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July 30, 2009

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

Dear Mr. Fesmire:

Enclosed is the pre-hearing statement of Cimarex Energy Co. in Case No. 14357. I request a continuance of the above matter because I will not be available for the August 6, 2009 hearing.

Thank you.

Very truly yours,


James Bruce

Attorney for Cimarex Energy Co.

cc: William F. Carr w/encl.

6/3/8 CM
WST 8/3/09

**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 MACK ENERGY CORPORATION
FOR A NON-STANDARD SPACING AND PRORATION
UNIT AND COMPULSORY POOLING, EDDY COUNTY,
NEW MEXICO.**

Case No. 14,357

PRE-HEARING STATEMENT

This pre-hearing statement is submitted by applicant as required by the Oil Conservation Division.

APPEARANCES

APPLICANT

Mack Energy Corporation

APPLICANT'S ATTORNEY

William F. Carr

OPPONENT

Cimarex Energy Co.
Suite 600
600 North Marienfeld
Midland, Texas 79701

OPPONENT'S ATTORNEY

James Bruce
P.O. Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

Attention: Hayden Tresner
(432) 571-7856

STATEMENT OF THE CASE

APPLICANT

Applicant seeks an order approving a non-standard oil spacing and proration unit in the Abo formation comprised of the N/2S/2 of Section 10, Township 16 South, Range 29 East, NMPM, to form a non-standard 160-acre oil spacing and proration unit, and pooling all mineral interests in the Abo formation underlying the non-standard unit.

WJ 8/5/09

OPPONENT

Cimarex Energy Co. is an interest owner in the well unit, and opposes the application because it has alternative drilling plans, and seeks to be operator of its proposed well.

PROPOSED EVIDENCEAPPLICANTWITNESSESEST. TIMEEXHIBITSOPPONENTWITNESSESEST. TIMEEXHIBITS

Hayden Tresner
(landman)

15 min.

Approx. 4

(geologist)

15 min.

Approx. 4

(engineer)

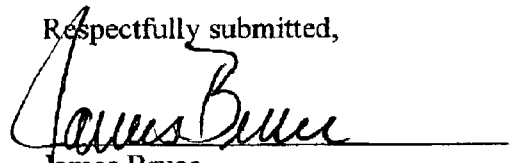
20 min.

Approx. 4

PROCEDURAL MATTERS

Cimarex Energy Co. requests a continuance of this case for two weeks because the undersigned will be out-of-state from August 5 through August 12.

Respectfully submitted,



James Bruce

Post Office Box 1056

Santa Fe, New Mexico 87504


(505) 982-2043

Attorney for Cimarex Energy Co.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 30th day of July, 2009 by facsimile transmission:

William F. Carr
Holland & Hart LLP
P.O. Box 2208
Santa Fe, New Mexico 87504
(505) 983-6043


James Bruce