

**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 NADEL AND GUSSMAN HEYCO L.L.C.
FOR COMPULSORY POOLING
LEA COUNTY, NEW MEXICO**

**RECEIVED
2009 APR 23 PM 4 38
CASE 14311**

MOTION TO CONTINUE

W. Thomas Kellahin, on behalf of Cimarex Energy Co. ("Cimarex") moves that the New Mexico Oil Conservation Division ("Division") continue the hearing of the Case 14311 from the April 30, 2009 docket to the June 2, 2009 docket and as ground therefore STATES:

- (1) On March 31, 2009, Nadel and Gussman Heyco LLC, ("NGH") filed a compulsory pooling application for wells within four 40-acre spacing units in the NW/4 of Sec 28, T19S, R34E, Lea County NM, that has been docket as Division Case 14311 that is currently set for hearing on April 30, 2009.
- (2) On April 14, 2009, Cimarex (Midland), having finally received NGH's proposal for these 4 wells, responded to NGH with a competing wellbore proposals for 3 wells in the NW/4 of Section 28.
- (3) On April 23, 2009, having failed to resolve the competing well proposal with NGH, Cimarex filed its application for compulsory pooling of wells in three 40-acre spacing units in the NW/4 of Section 28, T19S, R34E that will be set for hearing on the Division's docket currently set for hearing on June 2, 2009.
- (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) The concurrence of Counsel for NGH has been requested. He is waiting upon a response from his client.

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

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CERTIFICATE OF SERVICE

I certify that on April 23, 2009, I served a copy of the foregoing documents by:

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

to the following:

William F. Carr, Esq.
Attorney for NGH



W. Thomas Kellahin