

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

**APPLICATION OF COLGATE OPERATING,  
LLC TO POOL THE UNCOMMITTED INTERESTS  
OF RECORD TITLE OWNERS UNDER THE  
TERMS OF ORDER NO. 21447  
EDDY COUNTY, NEW MEXICO**

**CASE NOS. 22566-22567**

**MOTION TO VACATE HEARING DATE  
AND FOR STATUS CONFERENCE**

Elliott Industries, L.P. (“Elliott”) requests that the Division vacate the hearing set for March 3, 2022 in this matter and set this matter for a status conference on March 3, 2022. In support of this motion, Elliott states the following:

1. Applicant Colgate Operating, LLC (“Colgate”) filed Case No. 22566 seeking compulsory pooling the uncommitted interests of the record title owners in the Scanlon Draw; Bone Spring Pool within the Bone Spring formation in a 233-acre, more or less, standard horizontal spacing unit comprised of the S2NW equivalent of irregular Section 18, Township 19 South, Range 29 East and the S2N2 of Section 13, Township 19 South, Range 28 East, Eddy County, New Mexico under the terms of Division Order No. R-21447 entered in Case No. 21317.

2. Colgate filed Case No. 22567 seeking compulsory pooling the uncommitted interests of the record title owners in the Scanlon Draw; Bone Spring Pool within the Bone Spring formation in a 233-acre, more or less, standard horizontal spacing unit comprised of the N2NW equivalent of irregular Section 18, Township 19 South, Range 29 East and the N2N2 of Section 13, Township 19 South, Range 28 East, Eddy County, New Mexico under the terms of Division Order No. R-21447 entered in Case No. 21318.

3. Elliott is an owner of record title interest under Federal Lease NMLC 0-069107 covering the NE of Section 13, Township 19 South, Range 28 East.

4. On February \_\_\_\_. 2022. Cavin & Ingram P.A. (Scott S. Morgan and Brandon D. Hajny) entered its appearance on behalf of Elliot.

5. Because counsel for Elliott was only recently engaged in this matter, additional time is necessary to evaluate the Application, chain of title, and materials related to these cases and to prepare for a hearing.

6. Elliott is unaware of any reason that a later hearing date would negatively affect Colgate's correlative rights or otherwise result in waste. However, requiring Elliott to proceed to the hearing in this matter set for March 3, 2022, would unfairly prejudice Elliot.

7. Colgate was contacted regarding this motion and opposes Elliot's request.

WHEREFORE, Movants request the hearing set for March 3, 2022 in Case Nos. 22566 and 22567 be vacated and the same cases be scheduled for a status conference on the March 3, 2022 hearing docket.

Respectfully Submitted,

CAVIN & INGRAM, P.A.

By: /s/ Brandon D. Hajny

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*Attorneys for Elliott Industries, L.P.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on the following counsel of record by electronic mail on February 23, 2022:

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By: /s/ Brandon D. Hajny  
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