

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

APPLICATIONS OF COG OPERATING, LLC  
FOR A NON-STANDARD SPACING  
UNIT, NON-STANDARD LOCATION AND COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO.

CASE NOS. 14649,

14650, 14706-14718

APPLICATIONS OF BURNETT OIL CO. FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO.

CASE NOS. 14640, 14641, 14673,

14674, 14691

**MOTION FOR CASES TO BE CONSOLIDATED AND HEARD**  
**ON THE COMMISSION DOCKET**

Pursuant to 19.15.4.20 NMAC, COG Operating, LLC ("Concho"), moves the Division Director to consolidate and direct the Oil Conservation Commission to hear Case Nos. 14640, 14641, 14673, 14674 & 14691: *Applications of Burnett Oil Co. for compulsory pooling, Eddy County, New Mexico* and Case Nos. 14649, 14650, 14706-14718: *Applications of COG Operating, LLC for compulsory pooling, inter alia, Eddy County, New Mexico* on the August 25, 2011 Commission Hearing Docket. In support thereof, Concho states as follows:

1. Concho and Burnett have filed competing compulsory pooling applications for wells proposed in Sections 12, 13 and 24, Township 17 South, Range 31 East, NMPM, Eddy County, New Mexico. Concho refers to these lands as part of the "Puckett Lease" which covers a total of four sections.

2. Case Nos. 14640, 14641, 14649 and 14650 were already heard by the Division on May 26, 2011 by Examiner Warnell. Those cases were taken under advisement and no decision has been rendered yet.

3. The remainder of the cases are waiting to be heard by the Division. On July 12, 2011, Concho requested a special examiner hearing docket and

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Burnett concurred with the request. A hearing date has been tentatively set for August 29th pending the outcome of Concho's request to be heard directly by the Commission.

4. All the Concho and Burnett cases involve the same arguments, geologic and engineering evidence and witnesses.

5. It is highly likely that the unsuccessful party will request a de novo hearing before the Commission of any and all Division orders related to the applications for the Puckett Lease.

6. Concho is approaching a deadline to be drilling by October 2011 under the terms of its Term Assignment for the Puckett Lease. Therefore, Concho cannot afford the time it will take to go through both the Division hearing process and the Commission hearing process.

7. Accordingly, it would be more prudent to allow the cases to be consolidated and heard by the Commission in the first instance.

8. Counsel for Burnett has indicated that Burnett is opposed to this Motion.

9. In order to allow these related cases to be heard at the same time and to conserve the resources of the Division, Commission and the parties, Concho respectfully requests these cases be heard by the Commission.

**WHEREFORE**, Concho requests that Case Nos. 14640, 14641, 14673, 14674 & 14691 14649, 14650, 14706-14718 be consolidated and heard on the August 25, 2011 Commission hearing docket.

Respectfully submitted,

HOLLAND & HART, LLP

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Ocean Munds-Dry

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ATTORNEY FOR COG OPERATING,  
LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion was served upon the following  
this 27th day of July, 2011 by facsimile:

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