

Applicant in the above styled cause seeks an order (1) creating a 160-acre, more or less, non-standard spacing and proration unit comprised of the W/2 W/2 of Section 29, Township 25 south, Range 27 East, NMPM Eddy County, New Mexico and (2) pooling all uncommitted interests in the Second Bone Spring formation underlying this acreage Said non-standard unit is to be dedicated to applicant's proposed **Populus Federal #4H Well**, which will be horizontally drilled from an unorthodox surface location in the NW/4 NW/4 (Unit D) of Section 29 to an unorthodox bottom hole location in the SW/4 SW/4 (Unit M) of Section 29 The completed interval for this well will remain within the 330 foot standard set back required by Division

rules Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision designation of COG Operating LLC as operator of the well and a 200% charge for risk involved in drilling the well Said area is located Approximately 14 miles southwest of Loving, New Mexico

**PROPOSED EVIDENCE**

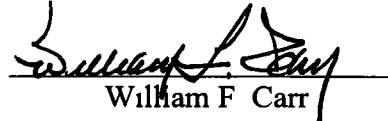
<b><u>WITNESS</u></b>	<b><u>ESTIMATED TIME</u></b>	<b><u>EXHIBITS</u></b>
Vincent Cuccerre Petroleum Landman	Approximately 20 Minutes	7
Drew Bergman Geologist	Approximately 10 Minutes	4

**PROCEDURAL MATTERS**

COG Operating LLC will request that cases 15639 and 15640 be consolidated for the purposes of hearing with separate order to be issued

Respectfully submitted,

COG OPERATING LLC

  
William F Carr

1048 Paseo de Peralta  
Santa Fe New Mexico 87501  
(505) 780-8000  
(505) 428-0485 Facsimile  
wcarr@concho.com

**ATTORNEY FOR COG OPERATING LLC**