



**MONTGOMERY
& ANDREWS**

J. SCOTT HALL

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November 25, 2008

HAND DELIVERED

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

**Re: IN THE MATTER OF THE HEARING CALLED BY THE OIL
CONSERVATION DIVISION FOR THE PURPOSE OF CONSIDERING:
CIMAREX ENERGY CO. FOR APPROVAL OF 160-ACRE
NON-STANDARD OIL SPACING AND PRORATION UNIT AND FOR
COMPULSORY POOLING, CHAVES COUNTY, NEW MEXICO;
Case Nos. 14253 and 14254**

Dear Florene:

Enclosed for filing in each of the above-referenced cases are an original and one copy of COG Operating LLC's Pre-Hearing Statement.

Very truly yours,

Brenda Wells, Secretary
on behalf of J. Scott Hall

:bjw

Enclosure

cc: David Copeland (w/encl; via U.S. mail)

REPLY TO:

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

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Santa Fe, New Mexico 87504-2307

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WV 12/1/08

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

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

**CIMAREX ENERGY CO. FOR APPROVAL
OF A 160-ACRE NON-STANDARD OIL SPACING
AND PRORATION UNIT AND FOR COMPULSORY
POOLING, CHAVES COUNTY, NEW MEXICO**

CASE NO. 14253

PRE-HEARING STATEMENT

This prehearing statement is submitted by COG Operating LLC as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT

Cimarex Energy Company

ATTORNEY

James Bruce, Esq.
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

OPPOSITION OR OTHER PARTY

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

ATTORNEY

J. Scott Hall, Esq.
Montgomery & Andrews, P.A.
325 Paseo de Peralta
Santa Fe, New Mexico 87501
(505) 982-3873

STATEMENT OF CASE

APPLICANT

Cimarex Energy Company seeks (1) the Division's approval of the creation of 160-acre non-standard Wolfcamp formation proration units, and (2) the forced-pooling of unjoined interests for the drilling of horizontal project area wells on the following lands in T15S, R31E:

1. Antietam 10 Fed. Com. Well No. 1-H
N/2 S/2 of Section 10

OPPOSITION OR OTHER PARTY

COG Operating LLC opposes the Cimarex Application. The lands described in the Cimarex Application are also the subject of compulsory pooling Applications previously filed on behalf of COG Operating LLC in Case No. 14203. An examiner hearing on the merits of the COG Application was held on October 30, 2008 and the case was taken under advisement on November 13, 2008. Cimarex appeared at the hearings on the COG Applications.

PROPOSED EVIDENCE

APPLICANT

| WITNESSES | EST. TIME | EXHIBITS |
|----------------------|-----------|----------|
| (Name and expertise) | | |

OPPOSITION

| WITNESSES | EST. TIME | EXHIBITS |
|-----------------------|------------|----------|
| Jan Spradlin, Landman | 30 minutes | 3 |

PROCEDURAL MATTERS

(Please identify any procedural matters which need to be resolved prior to the hearing)

None.

Respectfully submitted,



J. Scott Hall
Montgomery & Andrews, P. A.
325 Paseo de Peralta
Santa Fe, New Mexico 87501
(505) 982-3873
Attorneys for COG Operating LLC

Certificate of Service

I hereby certify that on this 25th day of November, 2008 a copy of the foregoing was faxed to the following:

James Bruce, Esq.
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2151 – fax



J. Scott Hall