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

APPLICATION OF CIMAREX ENERGY CO. FOR A NON-STANDARD OIL SPACING AND PRORATION UNIT AND COMPULSORY POOLING, LEA COUNTY, **NEW MEXICO.**

Case No. 14,368

AFFIDAVIT OF NOTICE

COUNTY OF SANTA FE)

) ss. STATE OF NEW MEXICO)

James Bruce, being duly sworn upon his oath, deposes and states:

I am over the age of 18, and have personal knowledge of the matters stated herein. 1.

2. I am an attorney for Cimarex Energy Co.

Applicant has conducted a good faith, diligent effort to find the names and correct 3. addresses of the offset operators or working interest owners entitled to receive notice of the application filed herein.

Notice of the application was provided to the operators or working interest 4. owners, at their correct addresses, by certified mail. Copies of the notice letter and certified return receipts are attached hereto as Exhibit A.

Applicant has complied with the notice provisions of Division Rules. 5.

James Bruce

SUBSCRIBED AND SWORN TO before me this 11th day of November, 2009 by James Bruce.

My Commission Expires: 3/14/13

Notary Public

Oil Conservation Division Case No. Exhibit No.

JAMES BRUCE ATTORNEY AT LAW

POST OFFICE BOX 1056 SANTA FE, NEW MEXICO 87504

369 MONTEZUMA, NO. 213 SANTA FE, NEW MEXICO 87501

(505) 982-2043 (Phone) (505) 660-6612 (Cell) (505) 982-2151 (Fax)

jamesbruc@aol.com

August 13, 2009

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

To: Persons on Exhibit A

Ladies and gentlemen:

Enclosed is a copy of an application for a non-standard unit, *etc.*, filed with the New Mexico Oil Conservation Division by Cimarex Energy Co., regarding the N¹/₂N¹/₂ of Section 34, Township 19 South, Range 34 East, N.M.P.M., Lea County, New Mexico. This matter is scheduled for hearing at 8:15 a.m. on Thursday, September 3, 2009, at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. The Division requires applicant to notify offset operators or working interest owners of the non-standard unit portion of the application, and you offset the above well unit. The well location is orthodox. As an offset operator or working interest owner, you have the right to enter an appearance and participate in the case. Failure to appear will preclude you from contesting this matter at a later date.

You are required to notify (in writing) the Division, and the undersigned, by Thursday, August 27, 2009 if you intend to participate in the hearing.

Very truly yours,

Ξş.

imes Bruce

Attorney for Cimarex Energy Co.

EXHIBIT

EXHIBIT A

.

~~~~

Merit Energy Company, LLC Suite 500 13727 Noel Road Dallas, Texas 75240

.

₹ 1

|    | ENDER: COMPLETE TUS SECTION                                                                                                                | COMPLETE THIS SECTION ON DELIVERY                                                                               |
|----|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
|    | Complete Items 1, 2,                                                                                                                       | A. Signature  X.  Agent Address B. Received by (Printed Name) C. Date of Deliver                                |
| 1. | or on the front if space permits.<br>Article Addressed to:                                                                                 | D. Is delivery address different from item 1?<br>If YES, enter delivery address below:<br>No                    |
|    | Merit Energy Company, LLC<br>Suite 500<br>13727 Noel Road<br>Mallas, Texas 75240                                                           | 3. Service Type<br>Certified Mail Express Mail<br>Registered Return Receipt for Merchand<br>Insured Mail C.O.D. |
|    |                                                                                                                                            | 4. Restricted Delivery? (Extra Fee) Yes                                                                         |
| ۲, | Article Number<br>(Transfer from service label) 7008 323                                                                                   | 30 0000 2324 8992                                                                                               |
|    | U.S. Postal Const                                                                                                                          |                                                                                                                 |
|    | U.S. Postal Service<br>CERTIFIED MA<br>(Domestic Mail Only: No                                                                             |                                                                                                                 |
|    | CERTIFIED MAI                                                                                                                              | euti<br>Liu RECEIPT<br>Isuranus Coverage Provided)<br>our website at www.usps.com                               |
|    | CERTIFIED MA                                                                                                                               | Lin PECEIPT<br>suran: • Coverage Provided)<br>our website at www.usps.com                                       |
|    | CERNEED MA<br>(Domestic Mail Only: No<br>For. delivery information visit<br>OFFIC<br>Postage \$<br>Certified Fee<br>(Endorsement Required) | A L Postmark                                                                                                    |
|    | CERNERED MA<br>(Domestic Mail Only: No<br>For delivery information visit<br>OFFIC<br>Postage \$<br>Certified Fee<br>Bettim Reacted F       | Our website at www.usps.com<br>A L U S E<br>Postmark                                                            |

•

•

ς.•

,

.