

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

**APPLICATION OF NEARBURG EXPLORATION
COMPANY, L.L.C., SRO2 LLC, AND SRO3 LLC
FOR AN ACCOUNTING AND LIMITATION ON
RECOVERY OF WELL COSTS, AND FOR
CANCELLATION OF PERMIT TO DRILL, EDDY
COUNTY, NEW MEXICO**

**DE NOVO
CASE NO. 15441**

**APPLICATION OF COG OPERATING LLC FOR
A NON-STANDARD SPACING AND PRORATION
UNIT AND COMPULSORY POOLING, EDDY
COUNTY, NEW MEXICO**

**DE NOVO
CASE NO. 15481**

**APPLICATION OF COG OPERATING LLC FOR
A NON-STANDARD SPACING AND PRORATION
UNIT AND COMPULSORY POOLING, EDDY
COUNTY, NEW MEXICO**

**DE NOVO
CASE NO. 15482**

ORDER NO. R-14187-D

ORDER OF THE COMMISSION ON MOTION TO QUASH

This matter comes before the Oil Conservation Commission ("Commission") on COG Operating's Motion to Quash the subpoenas of Aaron Myers and Brent Sawyer and Applicant Nearburg Exploration Company's Response to COG's Motion to Quash.

The Commission having considered the Motion and Response determines that:

Rule 19.15.4.17 NMAC allows the Commission to use the rules of evidence as guidance in conducting adjudicatory hearings.

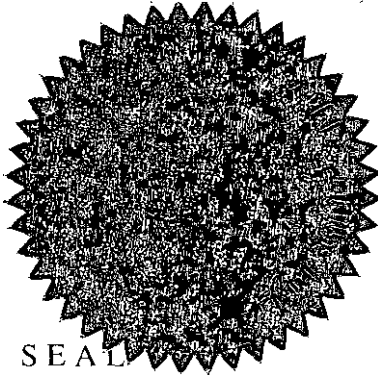
Rule 1-045 NMRA provides that a party to a New Mexico proceeding who seeks to subpoena a witness in another state shall do so in the manner provided by law or rule of the other state.

Further, Rule 11-602 NMRA states that a witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.

Rule 11-802 NMRA states that hearsay is not admissible.

NOW THEREFORE the Commission grants COG Operating's Motion to Quash the subpoena of Aaron Myers and Brent Sawyer and rules that any evidence that requires personal knowledge of Aaron Myers or Brent Sawyer, or is hearsay evidence relating to communications or personal knowledge of Aaron Myers or Brent Sawyer, will not be admitted.

DONE at Santa Fe, New Mexico on this 24th day of February, 2017.



STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

A handwritten signature in cursive script, reading "David R. Catanach".

DAVID R. CATANACH, Chair