

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

**APPLICATION OF COG OPERATING, LLC
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

**CASE NO. 21219
CASE NO. 21220
ORDER NO. R-21198**

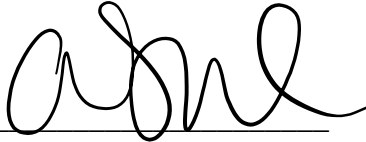
ORDER

COG Operating, LLC (“COG”) filed a motion requesting that the Director of the Oil Conservation Division (“OCD”) issue an emergency order staying four Applications for Permits to Drill (“APDs”) granted to Mewbourne Oil Company (“MOC”) for the Pothole Wells pending a hearing and order on COG’s pooling applications (“Motion”). MOC responded to the Motion. COG also requested that OCD schedule the Motion for a hearing, but subsequently withdrew that request. Having reviewed the pleadings and the files in this matter, the Director denies COG’s Motion based on the following:

1. COG fails to satisfy the traditional factors for preliminary relief. Most importantly, COG cannot show the likelihood of immediate and irreparable harm absent a stay because MOC has agreed not to commence drilling the Pothole Wells before OCD acts on COG’s pooling applications. MOC Response at Exhibit C. MOC’s agreement contemplates that OCD will hear and decide COG’s pooling applications before May 1, 2020. Given the potential disruption of the OCD’s hearing process caused by the declared public health emergency, the hearings on COG’s applications may be delayed. OCD expects that MOC will extend its agreement until OCD hears and decides COG’s applications, and requests that MOC confirm such agreement in writing.

2. OCD does not express an opinion whether COG can establish a reasonable likelihood of success on the merits, but notes that COG does not contend that OCD improperly issued the Pothole Well APDs. OCD also observes that the proceedings on COG's applications are not the proper forum for COG to challenge those APDs.

For these reasons, COG's Motion is DENIED.

A handwritten signature in black ink, appearing to read 'AS', is written over a horizontal line.

ADRIENNE SANDOVAL
DIRECTOR

Date: 3/20/2020