

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

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

2017 JAN -4 PM 1:00

Case No. 15607

ENTRY OF APPEARANCE

Ernest L. Padilla, PADILLA LAW FIRM, P.A., hereby enters his appearance on behalf of Beacon E&P Company, LLC, in the above captioned matter.

Respectfully submitted,

PADILLA LAW FIRM, P.A.

/s/ ERNEST L. PADILLA

ERNEST L. PADILLA

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically transmitted on this 4th day of January, 2017 to the following:

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ERNEST L. PADILLA

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

RECEIVED DEC 30 2016

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

Case No. 15607

AMENDED PRE-HEARING STATEMENT

This Pre-hearing Statement is submitted by Christine Speidel Fowlkes, Christopher Clegg, Fowlkes, Janet Renee Fowlkes Murrey, Kathleen K. Fowlkes, J.M. Fowlkes, Jr., Maco Stewart Fowlkes, Nancy Fowlkes Donley, John M. Fowlkes, Preston L. Fowlkes, Lauren Fowlkes and Trey Fowlkes (hereafter "Fowlkes Mineral Interest Owners") by and through their undersigned counsel, Ernest L. Padilla, PADILLA LAW FIRM, P.A., as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT:

COG Operating LLC

ATTORNEY:

Michael Feldewert
Jordan L. Kessler
Holland & Hart LLP
PO Box 2208
Santa Fe, NM 87504-2208

OPPOSITION OR OTHER PARTY:

Christine Speidel Fowlkes,
Christopher Clegg, Fowlkes, Janet Renee Fowlkes Murrey, Kathleen K. Fowlkes,
J.M. Fowlkes, Jr., Maco Stewart Fowlkes, Nancy Fowlkes Donley, John M. Fowlkes,
Preston L. Fowlkes, Lauren Fowlkes and Trey Fowlkes.

ATTORNEY:

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STATEMENT OF CASE

APPLICANT:

OPPOSITION OR OTHER PARTY:

The Fowlkes Mineral Interest Owners own approximately 16% of the mineral interests underlying the proposed spacing unit. Applicant or its related affiliates have made essentially one leasing proposal to the Fowlkes Mineral Interest Owners on terms that, upon information and belief, are below leasing rates for similar drilling proposals. Among other things, Applicant has previously leased the same acreage for over twice of the current bonus proposal of \$1,500 per mineral acre. Through its compulsory pooling application, Applicant is using unfair and predatory leverage to lease the Fowlkes Mineral Interest Owners' mineral interests on its terms. Applicant's "take it or leave it" negotiation tactic does not meet the good faith requirement for New Mexico compulsory pooling statutes and regulations.

PROPOSED EVIDENCE

APPLICANT

WITNESSES	EST. TIME	EXHIBITS
Maco Fowlkes	20 Minutes	Will testify concerning Applicant's proposal
Sean Moore (Landman)	20 Minutes	Lease terms and provisions in the area of the application

OPPOSITION

WITNESSES	EST. TIME	EXHIBITS
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PROCEDURAL MATTERS

PADILLA LAW FIRM, P.A.

/s/ ERNEST L. PADILLA

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically transmitted on this 29th day of December, 2016 to the following:

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