

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

**APPLICATION OF TAP ROCK OPERATING, LLC  
FOR A NON-STANDARD SPACING AND PRORATION  
UNIT AND COMPULSORY POOLING, EDDY COUNTY,  
NEW MEXICO**

**CASE NO. 16165**

**TAP ROCK OPERATING, LLC'S RESPONSE IN OPPOSITION TO MEWBOURNE'S  
MOTION FOR CONTINUANCE**

Tap Rock Operating, LLC ("Tap Rock"), for its Response in Opposition to Mewbourne's Motion for Continuance, states:

1. The above matter has been set for hearing on the Division's docket for Thursday, May 31, 2018. Tap Rock is ready to proceed as scheduled. Tap Rock's witnesses will be en route to Santa Fe shortly.

2. Mewbourne's motion wasn't filed until Tuesday, May 29. This last minute request for continuance is untimely, and has been interposed solely for delay.

3. Mewbourne received notice of the May 31 hearing from Tap Rock because Mewbourne is an offset operator. Tap Rock has no record of Mewbourne owning any working interest within the subject acreage. Mewbourne contends that it is an "interest owner" in the N/2 of Section 6, yet Mewbourne has produced no documentation demonstrating any such interest. Mewbourne appears to lack standing as a working interest owner to request a continuance.

4. Furthermore, even if Mewbourne could demonstrate a working interest in the N/2 of Section 6 as of the date of its motion, Mewbourne could not possibly complete all requirements to hold a contested hearing on June 14, 2018. Mewbourne asserts that it intends to develop the N/2 of Section 6, but Tap Rock has no record of Mewbourne having issued well proposals to the

working interest owners of record, having filed competing Applications, or otherwise having taken any steps to develop the N/2 of Section 6. The delay Mewbourne is seeking appears to be considerably longer than two weeks.

6. Meanwhile, Tap Rock has duly completed all requirements to develop these lands in a manner consistent with its Application, and Tap Rock timely requested and was granted a hearing.

7. Finally, Tap Rock's 2018 drilling schedule requires that this matter go forward on May 31.

Should the Division grant Mewbourne's motion, it would be setting precedent allowing last-minute requests for continuance to unfairly and indefinitely delay the efforts of diligent operators to move forward with long-established development plans. For the foregoing reasons, Tap Rock respectfully requests that Mewbourne's request for continuance be denied, and that this case be allowed to proceed as scheduled on May 31, 2018.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: Seth C. McMillan  
Seth C. McMillan  
J. Scott Hall  
Post Office Box 2307  
Santa Fe, New Mexico 87504-2307  
(505) 982-3873  
[smcmillan@montand.com](mailto:smcmillan@montand.com)  
[shall@montand.com](mailto:shall@montand.com)

*Attorneys for Tap Rock Operating, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served to counsel of record by electronic mail on May 29, 2018.

James Bruce, Esq.  
P.O. Box 1056  
Santa Fe, NM 87504  
Telephone (505) 982-2043  
[jamesbruc@aol.com](mailto:jamesbruc@aol.com)

Seth C. McMillan  
Seth C. McMillan