SPRING POOL,  
LEA COUNTY, NEW MEXICO**

**CASE 14124**

**MOTION TO CONTINUE**

W. Thomas Kellahin, on behalf of Fasken Oil and Ranch, Ltd. ("Fasken") moves that the New Mexico Oil Conservation Division ("Division") continue the hearing of the Case 14124 from the June 12, 2008 docket to the June 26, 2008 docket and as ground therefore STATES:

- (1) Fasken has filed a Division case seeking a Compliance Order against Cimarex to require Cimarex to shut-in overproduced wellbore, to "make-up" an estimated 48,600 barrels of oil and to comply with the Division's oil proration rules for the Apache-Ridge Bone Spring Pool.
- (2) Fasken's case has been docketed at Case # 14145 on the June 26<sup>th</sup> docket.
- (3) Cimarex has filed Division Case 14124 seeking to increase the depth bracket oil allowable for the same pool from ~~275 barrel of oil per day to 1300 barrels of oil per day retroactive to August 1, 2007~~
- (4) The Division's order entered in each case will affect the other.
- (5) The evidence to be introduced in each case will overlap.
- (6) A continuance and consolidation for the same evidentiary hearing with the entry of separate orders will save the time of the Division and that of the parties.

(7) Counsel for Cimarex was unavailable either Friday, May 30<sup>th</sup> or Monday, June 2<sup>nd</sup> to discuss if Cimarex was opposed to this motion.

Accordingly, Fasken requests that this motion for a continuance and consolidation be granted.

**KELLAHIN & KELLAHIN**



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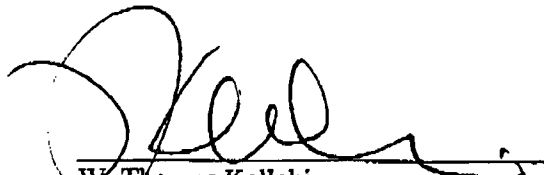
**CERTIFICATE OF SERVICE**

I certify that on June 3, 2008, I served a copy of the foregoing documents by:

- ☐ US Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Facsimile
- ☒ E-mail

to the following:

James Bruce, Esq.  
jamesbruc@oal.com

  
W. Thomas Kellahin