

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

**APPLICATIONS OF APACHE CORPORATION  
FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO**

**CASE NO. 21189  
CASE NO. 21190  
CASE NO. 21191  
CASE NO. 21192**

**APPLICATIONS OF COLGATE OPERATING,  
LLC FOR COMPULSORY POOLING AND  
NON-STANDARD SPACING AND PRORATION UNIT,  
EDDY COUNTY, NEW MEXICO**

**CASE NO. 21078  
CASE NO. 21079  
CASE NO. 21239**

**OPPOSED MOTION FOR CONTINUANCE**

Apache Corporation (“Apache”) requests that the hearing on the above-referenced Applications, currently set for hearing on August 14, 2020, be continued to the September 24, 2020 docket following affidavit cases and status conferences set for that date. Alternatively, Apache asks that the referenced cases be continued to a special hearing date no earlier than September 10, 2020. In support of its motion, Apache states:

1. Colgate Operating, LLC and CM Resources, LLC (“Colgate”) and Apache are continuing their negotiations for settlement in the referenced cases. A proposal was made by Colgate to Apache yesterday afternoon which Apache has begun to evaluate and which may completely settle the dispute between Colgate and Apache in these matters.

2. The Prehearing Order entered in the subject matters on June 25, 2020 requires the filing by August 7, 2020 of testimony, exhibits, material facts not in dispute and the prehearing statement.

3. Apache recently closed its offices in Midland, Texas, and the team responsible for the area which encompasses the lands involved in the referenced matters have only very recently relocated to Houston, Texas from Midland.

4. The recent surge in COVID in the Houston area, not anticipated when the current hearing date was requested, has coupled with the challenges presented by moving homes and offices to create disruptions in the Apache team's ability to work and communicate effectively. The additional time requested should allow Apache's team time to address the issues presented by the move and limitations in their offices presented by COVID.

5. Colgate's most recent proposal encompasses lands in Sections additional to those in the subject matters, and Apache requires additional time to properly evaluate Colgate's recent proposal.

6. Parties additional to the applicants in the referenced matters who have entered an appearance in all of the subject matters are: Magnum Hunter Production, Inc. ("Magnum"), EOG Resources, Inc. ("EOG") and XTO Energy Inc. ("XTO"). Colgate is the only party opposing Apache's request for a continuance.

Respectfully submitted,

BEATTY & WOZNIAK, P.C.

By: 

Candace Callahan  
500 Don Gaspar Avenue  
Santa Fe, New Mexico 87505  
(505) 983-8545 or (505) 983-8765 (direct)  
(800) 886-6566 (fax)  
[ccallahan@bwenergylaw.com](mailto:ccallahan@bwenergylaw.com)  
ATTORNEYS FOR APACHE CORPORATION

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on counsel of record by electronic mail on July 30, 2020.

Ernest L. Padilla  
Padilla Law Firm, P.A.  
P. O. Box 2533  
Santa Fe, NM 87504  
(505) 988-7577  
*padillalaw@qwestoffice.net*

Sharon T. Shaheen  
John F. McIntyre  
Montgomery & Andrews, P.A.  
P. O. Box 2307  
Santa Fe, NM 87504-2307  
(505) 986-2678  
*sshhaheen@montand.com*  
*jmcintyre@montand.com*

Darin C. Savage  
Andrew D. Schill  
William E. Zimsky  
214 McKenzie Street  
Santa Fe, NM 8501  
*darin@abadieschill.com*  
*bill@abadieschill.com*  
*andrew@abadieschill.com*

Andrew J. Cloutier  
Hinkle Shanor LLP  
P. O. Box 10  
Roswell, NM 88202-0010  
*acloutier@hinklelawfirm.com*



Candace Callahan