

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

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**APPLICATION OF COG OPERATING LLC
FOR A NON-STANDARD SPACING AND
PRORATION UNIT AND COMPULSORY POOLING,
IN EDDY COUNTY, NEW MEXICO.**

Case No. 15607

AMENDED PRE-HEARING STATEMENT

This Pre-hearing Statement is submitted by Christine Speidel Fowlkes, Christopher Clegg, Fowlkes, Janet Renee Fowlkes Murrey, Kathleen K. Fowlkes, J.M. Fowlkes, Jr., Maco Stewart Fowlkes, Nancy Fowlkes Donley, John M. Fowlkes, Preston L. Fowlkes, Lauren Fowlkes and Trey Fowlkes (hereafter "Fowlkes Mineral Interest Owners) by and through their undersigned counsel, Ernest L. Padilla, PADILLA LAW FIRM, P.A., as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT: COG Operating LLC

ATTORNEY: Michael Feldewert
Jordan L. Kessler
Holland & Hart LLP
PO Box 2208
Santa Fe, NM 87504-2208

OPPOSITION OR OTHER PARTY: Christine Speidel Fowlkes,
Christopher Clegg, Fowlkes, Janet Renee Fowlkes Murrey, Kathleen K. Fowlkes,
J.M. Fowlkes, Jr., Maco Stewart Fowlkes, Nancy Fowlkes Donley, John M. Fowlkes,
Preston L. Fowlkes, Lauren Fowlkes and Trey Fowlkes.

ATTORNEY: Ernest L. Padilla
Padilla Law Firm, P.A.
PO Box 2523
Santa Fe, NM 87504
(505)-988-7577
padillalaw@qwestoffice.net

STATEMENT OF CASE

APPLICANT:

OPPOSITION OR OTHER PARTY:

The Fowlkes Mineral Interest Owners own approximately 16% of the mineral interests underlying the proposed spacing unit. Applicant or its related affiliates have made essentially one leasing proposal to the Fowlkes Mineral Interest Owners on terms that, upon information and belief, are below leasing rates for similar drilling proposals. Among other things, Applicant has previously leased the same acreage for over twice of the current bonus proposal of \$1,500 per mineral acre. Through its compulsory pooling application, Applicant is using unfair and predatory leverage to lease the Fowlkes Mineral Interest Owners' mineral interests on its terms. Applicant's "take it or leave it" negotiation tactic does not meet the good faith requirement for New Mexico compulsory pooling statutes and regulations.

PROPOSED EVIDENCE

APPLICANT

WITNESSES	EST. TIME	EXHIBITS
Maco Fowlkes	20 Minutes	Will testify concerning Applicant's proposal
Sean Moore (Landman)	20 Minutes	Lease terms and provisions in the area of the application

OPPOSITION

WITNESSES	EST. TIME	EXHIBITS
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PROCEDURAL MATTERS

PADILLA LAW FIRM, P.A.

/s/ ERNEST L. PADILLA

ERNEST L. PADILLA

PO Box 2523

Santa Fe, New Mexico 87504

505-988-7577

padillalaw@qwestoffice.net

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically transmitted on this 29th day of December, 2016 to the following:

Michael H. Feldewert
Jordan Kessler
Holland & Hart LLP
P.O. Box 2208
Santa Fe, NM 87504
mfeldewert@hollandhart.com
JKessler@hollandhart.com
505-988-4421

J. Scott Hall
Montgomery & Andrews. PA
PO Box 2307
Santa Fe, NM 87504-2307
shall@montand.com
505-982-3873

/s/ ERNEST L. PADILLA
ERNEST L. PADILLA