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

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

CASE NOS: 21337, 21338

APPLICATION OF COG OPERATING LLC  
FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS  
EXAMINER HEARING  
JULY 9, 2020  
SANTA FE, NEW MEXICO

This matter came on for virtual hearing before  
the New Mexico Oil Conservation Division, HEARING OFFICER  
FELICIA ORTH and TECHNICAL EXAMINER DYLAN COSS and LEONARD  
LOWE on Thursday, July 9, 2020, through the Webex Platform.

Reported by: Irene Delgado, NMCCR 253  
PAUL BACA PROFESSIONAL COURT REPORTERS  
500 Fourth Street, NW, Suite 105  
Albuquerque, NM 87102  
505-843-9241

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

2 For the Applicant:

3 MICHAEL FELDEWERT  
4 HOLLAND & HART  
5 110 North Guadalupe, Suite 1  
6 Santa Fe, NM 87501  
7 505-954-7286

8 For EOG and Colgate Operating:

9 LANCE HOUGH  
10 MODRALL SPERLING ROEHL HARRIS & SISK PA  
11 500 4th Street, NW, Suite 1000  
12 Albuquerque, NM 87102  
13 505-848-9710

14 I N D E X

15 CASE CONTINUED	05
16 REPORTER CERTIFICATE	06

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1           HEARING EXAMINER ORTH: We will move to 21337 and  
2 21338, COG Operating, the applicant, they are compulsory  
3 pooling applications related to a well named Tenderloin.  
4 Mr. Feldewert, is that you again? Or, no, there's  
5 Mr. Hough.

6           MR. FELDEWERT: Yes, Madam Examiner. Michael  
7 Feldewert with the Santa Fe office of Holland & Hart on  
8 behalf of COG Operating in both of these cases.

9           HEARING EXAMINER ORTH: All right. Thank you.  
10 And I see we have an appearance by EOG, or EOG by Modrall  
11 Sperling. Mr. Hough, is that you?

12           MR. HOUGH: Yes, Madam Examiner, we have actually  
13 filed two entries of appearance from Modrall Sperling, one  
14 on behalf of EOG Resources, and then as well as one for  
15 Colgate Operating LLC, and I'm not sure -- I don't see that  
16 listed here for Colgate on the docket update from this  
17 morning. So I guess to the extent that it might be,  
18 although we did submit it, I will go ahead and formally  
19 enter my appearance again on behalf of Colgate Operating  
20 LLC.

21           HEARING EXAMINER ORTH: All right. Thank you  
22 very much. Let me pause a moment to ask if there are other  
23 appearances.

24           (No audible response.)

25           HEARING EXAMINER ORTH: No? All right. Thank

1 you. I believe in these matters there was a motion for  
2 continuance; was that correct?

3 MR. HOUGH: Madam Examiner, this is Lance Hough,  
4 and, yes, there was a request submitted on behalf of Holland  
5 & Hart or through Holland & Hart on behalf of COG, and that  
6 was a request notifying division that () Colgate opposed a  
7 presentation by affidavit because of the late notice issue,  
8 and the parties were agreed that they are fine with  
9 continuing it to the July 23 docket.

10 I'm looking at the e-mail here now, and so that  
11 was originally submitted from Holland & Hart on behalf of  
12 COG, and I provided some additional context via e-mail for  
13 the basis of that coming in later than typically allowed  
14 under the rules. But again, under the rules, they do allow  
15 for a continuance request after 48 hours before the hearing,  
16 and as long as the purpose or the reasoning for the  
17 continuance arises after that deadline, which is the case  
18 in -- which is what I iterated in my e-mail.

19 HEARING EXAMINER ORTH: So I saw that. I'm  
20 wondering, did the applicant give timely notice?

21 MR. FELDEWERT: Madam Examiner, Michael Feldewert  
22 on behalf of COG. Our records show that () timely notice to  
23 see CM Resources which is the entity that they are now  
24 Colgate. But I understand CM resources is perhaps a  
25 subsidiary or affiliate of Colgate, but Concho did provide

1 timely notice to the address of record for CM Resources, but  
2 they are raising an issue that they had moved their office.  
3 And so because of that, we are moving the hearing -- or we  
4 don't want to go any later than that, so we believe we  
5 provided notice, but like I said we don't object to the  
6 continuance to July 23 for CM Resources to prepare for  
7 whatever hearing we have.

8 HEARING EXAMINER ORTH: Okay. So I understand  
9 now about the notice. All right. So thank you both,  
10 gentlemen. The matter will be continued to the July 23  
11 docket.

12 MR. HOUGH: Thank you.

13 MR. FELDEWERT: Thank you.

14 (Continued.)  
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1 STATE OF NEW MEXICO

2 COUNTY OF BERNALILLO

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4 REPORTER'S CERTIFICATE

5  
6 I, IRENE DELGADO, New Mexico Certified Court  
7 Reporter, CCR 253, do hereby certify that I reported the  
8 foregoing virtual proceedings in stenographic shorthand and  
9 that the foregoing pages are a true and correct transcript  
10 of those proceedings to the best of my ability.

11 I FURTHER CERTIFY that I am neither employed by  
12 nor related to any of the parties or attorneys in this case  
13 and that I have no interest in the final disposition of this  
14 case.

15 I FURTHER CERTIFY that the Virtual Proceeding was  
16 of poor quality.

17 Dated this 9th day of July 2020.

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19  
20 Irene Delgado, NMCCR 253  
License Expires: 12-31-21