

**KELLAHIN & KELLAHIN**  
**Attorney at Law**

**W. THOMAS KELLAHIN**  
**706 GONZALES ROAD**  
**SANTA FE, NEW MEXICO 87501**

**TELEPHONE 505-982-4285**  
**FACSIMILE 505-982-2047**  
**TKELLAHIN@COMCAST.NET**

August 5, 2009

VIA FACSIMILE  
476-3462

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

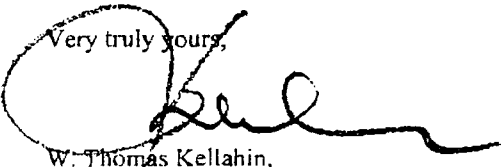
**Re: Request for Dismissal**  
(1) NMOCD Case 14311  
Application of Nadel and Gussman Heyco L.L.C.  
For Compulsory Pooling  
NW/4 Sec 28, T19S, R34 E  
Lea County, New Mexico

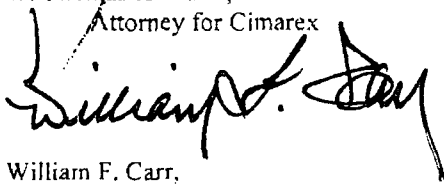
(2) NMOCD Case 14322  
Application of Cimarex Energy Co.  
For Compulsory Pooling  
NW/4 Sec 28, T19S, R34E  
Lea County, New Mexico

Dear Mr. Fesmire:

On behalf of Cimarex Energy Co., the applicant in Case 14322, and with the concurrence of Mr. Bill Carr, attorney for Nadel and Gussman Heyco ("NGH") in Case 14311, please dismiss the referenced cases from the August 6, 2009 hearing docket. It is our understanding that the parties have reached a voluntary agreement and are awaiting the final documents. In the event that this settlement fall through then the parties reserved the right to refilled its application.

Very truly yours,

  
W. Thomas Kellahin,  
Attorney for Cimarex

  
William F. Carr,  
Attorney for NGH

WTS 8/3/09