

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

**APPLICATION OF COG OPERATING LLC
FOR APPROVAL OF THE TOMOHAWK UNIT,
ELIMINATION OF INTERNAL SETBACKS
WITHIN UNIT AREA, AND APPROVAL OF SURFACE
COMMINGLING, EDDY COUNTY, NEW MEXICO.**

CASE NO. 20659

**COG OPERATING LLC'S RESPONSE TO EOG RESOURCES INC.'S OBJECTIONS
TO AND MOTION TO STRIKE POST-HEARING AFFIDAVITS AND EXHIBITS
SUBMITTED BY COG OPERATING LLC AT REQUEST OF EXAMINER**

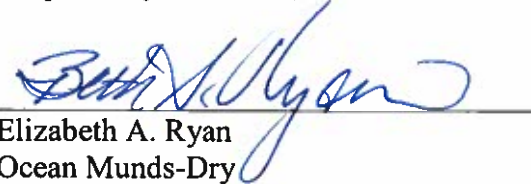
COG Operating LLC ("COG") files its Response to EOG Resources Inc.'s ("EOG") Objections and Motion to Strike Post-Hearing Affidavits and Exhibits, and in support hereof, states as follows:

1. At the Unit hearing held at the Division on August 23, 2019, the Hearing Examiner requested COG to supplement its exhibits for points of clarification on three matters:
 - a. Clarification on data points used on the Structure Map. *See Unit Hearing Transcript* page 106, lines 4-25 and page 107, lines 1-21.
 - b. Clarification on good faith efforts on communications with OXY USA Inc., another working interest owner in the Unit. *See Unit Hearing Transcript* page 79, lines 9-24.
 - c. Clarification on the authority of the OCD to approve federal and/or state unit agreements, requesting the case confirming the authority. *See Unit Hearing Transcript* page 26, lines 11-25 and page 27, lines 1-13.
2. COG complied with the Examiner's requests by filing the subject Affidavits and OCD Order.

3. EOG submitted these exact same objections and motions to the Examiner at the hearing, and the Examiner with support of OCD's legal counsel repeatedly denied EOG's arguments. *See Unit Hearing Transcript* page 79, line 25 and page 80, lines 1-8; *see* page 89, lines 1-25, page 90, lines 1-25, page 91, lines 1-15 and page 92, lines 1-3; *see* page 107, lines 1-21.

WHEREFORE, COG respectfully requests EOG's Objections and Motion be denied again, and COG's Application for Approval of its Tomahawk WC Unit be granted.

Respectfully submitted,




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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following counsel of record by electronic mail on September 23, 2019.

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