



**MONTGOMERY
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2009 AUG 27 P 3: 54

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 a Non-Standard Oil
Spacing and Proration Unit and Compulsory Pooling, Chaves County, New
Mexico, NMOCD Case No. 14373**

Dear Ms. Davidson:

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

Thank you.

Very truly yours,

Karen Williams
Assistant to J. Scott Hall

:kw

Enclosures

cc: James Bruce, Esq.

Michael Feldewer, Esq.

00124832

REPLY TO:

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

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

CASE NO. 14373

**APPLICATION OF CIMAREX ENERGY CO. FOR A
NON-STANDARD OIL SPACING AND PRORATION
UNIT AND COMPULSORY POOLING, 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.
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OPPONENT'S ATTORNEY

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OTHER PARTY

Yates Petroleum Corporation
105 South Fourth Street
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OTHER PARTY'S ATTORNEY

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STATEMENT OF THE CASE

APPLICANT

Applicant seeks an order approving a non-standard oil spacing and proration unit in the Abo/Wolfcamp formation comprised of the S/2 S/2 of Section 12, in Township 15 South, Range 31 East, NMPM.

OPPONENT

COG Operating LLC opposes Cimarex's Application. This case is related to Case No. 14374 in which Cimarex seeks the cancellation of COG's Application. These cases present virtually identical issues which were presented to the Division on August 20, 2009 in the hearing on the Application of Chesapeake Energy Corporation for cancellation of the Division's approval of an Application for Permit to Drill Issued to COG Operating LLC, Case No. 14323. Reference should be had to that case and the numerous other cases challenging APD's for horizontal drilling projects.

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, 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:

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