



**MONTGOMERY  
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2009 AUG 27 P 3: 55

August 27, 2009

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

**Hand Delivered**

**Re: Application of Cimarex Energy Corporation for Cancellation of the  
Division's Approval of an Application for Permit to Drill Issued to COG  
Operating LLC, Chaves County, New Mexico, NMOCD Case No. 14374**

Dear Ms. Davidson:

On behalf of COG Operating LLC, enclosed for filing are an original and two copies of COG's Pre-Trial Statement in the above-captioned matter.

Thank you.

Very truly yours,

Karen Williams  
Assistant to J. Scott Hall

:kw

Enclosures

cc: James Bruce, Esq.

*Michael Feldewert, Esq.*

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**REPLY TO:**

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

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

CASE NO. 14374

APPLICATION OF CIMAREX ENERGY CO. FOR  
CANCELLATION OF THE DIVISION'S APPROVAL OF  
AN APPLICATION FOR PERMIT TO DRILL ISSUED  
TO COG OPERATING LLC, CHAVES COUNTY, NEW  
MEXICO.

PRE-HEARING STATEMENT

This pre-hearing statement is submitted by COG Operating LLC as required by the Oil Conservation Division.

**APPEARANCES**

APPLICANT

Cimarex Energy Company

APPLICANT'S ATTORNEY

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

OPPONENT

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

OPPONENT'S ATTORNEY

J. Scott Hall  
Montgomery & Andrews  
P.O. Box 2307  
Santa Fe, New Mexico 87504-2307  
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OTHER PARTY

Yates Petroleum Corporation  
105 South Fourth Street  
Artesia, New Mexico 88210

OTHER PARTY'S ATTORNEY

Michael Feldewert, Esq.  
Holland & Hart, LLP  
PO Box 2208  
Santa Fe, NM 87504-2208  
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## STATEMENT OF THE CASE

### APPLICANT

Applicant seeks an order canceling the Division's approval of an application for permit to drill issued to COG Operating LLC for the proposed Gemini Fed. Well No. 1 in the S/2 S/2 of Section 12, in Township 15 South, Range 31 East, NMPM.

### OPPONENT

COG Operating LLC opposes Cimarex's Application and asserts the APD is proper. Further, Cimarex is estopped from seeking cancellation of the permit to drill. This case is related to Case No. 14373.

## PROPOSED EVIDENCE

### APPLICANT

#### WITNESSES

#### EST. TIME

#### EXHIBITS

### OPPONENT

#### EST. TIME

#### EXHIBITS

#### WITNESSES

Jan Spradlin, Landman

20 minutes

Approx. 6

## PROCEDURAL MATTERS

COG Operating LLC may file a motion to dismiss Applicant's Application.

MONTGOMERY & ANDREWS, P.A.

By: \_\_\_\_\_

*J. Scott Hall*

J. Scott Hall, Esq.

Post Office Box 2307

Santa Fe, New Mexico 87504

(505) 982-3873

Attorneys for COG Operating LLC

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing was faxed to counsel of record on the 27th day of August, 2009, as follows:

James Bruce, Esq.  
P.O. Box 1056  
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*J. Scott Hall*

\_\_\_\_\_  
J. Scott Hall