

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.

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HOLLAND&HART. 

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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
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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
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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
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