

**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. 21654

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

CASE NO. 21655

**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

AMENDED PRE-HEARING ORDER

This amended Pre-Hearing Order follows a status conference held on January 7, 2021, a pre-hearing order entered on January 29, 2021, and subsequent motions for continuance filed by each party for each of the above-referenced cases. COG Operating, LLC has also dismissed Cases 21625 and 21626 and substituted Cases 21654 and 21655. The parties have agreed to a

hearing date on April 22, 2021, and submitted a proposed stipulated pre-hearing order via email to the Examiner.

APPEARANCES

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PROCEDURES

1. The hearing in these compulsory pooling cases will commence on April 22, 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 April 15, 2021:

- a. list of material 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 April 19, 2021. Responses to objections shall be filed by 5:00 p.m. on April 20, 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.

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

¹ COG initially sought pooling of the acreage at issue in Case Nos. 21625 and 21626. COG 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, which were dismissed on February 11, 2021.

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 COG's witnesses);
- i. Cross-examination;
- j. Re-direct by Matador.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**

Bill Brancard
**BILL BRANCARD
HEARING EXAMINER**

Date: February 15, 2021