

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:

ORIGINAL

APPLICATION OF COG OPERATING LLC CASE 15281
FOR A NON-STANDARD SPACING AND
PRORATION UNIT AND COMPULSORY
POOLING, EDDY COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

April 16, 2015

Santa Fe, New Mexico

BEFORE: WILLIAM JONES, CHIEF EXAMINER
ALLISON MARKS, LEGAL EXAMINER

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This matter came on for hearing before the
New Mexico Oil Conservation Division, William V. Jones,
Chief Examiner, Phillip Goetze, Technical Examiner, and
Allison Marks, Legal Examiner, on Thursday, April 16,
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

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

2 FOR APPLICANT COG OPERATING LLC:

3 Michael H. Feldewert, Esq.
 4 Holland & Hart
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 5 Santa Fe, New Mexico 87501
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 6 mfeldewert@hollandhart.com

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I N D E X

10 CASE NUMBER 15281 CALLED PAGE

11 COG OPERATING LLC's CASE-IN-CHIEF: 3

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16 Reporter's Certificate: PAGE 6

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1 (Time noted 8:26 a.m.)

2 EXAMINER JONES: 15281 is an application of
3 COG Operating LLC for a non-standard spacing and
4 proration unit and compulsory pooling in Eddy County,
5 New Mexico. Call for appearances.

6 MR. FELDEWERT: If you would, please,
7 Examiner, Michael Feldewert with the Santa Fe Office of
8 Holland & Hart appearing on behalf of the applicant.

9 EXAMINER JONES: Any other appearances?

10 (No response.)

11 MR. FELDEWERT: Mr. Examiner, this case was
12 heard on April 2nd, the last docket. At that time,
13 there were two witnesses that were presented and ten
14 exhibits accepted by the Division. COG Exhibit No. 4 in
15 that package was an affidavit of publication which
16 provided notice by newspaper to the unlocateable
17 parties.

18 We noted during the hearing that that
19 affidavit of publication indicated that the notice had
20 not been published until March 24th, which did not
21 comply with the ten-day period of time required by the
22 Division rules. So we continued it for two weeks.

23 And now that we have done that, that has --
24 we have now met that ten-day period for the notice of
25 publication; and, so, given that, we ask that the case

1 can now be taken under advisement.

2 EXAMINER JONES: Okay. On that case -- I'm
3 understanding on that case that it was a compulsory
4 pooling down to a certain depth?

5 MR. FELDEWERT: Yes, Mr. Examiner.

6 EXAMINER JONES: Which was in the middle of
7 a vertical depth of a pool. On that case, what we are
8 asking -- what we want to ask you to do is to identify
9 the parties that are left out from the other vertical
10 section of the pool that's not in the compulsory pooling
11 case, identify those parties, the parties that control
12 the minerals. It would be a lessee or, if the lessor
13 doesn't have a pooling clause, then notify the lesser
14 also.

15 And then what we want to do is for you to
16 provide proof of notice with one more exhibit affidavit
17 of proof of notice to those folks in relation to forming
18 the non-standard proration unit, non-standard spacing
19 unit -- not for the compulsory pooling, for forming the
20 non-standard proration unit.

21 MR. FELDEWERT: Is that going to require --
22 will that require then that the case be continued
23 another 30 days?

24 EXAMINER JONES: We wanted to ask you how
25 long it would take to identify those people and provide.

1 notice to them and then for the delay on the notice.

2 Well, you might not know that right now.

3 MR. FELDEWERT: Yes. I need to take a look
4 at that. But if you are talking about proof of notice
5 of a hearing, that is 20 days, that's a 20-day notice
6 period.

7 EXAMINER JONES: That would be approximately
8 29 days away from the May 14th hearing. I don't know if
9 we can do it that soon. So it would be either May 14th
10 or -- we could try it for May 14th.

11 MR. FELDEWERT: Right. I think we should be
12 able to make the May 14th docket.

13 EXAMINER JONES: Let's do that. Let's
14 continue Case 15281 until May the 14th.

15 And let's call case -- let's see. Did you
16 want to present an affidavit? Has it already been
17 presented --

18 MR. FELDEWERT: The notice of application
19 has already been presented as Exhibit 4.

20 EXAMINER JONES: Okay. Thank you.

21 (Time noted 8:31 a.m.)

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I do hereby certify that the foregoing is
a complete record of the proceedings on
the Examiner hearing of Case No. _____
heard by me on _____

Examiner

Oil Conservation Division

PAUL BACA PROFESSIONAL COURT REPORTERS
500 FOURTH STREET NW - SUITE 105, ALBUQUERQUE, NM 87102

1 STATE OF NEW MEXICO)
2) ss.
3 COUNTY OF BERNALILLO)
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7 REPORTER'S CERTIFICATE

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9 I, ELLEN H. ALLANIC, New Mexico Reporter CCR
10 No. 100, DO HEREBY CERTIFY that on Thursday, April 16,
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.

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