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

IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:

CASE NOS: 21337, 21338

APPLICATION OF COG OPERATING LLC
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS
EXAMINER HEARING
JULY 9, 2020
SANTA FE, NEW MEXICO

This matter came on for virtual hearing before
the New Mexico Oil Conservation Division, HEARING OFFICER
FELICIA ORTH and TECHNICAL EXAMINER DYLAN COSS and LEONARD
LOWE on Thursday, July 9, 2020, through the Webex Platform.

Reported by: Irene Delgado, NMCCR 253
PAUL BACA PROFESSIONAL COURT REPORTERS
500 Fourth Street, NW, Suite 105
Albuquerque, NM 87102
505-843-9241

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A P P E A R A N C E S

For the Applicant:

MICHAEL FELDEWERT
HOLLAND & HART
110 North Guadalupe, Suite 1
Santa Fe, NM 87501
505-954-7286

For EOG and Colgate Operating:

LANCE HOUGH
MODRALL SPERLING ROEHL HARRIS & SISK PA
500 4th Street, NW, Suite 1000
Albuquerque, NM 87102
505-848-9710

I N D E X

CASE CONTINUED	05
REPORTER CERTIFICATE	06

1 HEARING EXAMINER ORTH: We will move to 21337 and
2 21338, COG Operating, the applicant, they are compulsory
3 pooling applications related to a well named Tenderloin.
4 Mr. Feldewert, is that you again? Or, no, there's
5 Mr. Hough.

6 MR. FELDEWERT: Yes, Madam Examiner. Michael
7 Feldewert with the Santa Fe office of Holland & Hart on
8 behalf of COG Operating in both of these cases.

9 HEARING EXAMINER ORTH: All right. Thank you.
10 And I see we have an appearance by EOG, or EOG by Modrall
11 Sperling. Mr. Hough, is that you?

12 MR. HOUGH: Yes, Madam Examiner, we have actually
13 filed two entries of appearance from Modrall Sperling, one
14 on behalf of EOG Resources, and then as well as one for
15 Colgate Operating LLC, and I'm not sure -- I don't see that
16 listed here for Colgate on the docket update from this
17 morning. So I guess to the extent that it might be,
18 although we did submit it, I will go ahead and formally
19 enter my appearance again on behalf of Colgate Operating
20 LLC.

21 HEARING EXAMINER ORTH: All right. Thank you
22 very much. Let me pause a moment to ask if there are other
23 appearances.

24 (No audible response.)

25 HEARING EXAMINER ORTH: No? All right. Thank

1 you. I believe in these matters there was a motion for
2 continuance; was that correct?

3 MR. HOUGH: Madam Examiner, this is Lance Hough,
4 and, yes, there was a request submitted on behalf of Holland
5 & Hart or through Holland & Hart on behalf of COG, and that
6 was a request notifying division that () Colgate opposed a
7 presentation by affidavit because of the late notice issue,
8 and the parties were agreed that they are fine with
9 continuing it to the July 23 docket.

10 I'm looking at the e-mail here now, and so that
11 was originally submitted from Holland & Hart on behalf of
12 COG, and I provided some additional context via e-mail for
13 the basis of that coming in later than typically allowed
14 under the rules. But again, under the rules, they do allow
15 for a continuance request after 48 hours before the hearing,
16 and as long as the purpose or the reasoning for the
17 continuance arises after that deadline, which is the case
18 in -- which is what I iterated in my e-mail.

19 HEARING EXAMINER ORTH: So I saw that. I'm
20 wondering, did the applicant give timely notice?

21 MR. FELDEWERT: Madam Examiner, Michael Feldewert
22 on behalf of COG. Our records show that () timely notice to
23 see CM Resources which is the entity that they are now
24 Colgate. But I understand CM resources is perhaps a
25 subsidiary or affiliate of Colgate, but Concho did provide

1 timely notice to the address of record for CM Resources, but
2 they are raising an issue that they had moved their office.
3 And so because of that, we are moving the hearing -- or we
4 don't want to go any later than that, so we believe we
5 provided notice, but like I said we don't object to the
6 continuance to July 23 for CM Resources to prepare for
7 whatever hearing we have.

8 HEARING EXAMINER ORTH: Okay. So I understand
9 now about the notice. All right. So thank you both,
10 gentlemen. The matter will be continued to the July 23
11 docket.

12 MR. HOUGH: Thank you.

13 MR. FELDEWERT: Thank you.

14 (Continued.)
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1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

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REPORTER'S CERTIFICATE

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I, IRENE DELGADO, New Mexico Certified Court Reporter, CCR 253, do hereby certify that I reported the foregoing virtual proceedings in stenographic shorthand and that the foregoing pages are a true and correct transcript of those proceedings to the best of my ability.

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I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this case and that I have no interest in the final disposition of this case.

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I FURTHER CERTIFY that the Virtual Proceeding was of poor quality.

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Irene Delgado, NMCCR 253
License Expires: 12-31-21