

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

**APPLICATION OF TAP ROCK RESOURCES,
LLC, FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NO. 21609

**APPLICATION OF TAP ROCK RESOURCES,
LLC, FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NO. 21610

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

CASE NO. 21625

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

CASE NO. 21626

**APPLICATION OF MATADOR PRODUCTION
COMPANY FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NO. 21631

**APPLICATION OF MATADOR PRODUCTION
COMPANY FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NO. 21632

PRE-HEARING ORDER

This Pre-Hearing Order follows a status conference held on January 7, 2021, where the parties having agreed to a hearing date. The parties submitted a proposed stipulated pre-hearing order via email to the Examiner.

APPEARANCES

Tap Rock Resources, LLC (“Tap Rock”)	Sharon T. Shaheen, Esq. John F. McIntyre, Esq. MONTGOMERY & ANDREWS, P.A. P.O. Box 2307 Santa Fe, NM 87504-2307 (505) 986-2678 sshaheen@montand.com jmcintyre@montand.com
COG Operating, LLC (“COG”)	Dana S. Hardy Dioscoro A. Blanco Hinkle Shanor LLP P.O. Box 2068 Santa Fe, NM 87504 (505) 982-4554 dhardy@hinklelawfirm.com dblanc@hinklelawfirm.com
	Ocean Munds-Dry, Esq. Michael Rodriguez, Esq. 1048 Paseo de Peralta Santa Fe, NM 87501 (505) 780-8000 omundsdry@concho.com mrodriguez@concho.com
Matador Production Co. (“Matador”)	Michael H. Feldewert Adam G. Rankin Julia Broggi Kaitlyn A. Luck P.O. Box 2208 Santa Fe, NM 87504 (505) 988-4421 mfeldewert@hollandhart.com agrankin@hollandhart.com jbroggi@hollandhart.com kaluck@hollandhart.com

PROCEDURES

1. The hearing in these compulsory pooling cases will commence on March 18, 2021, following the regular docket set on that date, and continue as necessary through completion.¹

3. The hearing will be recorded and transcribed by a court reporter.

4. The hearing will be conducted using the Webex meeting platform; sign-in information will be sent to the parties closer to the date of hearing. The Hearing Examiner may modify the format of the hearing consistent with the available resources and public distancing directives in place at the time of the hearing.

5. The parties shall file the pre-hearing statement required by 19.15.4.13(B) NMAC, and the following additional information, all of which is due no later than 5:00 p.m. MST on March 11, 2021:

- a. list of material undisputed and disputed facts;
- b. identification of the witnesses and their qualifications; and
- c. a full narrative of the direct testimony and exhibits for each witness.

6. Any evidentiary objections to the filed direct testimony or any exhibit shall be filed by 5:00 p.m. on March 15, 2021. Responses to objections shall be filed by 5:00 p.m. on March 16, 2021. Any evidentiary objections will be addressed at the commencement of the hearing.

7. All witnesses filing direct testimony shall attend the hearing and will be subject to cross-examination by counsel for the parties and the Hearing Examiners.

¹ COG has amended its applications in Case Nos. 21625 and 21626 to clarify the acreage of the proposed horizontal spacing units. The new applications have been assigned Case Nos. 21654 and 21655 and are currently set on the Division's March 4, 2021 docket. The parties agree that COG's applications in Case Nos. 21654 and 21655 will be included in the consolidated hearing in place of COG's applications in Case Nos. 21625 and 21626. COG also intends to seek a continuance of the March 18, 2021 hearing date.

8. A courtesy copy of all documents filed with the Division Hearings staff shall also be sent to the Hearing Examiner via email.

9. Notwithstanding the deadline to file evidentiary motions regarding exhibits and witnesses, no party is prohibited from objecting at hearing to discrete aspects of a witness's written or oral testimony,

10. Presentation at hearing will proceed pursuant to 19.15.4 NMAC, except as modified below. Notwithstanding the presentation outlined below, each party, and the Hearing Examiners, will have an opportunity to cross-examine an individual witness directly following oral testimony of that witness, with re-direct to follow cross-examination, before a party moves to the direct testimony of a new witness.

- a. Opening statements by all parties;
- b. Case-in-Chief by Tap Rock (including possible additional oral testimony of Tap Rock's witnesses);
- c. Cross-examination;
- d. Re-direct by Tap Rock;
- e. Case-in-Chief by COG (including possible additional oral testimony of COG's witnesses);
- f. Cross-examination;
- g. Re-direct by COG;
- h. Case-in-Chief by Matador (including possible additional oral testimony of Matador's witnesses);
- i. Cross-examination;
- j. Re-direct by Matador;
- k. Rebuttals by all parties;
- l. Closing statements by all parties.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**

Bill Brancard

**BILL BRANCARD
HEARING EXAMINER**

Date: January 29, 2021