

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

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APPLICATIONS OF COG OPERATING LLC FOR
NON-STANDARD OIL SPACING AND PRORATION
UNITS AND COMPULSORY POOLING, EDDY
COUNTY, NEW MEXICO.

2011 AUG 25 P 10:34

Case Nos. 14706-14718

MOTION TO COMPEL

Burnett Oil Co., Inc. and Hudson Oil Company of Texas (collectively, "Burnett") move the Division for an order compelling COG Operating LLC ("COG") to comply with the Subpoena *Duces Tecum* issued by the Division to Burnett on August 11, 2011, and in support thereof, state:

1. Burnett obtained the subject subpoena from the Division, requiring COG to provide:

A copy of the term assignment of oil and gas leases dated on or about April 1, 2011 from Ard Oil, Ltd. and/or Ard Energy Group, Ltd., as assignor(s), to COG Operating, LLC, as assignee, involving all or part of the oil and gas leases which cover the lands involved in the above-described cases.

2. COG's response objected to the request, stating the subject term assignment is confidential. See Response attached hereto as Exhibit A.

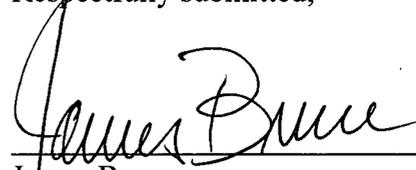
3. COG has asserted at prior hearings and in pleadings, and will assert again, that the Ard term assignment dictates a fast pace of development. However, they have not shown what pace of development is necessary, and thus the objection is not valid.

4. In addition, if Burnett is appointed operator, it will need the entire agreement for its development plans and title opinions.

5. Burnett is willing to enter into a confidentiality agreement regarding the Ard term assignment.

WHEREFORE, Burnett requests the Division to order COG to produce the Ard term assignment to Burnet before the hearing scheduled for August 29th.

Respectfully submitted,



James Bruce
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

Attorney for Burnett Oil Co., Inc. and
Hudson Oil Company of Texas

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 27th day of August, 2011 by facsimile transmission and United States Mail:

Ocean Munds-Dry
Holland & Hart LLP
P.O. Box 2208
Santa Fe, New Mexico 87504
fax: (505) 982-6043



James Bruce

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COG OPERATING, LLC'S RESPONSE TO SECOND SUBPOENA DUCES TECUM

COG Operating, LLC ("Concho"), by and through its counsel, Holland & Hart, LLP, hereby responds to the Second Subpoena Duces Tecum issued to it by the New Mexico Oil Conservation Division ("OCD") on the application of Burnett Oil Co., Inc. and Hudson Oil Company of Texas. COG states as follows:

Request No. 1: A copy of the term assignment of oil and gas leases dated on or about April 1, 2011 from Ard Oil, Ltd. and/or Ard Energy Group, Ltd., as assignor(s), to COG Operating, LLC, as assignee, involving all or part of the oil and gas leases which cover the lands involved in the above-described cases.

Response: Concho objects to this request because it seeks confidential and/or privileged information. Subject to these objections, Concho will provide the Memorandum of Term Assignment of Oil and Gas Leases which was recorded in Eddy County.

Respectfully submitted,

HOLLAND & HART, LLP
By: Ocean Munds-Dry
OCEAN MUNDS-DRY
Post Office Box 2208
Santa Fe, New Mexico 87504
Telephone: (505) 988-4421

ATTORNEYS FOR COG OPERATING LLC

EXHIBIT

A

CERTIFICATE OF SERVICE

I certify that on 8/18/2011 I served a copy of the foregoing document to the following by *e-mail* and *U.S. mail*:

JAMES BRUCE, ESQ.
PO BOX 1056
SANTA FE, NM 87504
**ATTORNEY FOR BURNETT OIL CO.
AND HUDSON OIL CO. INC.**


Ocean Munds-Dry