

McMillan, Michael, EMNRD

From: Michael Feldewert <MFeldewert@hollandhart.com>
Sent: Thursday, December 8, 2016 5:40 PM
To: Padilla Law Firm, P.A.; Jones, William V, EMNRD; Goetze, Phillip, EMNRD; Dawson, Scott, EMNRD; McMillan, Michael, EMNRD; Brooks, David K., EMNRD
Cc: Jordan L. Kessler; jsh@montand.com; Ocean Munds-Dry
Subject: Case 15607 (COG Pooling Case): Objection to Request for a Continuance

Mr. Padilla correctly observes in his late afternoon email that COG opposes the continuance. The parties have unsuccessfully attempted to reach an agreement since August and the Fowlkes mineral owners have known about this pooling case for months. They simply wish to delay this matter as long as possible for no apparent gain. The desire at this late hour to find a witness to testify on "on leasing terms, provisions, and rates in the area of the application" is a contractual matter that has no relevance to the pooling proceedings. Accordingly, no proper basis exists for a continuance. We ask that if this request is to be considered by the Examiners, that it be considered at a prehearing conference following the filing of an appropriate motion.

Michael H. Feldewert
Santa Fe Office
505-988-4421
505-983-6043 (fax)
mfeldewert@hollandhart.com



CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.

From: Padilla Law Firm, P.A. [mailto:padillalaw@qwestoffice.net]
Sent: Thursday, December 08, 2016 4:12 PM
To: Jones, William V, EMNRD; Goetze, Phillip, EMNRD; Dawson, Scott, EMNRD; McMillan, Michael, EMNRD; Brooks, David K., EMNRD
Cc: Michael Feldewert; Jordan L. Kessler; jsh@montand.com
Subject: RE: OCD Case 15607

Gentlemen:

By earlier email, we filed a pre-hearing statement in the referenced case. You may have noted that we did not name a landman as an expert witness. In this case, we have attempted to locate a landman or other leasing professional who can testify on leasing terms, provisions, and rates in the area of the application. Our opposition to the application is that the Applicant, COG Operating Inc, or its affiliates, have essentially made only one proposal. Our search, and that of Mr. Hall, who represents one of the Fowlkes mineral interest owners, is that because of the Applicant's or Concho's presence in Southeast New Mexico, predictably the professionals that we have contacted have a conflict of interest or are reluctant to testify on behalf of our clients.

In short, we need additional time within which to locate a professional landman or other lease broker and prepare a case. We, therefore, request a continuance to the Division's January 5, 2017 hearing docket.

Counsel for the Applicant opposes a continuance, but gave no reason for the opposition. Mr. Hall does not oppose the requested continuance.

Davidson, Florene, EMNRD

From: McMillan, Michael, EMNRD
Sent: Tuesday, December 13, 2016 9:28 AM
To: Michael Feldewert; Padilla Law Firm, P.A.; Jones, William V, EMNRD; Goetze, Phillip, EMNRD; Dawson, Scott, EMNRD
Cc: Jordan L. Kessler, jsh@montand.com; Ocean Munds-Dry; Brooks, David K, EMNRD; Davidson, Florene, EMNRD; Collins, Karen, EMNRD
Subject: RE: Case 15607 (COG Pooling Case): Objection to Request for a Continuance

Case 15607 shall be continued until January 5, 2017.

Thank You

MICHAEL A. MCMILLAN

Engineering Bureau, Oil Conservation Division
1220 south St. Francis Dr., Santa Fe NM 87505
O: 505.476.3448
Michael.McMillan@state.nm.us

From: Michael Feldewert [mailto:MFeldewert@hollandhart.com]
Sent: Thursday, December 8, 2016 5:40 PM
To: Padilla Law Firm, P.A. <padillalaw@qwestoffice.net>; Jones, William V, EMNRD <WilliamV.Jones@state.nm.us>; Goetze, Phillip, EMNRD <Phillip.Goetze@state.nm.us>; Dawson, Scott, EMNRD <Scott.Dawson@state.nm.us>; McMillan, Michael, EMNRD <Michael.McMillan@state.nm.us>; Brooks, David K., EMNRD <david.brooks@state.nm.us>
Cc: Jordan L. Kessler <JLKessler@hollandhart.com>; jsh@montand.com; Ocean Munds-Dry <OMundsDry@concho.com>
Subject: Case 15607 (COG Pooling Case): Objection to Request for a Continuance

Mr. Padilla correctly observes in his late afternoon email that COG opposes the continuance. The parties have unsuccessfully attempted to reach an agreement since August and the Fowlkes mineral owners have known about this pooling case for months. They simply wish to delay this matter as long as possible for no apparent gain. The desire at this late hour to find a witness to testify on "on leasing terms, provisions, and rates in the area of the application" is a contractual matter that has no relevance to the pooling proceedings. Accordingly, no proper basis exists for a continuance. We ask that if this request is to be considered by the Examiners, that it be considered at a prehearing conference following the filing of an appropriate motion.

Michael H. Feldewert
Santa Fe Office
505-988-4421
505-983-6043 (fax)
[*mfeldewert@hollandhart.com*](mailto:mfeldewert@hollandhart.com)

HOLLAND & HART 

CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.

From: Padilla Law Firm, P.A. [<mailto:padillalaw@qwestoffice.net>]

Sent: Thursday, December 08, 2016 4:12 PM

To: Jones, William V, EMNRD; Goetze, Phillip, EMNRD; Dawson, Scott, EMNRD; McMillan, Michael, EMNRD; Brooks, David K., EMNRD

Cc: Michael Feldewert; Jordan L. Kessler; jsh@montand.com

Subject: RE: OCD Case 15607

Gentlemen:

By earlier email, we filed a pre-hearing statement in the referenced case. You may have noted that we did not name a landman as an expert witness. In this case, we have attempted to locate a landman or other leasing professional who can testify on leasing terms, provisions, and rates in the area of the application. Our opposition to the application is that the Applicant, COG Operating Inc, or its affiliates, have essentially made only one proposal. Our search, and that of Mr. Hall, who represents one of the Fowlkes mineral interest owners, is that because of the Applicant's or Concho's presence in Southeast New Mexico, predictably the professionals that we have contacted have a conflict of interest or are reluctant to testify on behalf of our clients.

In short, we need additional time within which to locate a professional landman or other lease broker and prepare a case. We, therefore, request a continuance to the Division's January 5, 2017 hearing docket.

Counsel for the Applicant opposes a continuance, but gave no reason for the opposition. Mr. Hall does not oppose the requested continuance.

Ernest L. Padilla
PADILLA LAW FIRM, P.A.
P.O. Box 2523
Santa Fe, New Mexico 87504-2523
T: 505-988-7577
F: 505-988-7592
E: epadillaplff@qwestoffice.net; (office) padillalaw@qwestoffice.net

CONFIDENTIALITY NOTICE: THIS MESSAGE (INCLUDING ATTACHMENTS, IF ANY) IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If you are not the intended recipient, any review, use, disclosure, distribution or copying is strictly prohibited. If you believe this e-mail has been sent to you in error, please (i) do not open any attachments, (ii) contact the sender immediately by replying to this e-mail to inform the sender that you have received this e-mail in error, and (iii) delete this e-mail and all attachments.

From: Padilla Law Firm, P.A. [<mailto:padillalaw@qwestoffice.net>]

Sent: Thursday, December 08, 2016 3:48 PM

To: 'Sherman, Lupe, EMNRD'; 'karen.collins@state.nm.us'; Jones, William V, EMNRD (WilliamV.Jones@state.nm.us); Goetze, Phillip, EMNRD (Phillip.Goetze@state.nm.us); Dawson, Scott, EMNRD (Scott.Dawson@state.nm.us); McMillan, Michael, EMNRD (Michael.McMillan@state.nm.us); Davidson, Florene, EMNRD (florene.davidson@state.nm.us); Brooks, David K., EMNRD (david.brooks@state.nm.us)

Cc: Michael Feldewert (MFeldewert@hollandhart.com); jlkessler@hollandhart.com; jsh@montand.com

Subject: RE: OCD Case 15607

Ladies & Gentlemen;

Attached for filing is our Amended Entry of Appearance and Prehearing Statement in the referenced case.

Ernest L. Padilla
PADILLA LAW FIRM, P.A.
P.O. Box 2523
Santa Fe, New Mexico 87504-2523
T: 505-988-7577
F: 505-988-7592
E: epadillaplf@qwestoffice.net; (office) padillalaw@qwestoffice.net

CONFIDENTIALITY NOTICE: THIS MESSAGE (INCLUDING ATTACHMENTS, IF ANY) IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If you are not the intended recipient, any review, use, disclosure, distribution or copying is strictly prohibited. If you believe this e-mail has been sent to you in error, please (i) do not open any attachments, (ii) contact the sender immediately by replying to this e-mail to inform the sender that you have received this e-mail in error, and (iii) delete this e-mail and all attachments.

From: Sherman, Lupe, EMNRD [<mailto:lupe.sherman@state.nm.us>]
Sent: Wednesday, December 07, 2016 3:58 PM
To: Padilla Law Firm, P.A.
Subject: RE: OCD Case 15607 Entry of Appearance OCD Hearing 12/15/2016

Thank you.

From: Padilla Law Firm, P.A. [<mailto:padillalaw@qwestoffice.net>]
Sent: Wednesday, December 7, 2016 3:56 PM
To: Sherman, Lupe, EMNRD <lupe.sherman@state.nm.us>
Cc: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>; mfeldewert@hollandhart.com;
jlkessler@hollandhart.com; shall@montand.com
Subject: OCD Case 15607 Entry of Appearance OCD Hearing 12/15/2016

Ms. Sherman,
Attached please find Mr. Padilla's Entry of Appearance being submitted on behalf of the individuals listed on the entry. If you have any questions or need anything further please let us know. Thank You.

Jo Ann B. Gallegos
Legal Assistant
Padilla Law Firm, P.A.
1512 South Saint Francis Drive
P.O. Box 2523
Santa Fe, New Mexico 87504
(505) 988-7577
(505) 988-7592 fax
email: padillalaw@qwestoffice.net

Brooks, David K, EMNRD

From: Jordan L. Kessler <JLKessler@hollandhart.com>
Sent: Monday, December 12, 2016 3:00 PM
To: Brooks, David K, EMNRD; J. Scott Hall
Cc: McMillan, Michael, EMNRD; Ernest Padilla (epadillapl@qwestoffice.net); William Carr (WCarr@concho.com)
Subject: RE: telephone PHC on Tuesday at 9

Gentleman,

Please call into the following conference line:

Phone number: 877.270.3379
Passcode: 286 453 8980

Thanks,
Jordan

From: Brooks, David K, EMNRD [mailto:DavidK.Brooks@state.nm.us]
Sent: Monday, December 12, 2016 2:56 PM
To: Jordan L. Kessler; J. Scott Hall
Cc: McMillan, Michael, EMNRD
Subject: telephone PHC on Tuesday at 9

Good afternoon Jordan and Gentlemen

I cannot arrange phone conference because the OCD conference room is not available.

I have accordingly asked Jordan to provide each of us call in info for 9 am tomorrow. We will all call in to the number she provides.

Thanks
David Brooks