

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

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

CASE NOS. 20815, 20816, 20817

Application of Novo Oil & Gas Northern
Delaware, LLC for compulsory pooling
Eddy County, New Mexico

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

THURSDAY, OCTOBER 3, 2019

SANTA FE, NEW MEXICO

This matter came on for hearing before the
New Mexico Oil Conservation Division, Phillip Goetz,
Examiner, Dylan Rose-Coss, Examiner, and David Ames,
Legal Examiner, on Thursday, October 3, 2019, at the New
Mexico Energy, Minerals, and Natural Resources Department,
Wendell Chino Building, 1220 South St. Francis Drive,
Porter Hall, Room 102, Santa Fe, New Mexico

Reported by: Mary Therese Macfarlane
New Mexico CCR 122
PAUL BACA COURT REPORTERS
500 Fourth Street NW, Suite 105
Albuquerque, New Mexico 87102

1 A P P E A R A N C E S.

2 For the Applicant: Michael Feldewert, Esq.
 Holland & Hart
 3 110 North Guadalupe, Suite 1
 Santa Fe, New Mexico 87501
 4 (505) 988-4421
 mfeldewert@hollandandhart.com

5
 6 FOR CHEVRON USA Earl E. DeBrine, Jr., Esq.
 Modrall Sperling
 7 P.O Box 2168
 Albuquerque, NM 87102
 8 (505) 848-1845
 jb@modrall.com

9
 10 FOR TITUS OIL & GAS Sharon T. Shaheen, Esq.
 Montgomery & Andrews
 11 325 Paseo de Peralta
 Santa Fe NM 87501
 12 (505) 986-2678
 sshaheen@montand.com.

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15	I N D E X	
16		PAGE
17	CASE NUMBER 20185 CALLED	2
18	MOTION FOR CONTINUANCE.	
19	STATEMENT BY MR. FELDEWERT:	3
20	STATEMENT BY MS. SHAHEEN:	5
21	STATEMENT BY MR. DeBRINE:	5
22	CONTINUANCE TO 11/15/18 DOCKET GRANTED	6

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1 (Time noted 8:25 a.m.)

2 EXAMINER GOETZ: We are going to take a little
3 variation on the docket schedule with regards to the Order
4 of Hearing.

5 We do have a motion for continuance which
6 was filed and that we need to render a decision on the
7 record.

8 So for this point in the docket we will
9 call for Case No. 20815, Application of Noble Oil & Gas
10 Northern Delaware, LLC for compulsory pooling, Eddy County
11 New Mexico. Call for appearances.

12 MR. FELDEWERT: If it please the examiner,
13 Michael Feldewert of the Santa Fe office of Holland & Hart
14 appearing on behalf of the Applicant in these matters.

15 MR. DeBRINE: Earl DeBrine of Modrall Sperling
16 for Chevron USA, which is an interested party.

17 MS. SHAHEEN: Sharon Shaheen, Montgomery &
18 Andrews on behalf of Titus Oil & Gas.

19 EXAMINER GOETZ: All right. We have received
20 your various statements, and with that does anybody have
21 anything additional you wish to put onto the record at
22 this point?

23 We'll start with you, Mr. Feldewert.

24 MR. FELDEWERT: Well, Mr. Examiner, we filed our
25 Response. We had, in our Response, quote --

1 Let me step back a minute.

2 The Application had been filed in late
3 July. The parties had had discussions on the development
4 plan in August into September. We filed our Compulsory
5 Pooling Application in September, middle -- first part of
6 September after those discussions.

7 Titus filed their request for a
8 continuance. They had actually proposed a competing
9 development plan but they had never filed a pooling
10 application.

11 We had asked in our response to their
12 motion for a continuance that they be required on Tuesday
13 of this week to file their application, whatever they were
14 going to file as a pooling application on Tuesday so that
15 we could have these matters heard on October 31st,
16 recognizing as we get into November and December the
17 schedules get a little tight.

18 Because the Division was unable to address
19 our motion for a continuance until now, that request for
20 relief is pretty much moot.

21 So we have had discussions. They have
22 filed, finally, a pooling application in which they
23 request a hearing on November 14th. That will have to
24 work. We would like to make that work. We've checked
25 with our witnesses. Both our witnesses and their

1 witnesses are available on November 14th, or November
2 15th, if we need to carry over.

3 So in light of the fact that we are not
4 going to be able to have this matter heard on August 31st
5 like we had hoped, we would request that the continuance
6 be till November 14th, and we have a hearing scheduled and
7 everyone be ready to go either on November 14th, or, if
8 need be, push it over into Friday, November 15th.

9 EXAMINER GOETZ: Is that agreeable?

10 MS. SHAHEEN: Agreed. Titus filed its three
11 applications on Tuesday in hopes that perhaps we could do
12 October 31st. We understand that may not be an option,
13 and we requested the November 14th date, as that was a new
14 docket, new case docket date. And since then we have
15 conferred with Mr. Feldewert and Ms. Luck and agreed on
16 these other November dates, and we are very hopeful that
17 you can help us there.

18 MR. DeBRINE: And Mr. Examiner, for Chevron in
19 our prehearing statement we had indicated we opposed the
20 Titus continuance, which was just to continue the case
21 today, but Chevron has since closed on the transervice
22 interest in Elbo (phonetic) and so is happy with whatever
23 decision the Division reaches concerning the parties'
24 remaining requests.

25 EXAMINER AMES: Whatever the docket allows.

1 MR. GOETZ: All right. Mr. Warnell's not here,
2 either, so...

3 MR. FELDEWERT: He's back there.

4 EXAMINER GOETZ: What have we got for November
5 14th? Do we have a full house, or do we know?

6 MR. WARNELL: We do, but we can work with that.

7 EXAMINER GOETZ: That's Mr. Terry Warnell.

8 Well, this is kind of a surprise. We were
9 willing to move forward with a decision, but at this point
10 seeing all parties have reached an agreement, let's go
11 ahead and continue these cases to November 14th.

12 Be prepared. There will be no extensions,
13 no get-out-of-jail card. Unless it's weather or personal
14 or health, we will go ahead and go forward with the
15 hearing with the competing applications.

16 MR. FELDEWERT: Appreciate that.

17 MS. SHAHEEN: Thank you.

18 EXAMINER GOETZ: Thank you.

19 So cases 20815, 20816 and 20817 have been
20 continued to the November 14th docket, and that will be
21 confirmed.

22 (Time Noted 8:31 a.m.)

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1 STATE OF NEW MEXICO)
2) SS
3 COUNTY OF TAOS)
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5 REPORTER'S CERTIFICATE

6 I, MARY THERESE MACFARLANE, New Mexico Reporter
7 CCR No. 122, DO HEREBY CERTIFY that on Thursday, October
8 23, 2019, the proceedings in the above-captioned matter
9 were taken before me; that I did report in stenographic
10 shorthand the proceedings set forth herein, and the
11 foregoing pages are a true and correct transcription to
12 the best of my ability and control.

13 I FURTHER CERTIFY that I am neither employed by
14 nor related to nor contracted with (unless excepted by the
15 rules) any of the parties or attorneys in this case, and
16 that I have no interest whatsoever in the final
17 disposition of this case in any court.

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20 _____
21 MARY THERESE MACFARLANE, CCR
22 NM Certified Court Reporter No. 122
23 License Expires: 12/31/2019

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