

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

**APPLICATIONS OF APACHE CORPORATION  
FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO**

**CASE NO. 21189  
CASE NO. 21190  
CASE NO. 21191  
CASE NO. 21192**

**APPLICATIONS OF COLGATE OPERATING,  
LLC FOR COMPULSOR POOLING AND  
NON-STANDARD SPACING AND PRORATION  
UNIT,  
EDDY COUNTY, NEW MEXICO**

**CASE NO. 21078  
CASE NO. 21079  
CASE NO. 21239**

**RESPONSE TO MOTION FOR CONTINUANCE**

Colgate Operating, LLC (“Colgate”), in response to Apache Corporation’s Motion for Continuance, objects to continuance of the captioned competing cases from August 14 to September 24, 2020. As grounds for its opposition, Colgate states:

1. At the status conference of this cases resulting in the Prehearing Order of June 25, 2020, Apache Corporation never raised a requirement of additional time within which to prepare for this hearing. At that time:
  - a. Presumably Apache was in the process of moving its Midland office and personnel to Houston;
  - b. The COVID 19 pandemic was not substantially different in Houston than it is now. CDC protocols have undoubtedly been practiced by both Colgate and Apache, such that both have personnel working from home and have had equal

disadvantages and impediments for preparing for the August 14 hearing. To say that the Houston surge of COVID 19 was not anticipated is disingenuous.

2. Colgate is prepared with rig availability to commence drilling operations by late September or October, and a delay to September 24 may impair that rig availability.

3. In term of reaching a settlement Apache has only recently expressed diligence to reach a settlement.

WHEREFORE, for the foregoing reasons Colgate requests that the hearing proceed on August 14, 2020 as called in the Prehearing Order.

Respectfully submitted:

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### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading was electronically mailed to the following:

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**/s/ Ernest L. Padilla**  
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