

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

ORIGINAL

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

CASES 15350
through 15353

APPLICATION OF COG OPERATING, LLC, FOR
A NON-STANDARD SPACING AND PRORATION UNIT
AND COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

July 23, 2015

Santa Fe, New Mexico

BEFORE: PHILLIP GOETZE, CHIEF EXAMINER
GABRIEL WADE, LEGAL EXAMINER

This matter came on for hearing before the
New Mexico Oil Conservation Division, Phillip Goetze,
Chief Examiner and Gabriel Wade, Legal Examiner, on July
23, 2015, at the New Mexico Energy, Minerals, and
Natural Resources Department, Wendell Chino Building,
1220 South St. Francis Drive, Porter Hall, Room 102,
Santa Fe, New Mexico.

REPORTED BY: ELLEN H. ALLANIC
NEW MEXICO CCR 100
CALIFORNIA CSR 8670
PAUL BACA COURT REPORTERS
500 Fourth Street, NW
Suite 105
Albuquerque, New Mexico 87102

RECEIVED
2015 AUG 12 PM 12:24

1 A P P E A R A N C E S

2 For the Applicant

3 Jordan Lee Kessler, Esq.
 4 Holland & Hart
 110 North Guadalupe
 Suite 1
 5 Santa Fe, New Mexico 87501
 (505) 983-6043
 6 jlkessler@hollandhart.com

7

8 I N D E X

9 CASE NUMBERS 15350-15353 CALLED
 10 COG OPERATING, LLC, CASE-IN-CHIEF:

11

WITNESS JEFF LIERLY

12

	Direct
By Ms. Kessler	5
	Examination
Examiner Goetze	9

13

14

15

WITNESS ALLISON STUMPF

16

	Direct
By Ms. Kessler	10
	Examination
Examiner Goetze	15

17

18

19

20

21

22 Reporter's Certificate

PAGE
17

23

24

25

1	E X H I B I T I N D E X	
2	Exhibits Offered and Admitted	
3		PAGE
4	COG OPERATING LLC EXHIBIT 1	9
5	COG OPERATING LLC EXHIBIT 2	9
6	COG OPERATING LLC EXHIBIT 3	9
7	COG OPERATING LLC EXHIBIT 4	9
8	COG OPERATING LLC EXHIBIT 5	9
9	COG OPERATING LLC EXHIBIT 6	9
10	COG OPERATING LLC EXHIBIT 7	9
11	COG OPERATING LLC EXHIBIT 8	9
12	COG OPERATING LLC EXHIBIT 9	9
13	COG OPERATING LLC EXHIBIT 10	9
14	COG OPERATING LLC EXHIBIT 11	9
15	COG OPERATING LLC EXHIBIT 12	9
16	COG OPERATING LLC EXHIBIT 13	14
17	COG OPERATING LLC EXHIBIT 14	14
18	COG OPERATING LLC EXHIBIT 15	14
19	COG OPERATING LLC EXHIBIT 16	14
20	COG OPERATING LLC EXHIBIT 17	14
21	COG OPERATING LLC EXHIBIT 18	14
22		
23		
24		
25		

1 (Time noted 10:07 a.m.)

2 EXAMINER GOETZE: Next is case 15350,
3 Application of Cog Operating, LLC, For A Non-Standard
4 Spacing and Proration Unit and Compulsory Pooling, Lea
5 County, New Mexico.

6 Call for appearances.

7 MS. KESSLER: Jordan Kessler for the
8 applicant, Mr. Examiner.

9 EXAMINER GOETZE: And I believe in your
10 application you want the four cases consolidated for
11 testimony.

12 MS. KESSLER: That's correct.

13 EXAMINER GOETZE: Very good. Before we go
14 any further then, we will say with case 15350 also is
15 case 15351, Application of COG Operating LLC for a
16 non-standard spacing and proration unit and compulsory
17 pooling, Lea County, New Mexico; And case 15352,
18 Application of COG Operating LLC for a non-standard
19 spacing and proration unit and compulsory pooling, Lea
20 County, New Mexico; and, finally, case 15353,
21 Application of COG Operating LLC for a non-standard
22 spacing and proration unit and compulsory pooling, Lea
23 County, New Mexico.

24 Do you have witnesses?

25 MS. KESSLER: Two witnesses today.

1 EXAMINER GOETZE: Identify yourself to the
2 court reporter and be sworn in, please.

3 (WHEREUPON, the presenting witnesses
4 were administered the oath.)

5 JEFF LIERLY

6 having been first duly sworn, was examined and testified
7 as follows:

8 DIRECT EXAMINATION

9 BY MS. KESSLER:

10 Q. Can you please state your name for the record and
11 tell the Examiners by whom you are employed and in what
12 capacity?

13 A. Jeff Lierly. I'm a landman for COG Operating LLC
14 on the New Mexico Basin Asset Team.

15 Q. Have you previously testified before the
16 Division?

17 A. Yes, I have.

18 Q. And were your credentials as a petroleum landman
19 accepted and made a matter of record?

20 A. Yes, they were.

21 Q. Are you familiar with the applications that have
22 been filed in these consolidated cases?

23 A. Yes, I am.

24 Q. And are you familiar with the status of the lands
25 in the subject area?

1 A. Yes, I am.

2 MS. KESSLER: Mr. Examiner, I tender
3 Mr. Lierly as an expert witness in Petroleum Land
4 matters.

5 EXAMINER GOETZE: He is so qualified.

6 Q. Mr. Lierly, could you please turn to what I've
7 marked as COG Exhibits 1, 2, 3, and 4 and identify these
8 exhibits for the Examiner.

9 A. These are the filed C-102s for our West Pearl 36
10 State Com 3H-6H Wells, in which we're seeking to create
11 four 160-acre non-standard spacing units with the east
12 half, east half, being a 3H well; the west half, east
13 half, being a 4H well; and the east half, west half,
14 being a 5H well; and the west half, west half, being the
15 6H well of section 36, township, 19 south, range, 34
16 east, Lea County, New Mexico.

17 And we are also seeking to pool certain
18 uncommitted record title owners.

19 Q. You are seeking to pool record title interest
20 owners only in these spacing units; is that correct?

21 A. Yes, that's correct.

22 Q. Have APD's been approved for these wells?

23 A. Yes.

24 Q. And has the Division identified a pool and pool
25 code for these wells?

1 A. Yes. They are located in the Lea Bone Spring
2 Pool, the pool code is 37570.

3 Q. Is that pool governed by Division statewide
4 rules?

5 A. Yes.

6 Q. So 330 foot setbacks apply, correct?

7 A. That's correct.

8 Q. Will the four completed intervals comply with the
9 setback requirements?

10 A. Yes, they will.

11 Q. Is section 36 all state land?

12 A. Yes. It is three state leases.

13 Q. Could you please identify Exhibits 5, 6, 7 and 8?

14 A. They're the ownership maps for each respective
15 well on both a tract and lease basis and a proration
16 unit basis. And you'll notice that all working interest
17 owners are committed. In each one of these wells,
18 we're just are seeking to pool certain record title
19 owners in each well.

20 Q. Who do you seek to pool for each well?

21 A. Magnum Hunter Production, Inc., for the 3, 4, 5
22 and 6H wells. And then Western Equipment Company for
23 the 6H well.

24 Q. Who is Magnum Hunter?

25 A. It's a wholly-owned subsidiary of Cimarex Energy.

1 Q. Did you send letters to Magnum Hunter and Western
2 Equipment requesting that they sign the Com agreement?

3 A. We did. We sent letters to each one of those
4 parties. Western Equipment Company was returned
5 undeliverable. And Magnum Hunter, we had numerous phone
6 calls and e-mails. The landman over there indicated
7 that all the communization agreements had been executed
8 in triplicate three weeks ago, but we still have not
9 received them.

10 Q. What are the dates on those two letters?

11 A. June 5th for Western Equipment Company and May
12 29th for Magnum Hunter.

13 Q. Did COG identify the offset operators or lessees
14 of the 40-acre tracts surrounding the proposed
15 non-standard spacing units?

16 A. Yes, we did.

17 Q. And did COG include these offset operators or
18 lessees in notice of this hearing?

19 A. Yes, we did.

20 Q. Is Exhibit 11 an affidavit prepared by my office
21 with attached letters providing notice of this hearing
22 to the record title owners and affected parties,
23 offsets?

24 A. Yes, it is.

25 Q. Was it necessary to publish notice?

1 A. It was for Western Equipment Company, because the
2 address on file with the OCD was no longer valid, and
3 when we tried to mail correspondence to them, it was
4 returned undeliverable.

5 Q. Is Exhibit 12 an affidavit of publication
6 directed to Western Equipment providing notice of this
7 hearing?

8 A. Yes, it is.

9 Q. Were Exhibits 1 through 10 prepared by you or
10 compiled under your direction and supervision?

11 A. Yes, they were.

12 MS. KESSLER: Mr. Examiner, I move into
13 evidence Exhibits 1 through 12, which includes my
14 affidavits.

15 EXAMINER GOETZE: Exhibits 1 through 12 are
16 so entered.

17 (COG Operating LLC Exhibits 1 through 12 are
18 offered and admitted.)

19 MS. KESSLER: That concludes my examination.

20 EXAMINATION BY EXAMINER GOETZE

21 EXAMINER GOETZE: So we are only seeking to
22 compulsory pool record title owners?

23 THE WITNESS: Yes, sir. Both these parties
24 have zero working interests in the lease.

25 EXAMINER GOETZE: So we are not pursuing any

1 type of interest or penalties.

2 THE WITNESS: That's correct. It's when
3 they made the assignments and filed them at the county
4 levels, they failed to clean up the state lease files
5 and transfer record title at that time.

6 EXAMINER GOETZE: I have no further
7 questions.

8 EXAMINER WADE: I have no questions.

9 EXAMINER GOETZE: We are done with this
10 witness. Thank you.

11 ALLISON STUMPF
12 having been first duly sworn, was examined and testified
13 as follows:

14 DIRECT EXAMINATION

15 BY MS. KESSLER:

16 Q. Please state your name for the record and tell
17 the Examiner by whom you're employed and in what
18 capacity.

19 A. My name is Allison Stumpf. And I'm employed by
20 COG Operating and I'm a geologist on the Delaware Basin
21 team.

22 Q. Have you previously testified before the
23 Division?

24 A. Yes, I have.

25 Q. And were your credentials as a petroleum

1 geologist accepted and made a matter of record?

2 A. Yes.

3 Q. Are you familiar with the applications filed in
4 these consolidated cases?

5 A. Yes.

6 Q. And have you conducted a geologic study of the
7 lands that are the subject of this hearing?

8 A. Yes, I have.

9 MS. KESSLER: Mr. Examiner, I would tender
10 Mr. Stumpf as an expert witness in petroleum geology.

11 EXAMINER GOETZE: She is so qualified.

12 Q. Please turn to Exhibit 13. What is the target
13 interval for these four wells?

14 A. The Third Bone Spring Sand of the Bone Spring
15 Formation.

16 Q. Have you prepared a structure map and cross
17 section of the target interval for the Examiners?

18 A. Yes.

19 Q. Is Exhibit 13 a structure map of the Third Bone
20 Spring?

21 A. Yes. Exhibit 13 shows section 36 of T 19 South;
22 R 34 east. The COG acreage is shown in yellow. The
23 proposed horizontal locations are shown with a red line,
24 with the square being the surface hole location and the
25 circle being the bottom hole location.

1 The wells that are proposed, we start with the 3H
2 in the east half, east half of the section; the 4H is in
3 the west half, east half; the 5H is in the east half,
4 west half, and the 6H is in the west half of the west
5 half.

6 The contour lines that you see are a subC
7 structure on top of the Third Bone Spring Sand. The
8 contour interval is 100 feet. As you can see, there are
9 no geologic impediments, any faulting across the area.

10 And then I would also like to note that the wells
11 with the purple solid lines are existing producing Third
12 Bone Spring Sand wells. And the wells with the purple
13 dashed lines are drilled Third Bone Spring Sand Wells.
14 They are just not on production yet.

15 Q. Have you identified the structure as being
16 consistent throughout this section?

17 A. Yes.

18 Q. Please turn to your Exhibit 14 and identify this
19 exhibit for the Examiners.

20 A. This exhibit is very similar to the last exhibit.
21 We have a cross section line, A to A Prime shown in
22 blue, that goes across the section. And the wells that
23 I have chosen are representative of the area.

24 Q. Would you turn to Exhibit 15. Is this the cross
25 section that corresponds with the line A to A Prime on

1 the last exhibit?

2 A. Yes. This is a structural cross section A to A
3 Prime that goes from the northeast to the southwest.
4 The wells that I have selected are the Tusk Fed No. 4H,
5 the West Pearl 36 State No. 1, and the West Pearl State
6 No. 1.

7 The logs that I have used in the left tract, you
8 have a gamma ray resistivity log. And then in the right
9 tract, you have the gamma ray and then density porosity
10 neutron log.

11 And the purple line represents the top of the
12 Third Bone Spring Sand. And the red line represents the
13 top of the Wolfcamp. And our lateral target interval is
14 shown by the red bracket on the center log. And as you
15 can see, the Third Bone Spring is continuous across the
16 area and has about the same thickness across the area.

17 Q. What conclusions have you drawn based on your
18 geologic study of this area?

19 A. That there are no geological impediments to
20 developing the area using full section horizontals; that
21 the area can be efficiently and economically produced
22 using horizontal wells, and that the proposed
23 non-standard unit will on average contribute more or
24 less equally to the production of the wells.

25 Q. Will the completed intervals for each of these

1 wells comply with the Division setback requirements?

2 A. Yes, they will.

3 Q. And have you prepared diagrams labeled COG 16,
4 17, and 18, showing compliance with those setbacks for
5 the 3H, 4H and 5H wells?

6 A. Yes. So these three exhibits for the 3H, 4H and
7 5H show that while -- although the surface hole location
8 is outside the 330-foot setbacks, that there will be no
9 perforations performed closer than the 330-foot
10 setbacks. And that's what these diagrams show.

11 Q. And compliance for the 6H well for 330-foot
12 setbacks is demonstrated on Exhibit 4, correct?

13 A. Yes, it is.

14 Q. In your opinion is the granting of COG's
15 consolidated applications in the best interest of
16 conservation for the prevention of waste and the
17 protection of correlative rights?

18 A. Yes.

19 Q. Did you prepare Exhibits 13 through 18?

20 A. Yes.

21 MS. KESSLER: Mr. Examiner, I move into
22 evidence Exhibits 13 through 18.

23 EXAMINER GOETZE: Exhibits 13 through 18 are
24 so entered.

25 (COG Operating LLC Exhibits 13 through 18

1 are offered and admitted.)

2 MS. KESSLER: And that concludes my
3 examination.

4 EXAMINER GOETZE: Counselor Wade.

5 EXAMINER WADE: I have no questions.

6 EXAMINER GOETZE: No questions. Very good.

7 EXAMINATION BY EXAMINER GOETZE

8 EXAMINER GOETZE: I do have a question. On
9 your Exhibit 13, we have an east, west horizontal well
10 which I assume shares the same surface location. Is
11 this also in the Third Bone Springs?

12 THE WITNESS: Yes, it is.

13 EXAMINER GOETZE: And what is the history on
14 that well; it is currently producing or --

15 THE WITNESS: It is currently producing.
16 It's not the best well. It was drilled in 2012. And so
17 we've decided to come in and drill four north, south
18 wells because we found that in this area the north,
19 south wells perform better than the east, west wells.
20 And that east, west well is currently holding the north
21 half of that section. So we thought it best to go in
22 and drill some more wells. It's a good area.

23 EXAMINER GOETZE: Very good. No further
24 questions for this witness. Thank you.

25 MS. KESSLER: Mr. Examiner, I ask that this

1 case be taken under advisement.

2 EXAMINER GOETZE: We will take all four
3 cases under advisement. Case 15350, 15351, 15352, and
4 case 15353 are taken under advisement.

5

6

7 (Time noted 10:21 a.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I do hereby certify that the foregoing is
a correct and true copy of the proceedings in
the case above captioned at Case No.

heard by me on July 23, 2015
Philip J. Goetze, Examiner
Oil Conservation Division

15350
15351
15352
15353

1 STATE OF NEW MEXICO)
 2) ss.
 3 COUNTY OF BERNALILLO)
 4
 5
 6

7 REPORTER'S CERTIFICATE

8
 9 I, ELLEN H. ALLANIC, New Mexico Reporter CCR
 10 No. 100, DO HEREBY CERTIFY that on Thursday, July 23,
 11 2015, the proceedings in the above-captioned matter were
 12 taken before me, that I did report in stenographic
 13 shorthand the proceedings set forth herein, and the
 14 foregoing pages are a true and correct transcription to
 15 the best of my ability and control.

16
 17 I FURTHER CERTIFY that I am neither employed by
 18 nor related to nor contracted with (unless excepted by
 19 the rules) any of the parties or attorneys in this case,
 20 and that I have no interest whatsoever in the final
 21 disposition of this case in any court.

22
 23
 24
 25


ELLEN H. ALLANIC, CSR
 NM Certified Court Reporter No. 100
 License Expires: 12/31/15