

1 State of New Mexico Oil Conservation Division Meeting

2
3 Docket No. 03-25

4 Case Nos. 24977 & 24978; 24864 & 24865; 24872 & 24873;

5 24932, 24934, 24935, 24936, 24937, 24938; 24943;

6 24982; 25091; 25102; 24985; 25126; 25035, 25037,

7 25038, 25039, 25040, 25041, 25042; 24977 & 24978;

8 25050, 25051, 25052; 25055, 25056, 25057, 25059;

9 25093, 25094, 25095, 25096, 25097, 25098, 25099,

10 25100; 25169, 25170, 25171, 25172, 25173, 25174,

11 25175, 25176, 25177, 25178, 25179, 25180; 25115;

12 25117; 24517

13
14
15 Moderated by Gregory A. Chakalian

16 Thursday, January 23, 2025

17 9:00 a.m.

18
19 Pecos Hall, Wendell Chino Building

20 1220 S. Saint Francis Drive

21 Santa Fe, NM 87505

22
23
24 Reported by: James Cogswell

25 JOB NO.: 6972959

A P P E A R A N C E S

List of Attendees:

Kaitlyn A. Luck, Esquire

Sharon T. Shaheen, Esquire

Paula M. Vance, Esquire

Miguel A. Suazo, Esquire

Adam G. Rankin, Esquire

Benjamin B. Holliday, Esquire

Jordan L. Kessler, Esquire

Keri L. Hatley, Esquire

Dana S. Hardy, Esquire

Darin C. Savage, Esquire

Deana M. Bennett, Esquire

James G. Bruce, Esquire

Jonathan Samaniego, American Energy Resources

Freya Tschantz, Law Clerk

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P R O C E E D I N G S

THE HEARING EXAMINER: Good morning, everyone. It is 9 a.m. on January 23rd. These are the hearings of the Oil Conservation Division. We've issued a docket in advance of today, but we've had a few things come in last minute, so I'm going to call a couple of cases out of order. Do we have Ms. Kaitlyn Luck with us?

MS. LUCK: Mr. Hearing Examiner, I'm here online virtually.

THE HEARING EXAMINER: Great. Can you turn your camera on?

MS. LUCK: Yeah, sure.

THE HEARING EXAMINER: While we're waiting for you to do that, I see Ms. Shaheen is here with us. I'm going to call case numbers. They're not on the docket: 24977 and 24978. Entries of appearance, please.

MS. SHAHEEN: Thank you. Good morning, Mr. Examiner and everyone. Sharon Shaheen, Santa Fe office of Spencer Fane on behalf of Fasken Oil and Ranch.

THE HEARING EXAMINER: Good morning, Ms. Shaheen.

MS. LUCK: And Kaitlyn Luck this

1 morning on behalf of Chief Capital (O&G) II LLC and WR
2 Non-Op LLC.

3 THE HEARING EXAMINER: Thank you. Good
4 morning. I received a motion yesterday asking if we
5 could continue these cases from the January 28 hearing
6 docket.

7 Ms. Luck, you filed that; is that
8 correct?

9 MS. LUCK: Yes, that is correct.

10 THE HEARING EXAMINER: Okay, very good.

11 Ms. Shaheen, did you file a pre-hearing
12 statement and exhibits as the order directed?

13 MS. SHAHEEN: I did not, as I had
14 spoken with Ms. Luck and Fasken had agreed to continue
15 those cases while we continue to work with Chief and
16 Waterloo to reach a voluntary agreement.

17 THE HEARING EXAMINER: Okay. Well, the
18 deadline for the pre-hearing statement and the
19 evidence in the case, your cases, passed before that
20 motion was received, and that motion does not have
21 enough facts for me to grant it at this time. So I'm
22 denying that motion. And so, Ms. Shaheen, are you
23 going to be prepared to go to hearing on next Tuesday?

24 MS. SHAHEEN: We do not want to go to
25 hearing at this point over this -- you may be aware,

1 this is actually a third request for a continuance --

2 THE HEARING EXAMINER: I know.

3 MS. SHAHEEN: -- for these
4 applications. There was quite a bit of time spent
5 with BLM trying to get the drilling site approved.
6 There was an objection to the drilling site. It has
7 been approved. And I get my NEPA and my EAs mixed up;
8 one of the requirements has been approved.

9 Last week, Fasken met with BLM with
10 respect to the NEPA process. So there have been JOAs
11 that have expired, and there have been leases that
12 have expired. And so the issues with Chief and
13 Waterloo have arisen out of those issues. So that's
14 the context there, which is why we thought it would --
15 basically, we understand now that Chief and Waterloo
16 were not previously pooled and the JOAs and the leases
17 that relate to their interests have expired.

18 And that is why we are now in the
19 process of negotiating with Chief and Waterloo.

20 THE HEARING EXAMINER: Okay. I
21 understand the context. I understand the good cause.

22 And Ms. Luck, I'll get to you in just a
23 moment.

24 But the pre-hearing order that was
25 issued over a month ago required that you file your

1 pre-hearing statement and your exhibits at least four
2 days before the hearing. And that wasn't done. Why
3 was that not done?

4 MS. SHAHEEN: Because we had agreed
5 with Chief and Waterloo to continue the cases. I
6 think the rule allows us to file a motion to continue
7 the cases as long as that's done within 48 hours prior
8 to the hearing date.

9 THE HEARING EXAMINER: If you look at
10 the order that was issued -- do you have a copy of the
11 order?

12 MS. SHAHEEN: I don't have it with me,
13 no.

14 THE HEARING EXAMINER: Can you pull it
15 up on your computer?

16 Ms. Luck, do you have a copy of the
17 order?

18 MS. LUCK: Yes, I do.

19 THE HEARING EXAMINER: Okay, great.
20 What does it say about filing for a continuance for a
21 hearing that's scheduled? I think it's in the last
22 paragraph.

23 MS. LUCK: Paragraph 8 says, "The
24 request for continuance shall be filed one week before
25 the hearing through the OCD fee portal."

1 THE HEARING EXAMINER: Okay.

2 And Ms. Shaheen, that doesn't mean it's
3 going to be granted just because it's filed.

4 MS. SHAHEEN: I understand.

5 THE HEARING EXAMINER: Okay. So at
6 this point, I'm not granting the continuance. So the
7 parties will be required to appear on the 28th of
8 January. And you have time to file a pre-hearing
9 statement. You have time to file exhibits. I don't
10 think Ms. Luck will object to a late filing.

11 And what we can do is we'll go on the
12 record, and if you need more time at that time to
13 negotiate, at least we've got it started on Tuesday.
14 But you can't ignore the order. You can't violate the
15 order and expect that I'm going to grant a
16 continuance, because I was tempted to dismiss the
17 cases, okay, because you're not ready for the hearing.

18 But if I dismiss the cases, you're
19 going to be in trouble because you're now in violation
20 of the order if you don't have those applications in.
21 So I'm not going to do that. So we'll call the case.
22 So be prepared on Tuesday. I will even call it first
23 because I have a feeling it's going to be very quick
24 since you're still negotiating.

25 But in the future, I suggest that you

1 follow these pre-hearing orders to the letter. And in
2 the future, if you want a continuance, give me more
3 than --

4 We need more time to negotiate,
5 Ms. Luck. That's not enough for me. You've known
6 about this for over a month. The parties have known
7 about this for over a month. And to file a motion at
8 the last minute, even if it was a week in advance --
9 if you're still negotiating, you ought to know that
10 you're not ready for a hearing.

11 And Ms. Shaheen, the fact that you said
12 that you didn't oppose the motion, you know it's your
13 cases, you're asking for an amendment, it's a simple
14 good cause hearing. So in my mind, I'm wondering why
15 don't you oppose it. Why are you not opposed to
16 delaying your client's amendment?

17 So I need more. Give me more facts so
18 that I can base a decision on. Had this been filed
19 timely, I would've granted it. But it's not. Is
20 there anything else from the parties?

21 MS. SHAHEEN: No, my apologies for --

22 THE HEARING EXAMINER: Thank you
23 Ms. Luck?

24 MS. LUCK: And Mr. Hearing Examiner,
25 apologies on our part. We were intending to file a

1 motion related to the case due to the fact that my
2 clients have not been pooled in these proceedings, and
3 we believe that Fasken's pooling orders should be
4 stayed pending any further pooling proceedings related
5 to my client's interests.

6 So I guess I'm just wondering if we
7 should go ahead and file that motion now for
8 consideration at the hearing on January 28th?

9 THE HEARING EXAMINER: Let me think
10 about what you're actually asking me. So this is an
11 amendment case in that the Division is looking to
12 Fasken Oil to see whether there's good cause to grant
13 a third extension of this. If there's another problem
14 with the compulsory pooling order that I think you're
15 raising now -- is that you feel as though your party
16 was not pooled and it should have been -- I would
17 think that negotiations with Ms. Shaheen would --
18 separately from this amendment case would require
19 either a negotiation, or Ms. Shaheen will have to file
20 a new compulsory pooling application to force you into
21 a pooling order if an agreement can't be worked out.

22 I would think that that's a separate
23 issue, is what I'm saying.

24 MS. LUCK: Okay. And I just wanted
25 clarification on that because my clients are of the

1 opinion it's all related and that the current pooling
2 order shouldn't be extended if they aren't pooled as
3 required by the rules set by the Division for pooling.

4 THE HEARING EXAMINER: As far as I
5 understand the law, Ms. Shaheen is required to show
6 good cause. You can contest that there's not good
7 cause. I don't know that your issue goes to good
8 cause. You certainly can bring it up. Ms. Shaheen
9 can object to it as not being relevant, and we'll deal
10 with it at that time.

11 But you know, more than that I'm -- is
12 outside my -- the scope of what I'm here for.

13 MS. LUCK: Okay. Thank you,
14 Mr. Hearing Examiner.

15 THE HEARING EXAMINER: Okay, we're off
16 the record in those two cases. We'll hear them first,
17 Ms. Shaheen, and I expect you to be here.

18 Ms. Luck, I expect you to be here in
19 Pecos Hall. We'll start at 9 a.m. on Tuesday the
20 28th.

21 And Ms. Shaheen, file your exhibits and
22 your pre-hearing statement as soon as possible. And
23 if Ms. Luck objects to it, we'll deal with that
24 objection at the time.

25 MS. SHAHEEN: Will do. Thank you.

1 THE HEARING EXAMINER: We're off the
2 record in those two cases. I'm now calling Case
3 Number 1 on our docket. It is Matador Production,
4 Case 24864 and 24865.

5 MS. VANCE: Good morning, Mr. Hearing
6 Examiner, Paula Vance with the Santa Fe office of
7 Holland & Hart on behalf of Matador.

8 THE HEARING EXAMINER: Thank you.

9 MS. SHAHEEN: Sharon Shaheen with the
10 Santa Fe office of Spencer Fane on behalf of Fasken
11 Oil and Ranch.

12 THE HEARING EXAMINER: Good morning.

13 MR. SUAZO: And Miguel Suazo
14 representing XTO Energy with Beatty & Wozniak.

15 THE HEARING EXAMINER: Thank you.
16 Mr. Suazo, since you're not here, did you file an
17 objection?

18 MR. SUAZO: We did, but we've since
19 withdrawn that objection. So at this point we're just
20 monitoring these proceedings, Mr. Hearing Examiner.

21 THE HEARING EXAMINER: Thank you. When
22 you withdrew your objection, did you file something
23 with the Division?

24 MR. SUAZO: We did.

25 THE HEARING EXAMINER: Thank you sir.

1 Ms. Vance?

2 MS. VANCE: Yes. So I believe it's my
3 understanding that Matador and Fasken are in
4 negotiations, and those negotiations are going well.
5 And we would like to propose having another status
6 conference in February and give the parties enough
7 time to finish up, hopefully.

8 THE HEARING EXAMINER: And Ms. Shaheen,
9 you filed an objection?

10 MS. SHAHEEN: Yes. I did.

11 THE HEARING EXAMINER: Okay. All
12 right. Very good. When were these cases filed?

13 MS. VANCE: Let me check.

14 THE HEARING EXAMINER: Thank you.

15 MS. VANCE: I believe they were filed
16 for the October hearing originally, so -- give you the
17 exact date. Yes, they were originally filed on
18 September 13th.

19 THE HEARING EXAMINER: Okay. These are
20 getting a little old on my docket. And instead of
21 setting them for another status conference -- because
22 if I set them for a status conference, it would be a
23 very, very soon status conference. It wouldn't be
24 months in advance.

25 So I can either set them for a status

1 conference for next month and advise the parties that
2 if you haven't finalized your negotiations, we're
3 going to go to a hearing relatively quickly
4 thereafter. Or we can just set it for a contested
5 hearing in April.

6 MS. VANCE: We would prefer to do the
7 status conference. At this point, I think we feel
8 good about where the negotiations are.

9 THE HEARING EXAMINER: Okay. So the
10 status conferences in -- next month are the -- okay,
11 now that's something. I'm glad we're bringing this
12 up, because next month we have the Empire/Goodnight
13 trial, basically, and I don't know, Ms. Vance, if
14 you're going to be in that trial or not.

15 MS. VANCE: It depends, but we can
16 adjust as needed.

17 THE HEARING EXAMINER: All right. So
18 if I'm not mistaken, the status conferences for next
19 month will be on the 27th of February, and I think
20 that's the week of the Empire/Goodnight.

21 Is that right, Mr. Rankin?

22 MR. RANKIN: Yeah, it starts.

23 THE HEARING EXAMINER: I thought so.
24 But you have opening arguments on the 20th; don't you?

25 MR. RANKIN: Correct.

1 THE HEARING EXAMINER: Okay. All
2 right. So Ms. Vance, if I set it for the 27th, I
3 expect that you'll be here on the 27th. Now, it won't
4 be in person; it'll be virtual.

5 MS. VANCE: Understood. And I did talk
6 with Freya this morning about this exact thing, so,
7 yeah.

8 THE HEARING EXAMINER: Okay. Very
9 good. So I will set a final status conference -- with
10 the emphasis on final -- for the 27th of February.
11 And I will also instruct the parties if you're not
12 able to settle this, then I'm going to look at either
13 the March 18th or the April 1st dockets for a
14 contested hearing.

15 So I'm going to make a note of that.
16 So please kick those dates around to see which ones
17 are best for your clients and their witnesses. Okay,
18 Ms. Vance?

19 MS. VANCE: Understood.

20 THE HEARING EXAMINER: Okay, very good.
21 Ms. Shaheen?

22 MS. SHAHEEN: What was the April date?

23 THE HEARING EXAMINER: Sure. April
24 1st.

25 MS. VANCE: April 1st. April Fool's

1 Day.

2 THE HEARING EXAMINER: Exactly. Now,
3 that would be a trailing docket on both days, March 18
4 and April 1st, but we will make time.

5 Mr. Suazo, anything further?

6 MR. SUAZO: No, Mr. Hearing Examiner.

7 THE HEARING EXAMINER: Ms. Shaheen?

8 MS. SHAHEEN: Not from Fasken. Thank
9 you.

10 THE HEARING EXAMINER: All right.

11 Well, good luck with your negotiations,
12 Ms. Vance.

13 And we're off the record in these two
14 cases. I'm calling Number 3 and 4 on the docket, and
15 that is 24872, 24873 of Avant Operating. Entries of
16 appearance, please.

17 MR. HOLLIDAY: Good morning,
18 Mr. Examiner. Ben Holliday on behalf of Avant
19 Operating.

20 THE HEARING EXAMINER: Good morning.

21 MR. HOLLIDAY: Good morning.

22 MS. VANCE: Good morning, Mr. Hearing
23 Examiner. Paula Vance with the Santa Fe office of
24 Holland & Hart on behalf of Mewbourne, Apache, and
25 Permian.

1 MS. KESSLER: Good morning,
2 Mr. Examiner. Jordan Kessler on behalf of EOG.

3 THE HEARING EXAMINER: Good morning,
4 Ms. Kessler.

5 MS. HATLEY: Good morning,
6 Mr. Examiner. Keri Hatley on behalf of
7 ConocoPhillips.

8 THE HEARING EXAMINER: Good morning,
9 Ms. Hatley.

10 Okay. So let me just ask Mr. Holliday
11 this question: Which parties objected to these cases?

12 MR. HOLLIDAY: -- looking at my notes,
13 it looks like Apache objected originally. COP
14 objected. My understanding is, and correct me if I'm
15 wrong, guys, that COP had the last standing objection
16 to this case.

17 MS. VANCE: That's correct. I am just
18 monitoring for all of the parties I've been entered in
19 appearance for.

20 THE HEARING EXAMINER: Thank you. So
21 which party has maintained their objection at this
22 point?

23 MR. HOLLIDAY: My understanding is
24 Conoco is the party that has maintained its objection.

25 THE HEARING EXAMINER: Ms. Hatley, is

1 that correct?

2 MS. HATLEY: That is correct.

3 THE HEARING EXAMINER: Is correct.

4 Okay. Why are you objecting?

5 MS. HATLEY: We're trying to work an
6 agreement, but we haven't gotten there yet. So if
7 possible, we would like to request another status
8 conference in February. We think we're close, and we
9 hope to resolve.

10 THE HEARING EXAMINER: Okay. Thank
11 you, Ms. Hatley.

12 Mr. Holliday, when did you file these
13 two cases?

14 MR. HOLLIDAY: These cases were filed,
15 I believe, in September. And the wrinkle with them is
16 that Avant was acquired by Coterra. So it's been a
17 bit of a -- I think the parties want to work it out,
18 but it's a bit of a "who's on first" in terms of who
19 has authority to make a deal in this case.

20 But now that sale is closed, and
21 Cimarex/Coterra owns the interest, and so I think
22 there's a more clear path forward on it.

23 THE HEARING EXAMINER: So are we
24 changing the applicant in our system from Avant to
25 Cimarex?

1 MR. HOLLIDAY: I don't believe so at
2 this time, no, sir.

3 THE HEARING EXAMINER: Okay. All
4 right.

5 All right Mr. Holliday, you heard my
6 discussion with Ms. Vance before about her September
7 cases, how they're getting old on our books. February
8 will be six months since they were filed. I
9 understand you had an ownership change, but it is what
10 it is.

11 I'll set a final status conference for
12 the February 27th docket. And it'll be virtual. You
13 won't have any trouble attending, will you,
14 Mr. Holliday?

15 MR. HOLLIDAY: No.

16 THE HEARING EXAMINER: All right.
17 And Ms. Hatley?

18 MS. HATLEY: No, sir.

19 THE HEARING EXAMINER: All right,
20 sounds good. Please think about these dates, March 18
21 and April 1st, for contested hearing dates if you're
22 not able to resolve your differences, because I'm
23 going to set it on one of those dates and I'd like to
24 know from the parties at that time which date is best.

25 MR. HOLLIDAY: Yes, sir. All right.

1 MS. HATLEY: Yes, sir.

2 THE HEARING EXAMINER: Anything
3 further, Ms. Hatley?

4 MS. HATLEY: No, sir.

5 THE HEARING EXAMINER: No.

6 Mr. Holliday?

7 MR. HOLLIDAY: No, sir, not on this --
8 not on -72.

9 THE HEARING EXAMINER: Okay. From any
10 other party?

11 MS. HATLEY: No.

12 THE HEARING EXAMINER: All right.
13 Thank you. Okay, we're off the record in those two
14 cases. Let's move on to Number 5 through -- there's a
15 bunch of cases here that are all joined for hearing
16 purposes. It looks like 5 through 10. These are
17 Permian Resource cases, 24932, -34, -35, -36, and -37
18 and -38. Entries of appearance, please.

19 MS. HARDY: Good morning, Mr. Examiner.
20 Dana Hardy on behalf of Permian Resources Operating.

21 THE HEARING EXAMINER: Good morning.

22 MR. SAVAGE: Good morning, Mr. Hearing
23 Examiner. Darin Savage with Abadie & Schill on behalf
24 of Cross Timbers Energy.

25 THE HEARING EXAMINER: Good morning.

1 MS. BENNETT: Good morning, everyone.
2 Deana Bennett, appearing virtually on behalf of Avant
3 Operating.

4 THE HEARING EXAMINER: Good morning.

5 MS. HATLEY: Good morning,
6 Mr. Examiner. Keri Hatley appearing on behalf of
7 ConocoPhillips and COG Operating.

8 THE HEARING EXAMINER: Thank you.
9 Okay.

10 Ms. Hardy, which parties are currently
11 objecting to your cases?

12 MS. HARDY: At this point, no one is
13 objecting.

14 THE HEARING EXAMINER: Okay.

15 MS. HARDY: Avant had objected, and
16 they withdrew their objection on January 14th. And
17 COG had objected and just filed their notice of
18 withdrawal of objection yesterday. So at this point,
19 I would like to ask these cases be set on the February
20 13th docket for presentation by affidavit.

21 THE HEARING EXAMINER: Okay. Now, you
22 didn't mention Mr. Savage with Cross Timbers with --
23 did he never object?

24 MS. HARDY: He did not object.

25 THE HEARING EXAMINER: He did not

1 object. Okay. Are you just monitoring?

2 MR. SAVAGE: Yes, sir.

3 THE HEARING EXAMINER: All right,
4 sounds good. So all objections have been withdrawn,
5 so we will -- well, you'll continue them of course,
6 but you'll put them on the February 13th docket for a
7 hearing by affidavit?

8 MS. HARDY: Yes.

9 THE HEARING EXAMINER: Okay. Is there
10 anything else, Ms. Hardy?

11 MS. HARDY: No, thank you.

12 THE HEARING EXAMINER: Okay. Anything
13 else from any other party? Okay, thank you. We're
14 off the record in these cases. We're moving to Number
15 11 and 12 on our dockets. It is Mewbourne Oil,
16 24943 -- well, wait a second. Okay, so 24943 and
17 24982. Entries of appearance, please.

18 MR. BRUCE: Mr. Examiner, Jim Bruce on
19 behalf of MRC Permian. I apologize for the mix-up on
20 the name on the docket under -- my computer, as it
21 existed, I had to file under Mewbourne to get it --
22 timely manner.

23 THE HEARING EXAMINER: I see. Okay.
24 Well, good morning Mr. Bruce. How are you feeling?

25 MR. BRUCE: I'm finally feeling pretty

1 well. I might actually -- I'm threatening to make an
2 appearance at the Division here pretty soon so.

3 THE HEARING EXAMINER: Okay, that's
4 good to hear.

5 Are there any other parties?

6 MS. BENNETT: Good morning,
7 Mr. Examiner. Deana Bennett on behalf of Cimarex
8 Energy. And I did file competing applications on
9 behalf of Cimarex.

10 THE HEARING EXAMINER: I didn't know
11 that. Do you have the case numbers?

12 MS. BENNETT: Yes, it's Case Numbers
13 25091 and 25102.

14 THE HEARING EXAMINER: Okay, let me
15 repeat those because your microphone is a bit muffled
16 for some reason, so it's hard to hear you. So I'm
17 going to repeat it: 25091, 25102.

18 MS. BENNETT: That's correct.

19 THE HEARING EXAMINER: All right. So
20 Ms. Bennett, are you the only party that objected to
21 Mr. Bruce's cases?

22 MS. BENNETT: I'm not sure. I see
23 Mr. Suazo was on, and I'm not sure if XTO objected or
24 not.

25 THE HEARING EXAMINER: Ah, very good.

1 Thank you.

2 MR. SUAZO: Mr. Examiner, Miguel Suazo
3 with Beatty & Wozniak on behalf of XTO Energy. We
4 objected to Case 24943, not 24982.

5 THE HEARING EXAMINER: All right, we
6 have you entered in the opposite way. We have you
7 entered as a party on -82 instead of -43.

8 So Freya, would you correct that?

9 MS. TSCHANTZ: Yes.

10 THE HEARING EXAMINER: All right, thank
11 you.

12 Okay, so Mr. Suazo, you objected to -43
13 but not -82; is that right?

14 MR. SUAZO: No, we objected -- I'm
15 sorry -- to -82, not -43. So I think it's right.

16 THE HEARING EXAMINER: Okay.

17 All right, Freya, thank you, you don't
18 have to correct anything.

19 All right, so you objected. Why did
20 you object, Mr. Suazo?

21 MR. SUAZO: Well, my client has some
22 issues with the development plan. It's our
23 understanding that they've proposed U-turn drilling,
24 which we don't think is the preferred development
25 strategy. I know that my client's also working on a

1 trade with another party.

2 And so at this point, you know, our
3 objective in appearing is to object and hopefully get
4 a continuance.

5 THE HEARING EXAMINER: Okay. All
6 right. And we have competing applications. Have you
7 seen those competing applications, Mr. Suazo?

8 MR. SUAZO: I have. My client's still
9 assessing whether or not they're going to file into
10 those cases. They have not confirmed one way or the
11 other as of today.

12 THE HEARING EXAMINER: Okay. Very
13 good. Okay.

14 Mr. Bruce, when do you want to set this
15 for a contested hearing?

16 MR. BRUCE: That's up to you,
17 Mr. Examiner. I did talk with Ms. Bennett about --
18 since those cases are not on the -- her cases are not
19 on the docket until the first February hearing, we
20 talked about having a status conference on February
21 27th, I believe it is, just to see if in the interim,
22 if there's a way to move forward, or if we do have to
23 have a contested hearing.

24 THE HEARING EXAMINER: Okay. So
25 Ms. Bennett, any objection to your moving your cases

1 to the -- well, I guess we'll be moving your cases,
2 Ms. Bennett, for you to the 27th of February for a
3 status conference, and we'll join those with
4 Mr. Bruce's cases.

5 So Mr. Bruce, you'll have to continue
6 your Cases -43 and -82 to the February 27th docket.

7 MR. BRUCE: Yes.

8 MS. BENNETT: Thank you. Thank you,
9 Mr. Examiner. Yes, that is what Cimarex wanted as
10 well, is to have the cases set for a status conference
11 on February 27th. So to the extent it matters,
12 Cimarex agrees with that approach and prefers that
13 approach.

14 THE HEARING EXAMINER: Okay, sounds
15 good.

16 MS. BENNETT: Thank you.

17 THE HEARING EXAMINER: Sounds good. So
18 at the February 27th docket, Mr. Bruce, I'll be
19 seeking to set these for a contested hearing. So I'm
20 going to give you a list of dates that we can set them
21 for in April, and I'd like you and Ms. Bennett to
22 consider the 15th of April and the 29th of April for
23 your cases.

24 MR. BRUCE: What was the first date,
25 Mr. Examiner?

1 THE HEARING EXAMINER: April 15 and
2 April 29.

3 MR. BRUCE: Oh, okay. Thank you.

4 THE HEARING EXAMINER: So please
5 consider those dates with your clients and their
6 witness availability because that's what I'll be
7 looking to do in February.

8 MR. BRUCE: Thank you.

9 THE HEARING EXAMINER: Okay.
10 Anything else, Ms. Bennett?

11 MS. BENNETT: Nothing from me. Thank
12 you.

13 THE HEARING EXAMINER: Mr. Suazo?

14 MR. SUAZO: No, Mr. Examiner.

15 THE HEARING EXAMINER: Okay, we're off
16 the record in those two cases. I'm now calling
17 Mewbourne Oil 24985. It is Number 13 on our docket.

18 MS. BENNETT: Good morning,
19 Mr. Examiner. This is Deana Bennett, and I'm
20 representing Texas Standard Operating New Mexico in
21 this case. And this was a case that was filed by
22 Mr. Bruce when he was having those computer issues,
23 which is why it shows the applicant as Mewbourne. But
24 the applicant is actually Texas Standard Operating New
25 Mexico.

1 THE HEARING EXAMINER: Okay, thank you.
2 So it's your case; is that right, Ms. Bennett?

3 MS. BENNETT: Yes. I filed a
4 substitution of counsel, substituting myself for
5 Mr. Bruce. And I did coordinate with Mr. Bruce before
6 I did that.

7 THE HEARING EXAMINER: Okay, very good.
8 Who else do we have?

9 MS. HARDY: Dana Hardy on behalf of BTA
10 Oil Producers LLC.

11 THE HEARING EXAMINER: Thank you.

12 MR. SUAZO: And Miguel Suazo with
13 Beatty & Wozniak on behalf of XTO Energy.

14 THE HEARING EXAMINER: Thank you.
15 Okay.

16 So I wonder, Freya, is there a way to
17 change these Mewbournes into MRC Permian for the last
18 two cases and Texas Standard for this case?

19 MS. TSCHANTZ: Yes, I can change it.
20 It may not transfer to this type of report for a
21 spreadsheet, but I'll -- I'll play around with it.

22 THE HEARING EXAMINER: Okay, good.
23 Thank you, because it's confusing when the applicant's
24 name is wrong.

25 Okay, Mr. Suazo, did you object?

1 MR. SUAZO: Yes, we did object on the
2 grounds that we didn't receive the AFEs with
3 sufficient time to analyze the economics of the
4 proposals.

5 THE HEARING EXAMINER: Okay. So have
6 you received them?

7 MR. SUAZO: Well, I think there's some
8 other issues that I think Ms. Bennett is going to
9 raise here. I would defer to her.

10 THE HEARING EXAMINER: Oh, okay. But
11 you're maintaining your objection; is that correct?

12 MR. SUAZO: Correct.

13 THE HEARING EXAMINER: Ms. Hardy?

14 MS. HARDY: Well, I believe Ms. Bennett
15 is going to explain. We have kind of a complicated
16 situation here where BTA does object to this
17 application, but there's an agreement between the
18 parties relating to another case. So if Ms. Bennett
19 would like to explain.

20 THE HEARING EXAMINER: Okay. And I'll
21 go to Ms. Bennett in just a moment. But you're
22 maintaining your objection?

23 MS. HARDY: I believe that this case is
24 going to be dismissed, and that it's substituted with
25 a case that is pending for another docket.

1 THE HEARING EXAMINER: I see. Okay.
2 All right.

3 Ms. Bennett?

4 MS. BENNETT: Thank you. Yes, this is
5 a rather complicated situation. So as I mentioned,
6 Mr. Bruce -- this is a case where Texas Standard is
7 seeking the Division's approval of a state unit
8 agreement. So it's not a pooling case like you've
9 been accustomed to seeing.

10 This is a slightly different situation.
11 And under -- the Division does have jurisdiction, I
12 guess, to approve these types of agreements. The
13 state exploratory unit agreement does contemplate OCD
14 approval of these types of agreements, which is why
15 operators come to the OCD for approval.

16 And as I mentioned, Mr. Bruce filed
17 this application, and it did have a typo in it with
18 respect to the section number. So I did file a
19 revised -- I filed a new application, and it's under
20 Case Number 25126.

21 THE HEARING EXAMINER: 25126.

22 MS. BENNETT: Yes.

23 THE HEARING EXAMINER: So it's a brand
24 new application because of the typo?

25 MS. BENNETT: Yes.

1 THE HEARING EXAMINER: It can't be
2 amended or adjusted; it just needs to have a whole new
3 application?

4 MS. BENNETT: There's not really a way
5 to amend or adjust filed applications.

6 THE HEARING EXAMINER: Okay. So are
7 you going to file a dismissal for this case?

8 MS. BENNETT: I will be filing a
9 dismissal, but the reason I wanted to keep this case
10 on the status conference docket for today is that BTA
11 did file an objection to Case Number 25126, which is
12 or will be, hopefully, now set for the February 13th
13 docket. Texas Standard and BTA have reached an
14 agreement in Case Number 25126, and BTA withdrew its
15 objection.

16 And that withdrawal of its objection is
17 conditioned upon Texas Standard seeking a smaller unit
18 than what was originally proposed in the application,
19 which is what Texas Standard has agreed to do.

20 THE HEARING EXAMINER: Okay.

21 MS. BENNETT: So at the hearing, Texas
22 Standard will be presenting exhibits and materials
23 that show a smaller unit than what was proposed in the
24 application. But that's due to this voluntary
25 agreement that Texas Standard and BTA have now

1 reached.

2 THE HEARING EXAMINER: Okay.

3 MS. BENNETT: And so my request would
4 be that this case, the Case 25126, be set for the
5 February 13th docket, and that we be able to move
6 forward by affidavit on that date.

7 THE HEARING EXAMINER: Okay.

8 MS. BENNETT: Assuming, of course, that
9 there are no other objections to that case.

10 THE HEARING EXAMINER: Right.

11 Freya, can you check to see if this
12 case is on February 13th?

13 MS. TSCHANTZ: Yes.

14 THE HEARING EXAMINER: And while she's
15 checking, Ms. Bennett, when will you be filing your
16 dismissal in 24985?

17 MS. BENNETT: I'll file that today.

18 THE HEARING EXAMINER: Okay. Are you
19 sick, by the way?

20 MS. BENNETT: I am.

21 THE HEARING EXAMINER: Yeah. Sorry.

22 MS. BENNETT: Thank you.

23 THE HEARING EXAMINER: Hope you get
24 better quickly.

25 MS. BENNETT: Thank you. One thing I

1 wanted to add, too, is that unfortunately, as I
2 mentioned under the Division's process, there isn't
3 really a way to amend an application, which is why we
4 ended up filing a new application. But the State Land
5 Office has already preliminarily approved the unit
6 agreement, and it's just the last hurdle now is the
7 OCD approval.

8 And then the State Land Office will be
9 able to fully approve the unit agreement. And so
10 Texas Standard's goal in going to hearing on the 13th
11 is to keep the process moving so that the state
12 minerals can be developed and so that they are not
13 holding up development of that state unit.

14 So they do have a strong desire in
15 moving this forward on February 13th, or as quickly as
16 possible, to meet their obligations to the state.

17 THE HEARING EXAMINER: Well, the
18 Division hearing bureau won't do anything to impede
19 that goal.

20 Freya, is it on the docket?

21 MS. TSCHANTZ: It's currently on the
22 February 27th docket due to BTA's objection. But once
23 I process the withdrawal, I'll move it back to the
24 February 13th docket.

25 THE HEARING EXAMINER: Perfect.

1 And last thing, Ms. Bennett, you
2 mentioned that a unit application is different than a
3 CP application. In layman's terms, what's the
4 difference?

5 MS. BENNETT: Well, a unit application
6 is -- so when an operator wants to combine or
7 consolidate state lands and state minerals into a
8 unit, the operator goes to the State Land Office and
9 proposes a unit agreement. And that agreement is
10 essentially a voluntary agreement between the working
11 interest owners to commit their acreage --

12 THE HEARING EXAMINER: Okay. Well, you
13 froze, Ms. Bennett, but I get the point. I understand
14 a little bit about the difference. Okay.

15 So is there anything else, Ms. Hardy?

16 MS. HARDY: No, thank you.

17 THE HEARING EXAMINER: All right.

18 Mr. Suazo?

19 MR. SUAZO: No, Mr. Examiner.

20 THE HEARING EXAMINER: All right.

21 And Ms. Bennett, I'm assuming there's
22 nothing else. If there is, we'll reopen the case.
23 But I'm going to leave it here. We're in recess on
24 this case. We will see you on the 13th of February
25 for a hearing by affidavit in your 25126.

1 Okay, calling now Number 14, 15 and 16.
2 Case number is 25035, -37, and -38. Entries of
3 appearance, please.

4 MS. VANCE: Good morning, Mr. Hearing
5 Examiner. Paula Vance with the Santa Fe office of
6 Holland & Hart on behalf of Matador.

7 THE HEARING EXAMINER: Good morning.

8 MR. SAVAGE: Good morning, Mr. Hearing
9 Examiner. Darin Savage on behalf of Cimarex Energy.

10 THE HEARING EXAMINER: Cimarex. Thank
11 you.

12 MR. SUAZO: Good morning, Mr. Examiner.
13 Miguel Suazo with Beatty & Wozniak on behalf of XTO
14 Energy.

15 THE HEARING EXAMINER: Okay, thank you,
16 sir. Mr. Suazo, did you object to these cases?

17 MR. SUAZO: We did. It's our
18 understanding, however, that my client's been removed
19 from the pooling, and I was just hoping that that
20 could be confirmed on the record. Otherwise, no
21 objection.

22 THE HEARING EXAMINER: Okay, so you
23 would withdraw your objection if that's confirmed?

24 MR. SUAZO: Correct.

25 THE HEARING EXAMINER: Ms. Vance?

1 MS. VANCE: That's correct. XTO has
2 been dropped from the pooling.

3 THE HEARING EXAMINER: So Mr. Suazo,
4 will you file a withdrawal?

5 MR. SUAZO: Yes, Mr. Examiner.

6 THE HEARING EXAMINER: All right.
7 Mr. Savage?

8 MR. SAVAGE: Yes, we did object to
9 these, and the parties are in fruitful negotiation.
10 So we'd like to discuss what we might do next at this
11 point.

12 THE HEARING EXAMINER: Mr. Savage, how
13 long do you -- I mean, these are relatively new cases.
14 How long do you expect negotiations to go on?

15 MR. SAVAGE: Well, Mr. Examiner,
16 there's a lot of moving parts in this, but the --
17 from, you know, talking to counsel and talking to my
18 client, they really are engaged in this, so we think
19 there'll be a positive outcome. What I think we would
20 like is a status conference in February with the
21 provision that we could have another status conference
22 if necessary at a subsequent date.

23 THE HEARING EXAMINER: We'll see.
24 Ms. Vance?

25 MS. VANCE: That's correct. That is

1 what Mr. Savage and I discussed. We were hoping that
2 we could get one status conference, hoping that those
3 would work out, and request that if we need to go to
4 one more status conference, the Division would let us.

5 THE HEARING EXAMINER: We will look for
6 you, Ms. Vance, to continue these cases to the
7 February 27 docket for a status conference.

8 And Mr. Savage, are you going to be
9 tied up in the Empire/Goodnight, or will you be able
10 to attend the status conferences virtually?

11 MR. SAVAGE: I'll be able to attend.

12 THE HEARING EXAMINER: Okay, great.
13 Okay. I wanted to work this out today. Okay.

14 Then is there anything else, Ms. Vance?

15 MS. VANCE: No.

16 THE HEARING EXAMINER: All right, very
17 good. We're off the record in these three cases.
18 We're moving now to Permian Resource cases. There are
19 several of them that are linked together: 25039, -40,
20 -41, -42. I'll stop there. Entries of appearance,
21 please.

22 MS. VANCE: Good morning, Mr. Hearing
23 Examiner. Paula Vance with the Santa Fe office of
24 Holland & Hart on behalf of Permian.

25 MR. SAVAGE: Good morning. Darin

1 Savage on behalf of Alpha Energy.

2 THE HEARING EXAMINER: Alpha. Thank
3 you. I think those are the only two cases.
4 Mr. Savage, you objected?

5 MR. SAVAGE: We did.

6 THE HEARING EXAMINER: Okay. What's
7 happening?

8 MR. SAVAGE: So in these cases, my
9 client has a term assignment that is subject to
10 expiration if the drills are not drilled -- the wells
11 are not drilled at a specific point. The good cause
12 as stated in the testimony, we feel that that is not
13 good cause in this case.

14 So we would like to set a contested
15 hearing date to address the good cause and other
16 matters in the application.

17 THE HEARING EXAMINER: Okay.

18 Ms. Vance?

19 MS. VANCE: Yes, Mr. Hearing Examiner,
20 obviously we would like to avoid that. We filed these
21 as a precaution. The orders are set to expire in
22 June, but we are hoping to drill these during that
23 time. This is the second extension. As explained in
24 the first extension, we are still waiting for federal
25 permitting, and so, you know, we're a little bit at

1 the mercy of the BLM.

2 But you know, if Alpha would like to
3 set a contested hearing date, I'd like to confer with
4 my client on some dates, but we feel like it's
5 unnecessary at this point. And we'd like to continue
6 to negotiate with them and try and work this out and
7 meet those order deadlines.

8 But yeah, if we can go ahead and
9 plan -- if you can hold on just one second, I might
10 have some feedback from my client. Yeah, if we could
11 set this for a status conference in February. I know
12 that they're asking for a contested hearing date, but
13 would it be -- we were hoping to set a status
14 conference so I can confer with my client on a
15 contested hearing date.

16 THE HEARING EXAMINER: And Mr. Savage,
17 if I set it for a contested hearing, what month would
18 you like me to set it?

19 MR. SAVAGE: You know, that's with the,
20 you know, the discretion of the OCD. But we would be
21 open to, you know, earlier, later. February would be
22 fine. You know, I think that, you know, that once the
23 contested hearing date is set that the parties, you
24 know, have the opportunity to negotiate.

25 THE HEARING EXAMINER: So Ms. Vance, I

1 could set it for another status conference, but what
2 I'd prefer to do is set it for a contested hearing on
3 March 18. It'd be a limited contested hearing for
4 good cause only. That'd be the only issue that we
5 hear. And if the parties negotiate out of that
6 hearing and you're going to proceed by affidavit, just
7 file a motion and we'll move it to another docket at
8 your request.

9 But I'm going to issue a pre-hearing
10 order for the 18th of March. Please let me know if
11 your witnesses are not available on the 18th of March;
12 we'll find you something around that time.

13 MS. VANCE: That works. Thank you.

14 THE HEARING EXAMINER: Yes, of course.

15 MR. SAVAGE: Mr. Hearing Examiner, if I
16 may add?

17 THE HEARING EXAMINER: Yes.

18 MR. SAVAGE: If there's defects within
19 the application, could we address those at the hearing
20 in addition to good cause?

21 THE HEARING EXAMINER: Yeah, we could.
22 You could also file a motion in advance of that. But
23 if it requires evidence to make a decision, it's
24 easier to gather that evidence when we have sworn
25 testimony and exhibits that are admitted into evidence

1 to show that.

2 MR. SAVAGE: I mean, I think good cause
3 is certainly the focus of this.

4 THE HEARING EXAMINER: Yes.

5 MR. SAVAGE: But I think there's some
6 other defects in here that would -- at the hearing,
7 which if we can inform the --

8 THE HEARING EXAMINER: Okay.

9 MR. SAVAGE: Okay. Thank you.

10 THE HEARING EXAMINER: All right. So
11 we'll issue a pre-hearing order in these three cases
12 for March 18. It will not be the first one on the
13 docket right now. It'll be the second one on the
14 docket, at least that I can see here. We have already
15 set for Civitas and Chevron, I believe.

16 Okay. That being said, is there
17 anything else, Ms. Vance?

18 MS. VANCE: No.

19 THE HEARING EXAMINER: Mr. Savage?

20 MR. SAVAGE: No, thank you.

21 THE HEARING EXAMINER: Ms. Shaheen?

22 MS. SHAHEEN: Before we move on to the
23 next cases, I was going to ask you if we could go back
24 to the two Fasken cases before I forget a question.

25 THE HEARING EXAMINER: When you say the

1 two Fasken cases, are you talking about the original
2 cases I called?

3 MS. SHAHEEN: Yes, the 249 --

4 THE HEARING EXAMINER: Okay, just let
5 me go back.

6 MS. SHAHEEN: Okay.

7 THE HEARING EXAMINER: All right.
8 We're in recess on 25040, -41, and -42. I am going to
9 recall 24977 and -78. But I don't know that Ms. Luck
10 is still with us. I see a "KL" on the screen. Did
11 you discuss something with Ms. Luck?

12 MS. SHAHEEN: I haven't discussed it
13 with her today.

14 THE HEARING EXAMINER: Oh, okay.

15 MS. SHAHEEN: But it relates to the
16 scheduling. You may recall that I had a conflict in
17 the morning on the 28th.

18 THE HEARING EXAMINER: I do -- two
19 o'clock. Yes.

20 MS. SHAHEEN: So okay, I just wanted to
21 clarify because I thought you wanted us to go at nine,
22 and I'm not available until three.

23 THE HEARING EXAMINER: Not a problem.
24 We can call your case at two o'clock. Maybe what
25 we'll do is we'll come back after lunch. If we're

1 still in hearing from the other cases, we'll take a
2 break. We'll go on recess. We'll call your cases at
3 2 p.m., then.

4 MS. SHAHEEN: Thank you.

5 THE HEARING EXAMINER: All right. I'm
6 glad you reminded me, thank you. Okay. I guess,
7 Ms. Luck, we don't need your participation.

8 But would you let Ms. Luck know that
9 we're not going to start on your cases until two
10 o'clock?

11 MS. SHAHEEN: Absolutely.

12 THE HEARING EXAMINER: All right, thank
13 you. Okay. I'm now calling Number 21, -2, and -3 on
14 our docket. These are Case Numbers 25050, -51,
15 and -52, Permian Resources.

16 MS. SHAHEEN: Sharon Shaheen from the
17 Santa Fe office of Spencer Fane on behalf of Permian
18 Resources.

19 THE HEARING EXAMINER: Thank you.

20 MS. VANCE: Good morning, Mr. Hearing
21 Examiner. Paula Vance with the Santa Fe office of
22 Holland & Hart on behalf of Apache.

23 THE HEARING EXAMINER: Apache. Thank
24 you.

25 MS. HATLEY: Good morning,

1 Mr. Examiner. Keri Hatley, representing COG
2 Operating.

3 THE HEARING EXAMINER: Thank you

4 MR. BRUCE: Mr. Examiner, Jim Bruce,
5 representing Mewbourne Oil Company. I filed late --
6 very late yesterday.

7 THE HEARING EXAMINER: Okay, thank you.
8 Do we have anyone else?

9 MR. SAMANIEGO: Good morning,
10 Mr. Examiner. Jonathan Samaniego representing
11 American Energy Resources.

12 THE HEARING EXAMINER: Good morning.
13 Let's start with you, Mr. Samaniego, because you just
14 came on the line. Did you file an objection?

15 MR. SAMANIEGO: I filed my exhibits of
16 ownership.

17 THE HEARING EXAMINER: Okay, but I'm
18 asking you if you filed an objection to a hearing by
19 affidavit.

20 MR. SAMANIEGO: I have not. I can get
21 that in today.

22 THE HEARING EXAMINER: Okay. But are
23 you on the record objecting to a hearing by affidavit
24 in these three cases?

25 MR. SAMANIEGO: Yes. I'd like to make

1 my oral response, and I'm objecting to the three
2 cases.

3 THE HEARING EXAMINER: Okay, so I
4 expect that you'll file a document, then, through the
5 portal with your entry of appearance and your notice
6 of objection to the case moving forward by affidavit.

7 MR. SAMANIEGO: Yes.

8 THE HEARING EXAMINER: Okay.

9 Mr. Bruce, did you file an objection?

10 MR. BRUCE: Yes, I did, Mr. Examiner.

11 THE HEARING EXAMINER: On what basis?

12 MR. BRUCE: Yesterday. Yes.

13 THE HEARING EXAMINER: No, Mr. Bruce,
14 on what basis did you file an objection?

15 MR. BRUCE: Mr. Examiner, I filed the
16 objection about -- just before five yesterday. But I
17 had an incorrect title, which Freya pointed out, on
18 the heading, so I refiled again before the hearing
19 this morning.

20 THE HEARING EXAMINER: Okay. But the
21 question is, on what basis are you objecting?

22 MR. BRUCE: Mewbourne? A couple of
23 reasons. Mewbourne is in discussions with Permian.

24 THE HEARING EXAMINER: Can you repeat
25 that, because the -- hold on Mr. Bruce. I need you to

1 speak clearly because you're not here and the court
2 reporter's not here. So we have to pick up what
3 you're saying accurately. Would you start over again?

4 MR. BRUCE: Yeah, sorry. Mewbourne
5 recently received the applications. I think they were
6 originally issued in the name of Federal Abstract
7 Company because it was the original lessee of
8 Mewbourne's interest. And so they got them kind of
9 late. But also, Mewbourne thinks it can work a deal
10 with Permian.

11 THE HEARING EXAMINER: Okay, I
12 understand.

13 And Ms. Hatley?

14 MS. HATLEY: Mr. Examiner, we did file
15 an objection. We are hoping to negotiate a JOA, but
16 we're exchanging red lines and it's gotten a little
17 bit complicated, so we would like to request another
18 status conference in February, please.

19 THE HEARING EXAMINER: Okay, perfect.

20 Ms. Vance?

21 MS. VANCE: We are just monitoring at
22 this time.

23 THE HEARING EXAMINER: Okay, thank you.
24 Before I go to you, Ms. Shaheen, let me go back to
25 Mr. Samaniego.

1 Mr. Samaniego, I know that you filed a
2 document, I think. I didn't review it. But why are
3 you objecting to this case moving forward by
4 affidavit?

5 MR. SAMANIEGO: I'm objecting because I
6 was not notified. I'm an interest owner in the
7 proposed pooling. And second, I am requesting
8 evidence from a previous case, 24963, where Permian is
9 claiming to have interests in many sections through
10 the Santos interests.

11 And I've presented evidence in 24963
12 that through the Santos merger they do not own nothing
13 but boreholes. So in 5 and 6, they don't own nothing
14 but boreholes. That's part of the Santos interests.
15 They have no right to pool, they have no right to move
16 forward today.

17 THE HEARING EXAMINER: Okay, thank you
18 Mr. Samaniego. Now, just to be clear, I didn't call
19 that other case, so we're not really talking about
20 that other case. We're just talking about these three
21 cases. But I understand why you're objecting. I
22 expect that you will file an entry of appearance as I
23 instructed and a notice of objection through the
24 portal.

25 And now I'm going to go to Ms. Shaheen.

1 These are your cases. How do you want to proceed?

2 MS. SHAHEEN: Thank you, Mr. Examiner.
3 I have conferred with Conoco and with Mr. Samaniego
4 and with Ms. Vance, and we do not object to another
5 status conference on February 27th. I would note for
6 the record that I have been conferring with
7 Mr. Samaniego.

8 Permian has conducted a record title
9 search and has found no indication that Mr. Samaniego
10 or any of his entities have any interest here. So he
11 did send me one document. It does not establish his
12 interest, so we'll likely be filing a motion to
13 dismiss his entry of appearance.

14 THE HEARING EXAMINER: Okay. All
15 right. So Mr. Samaniego, the way this is going to
16 work is after I get your entry of appearance and your
17 notice of objection, Ms. Shaheen will have her landman
18 do some research on your instrument of ownership. If
19 they feel that it's not valid, they'll file a motion
20 to strike your entry of appearance and objection.

21 You will have time to respond to that
22 with any evidence that you have, and we'll deal with
23 that at the status conference as a motion hearing in a
24 similar way that we're going to do today toward the
25 end of our docket with another case that you've

1 entered on with Mr. Holliday. So do you understand
2 that?

3 MR. SAMANIEGO: Yes. And if I may make
4 one quick statement: Permian bought Santos for 175
5 million, and their landmen were fully unaware until I
6 brought it up and brought it forth. Their own landmen
7 did not know that they bought wellbores through that
8 merger. \$175 million mistake.

9 That's truly individuals with more
10 brains -- or with more money than brains. Their own
11 landmen didn't know that, and they spent 175 million
12 buying wellbores.

13 THE HEARING EXAMINER: Okay,
14 Mr. Samaniego, I understand.

15 MR. SAMANIEGO: -- their landman --
16 their landmen --

17 THE HEARING EXAMINER: Mr. Samaniego?
18 Hold on. Mr. Samaniego, hold on, now. I understand
19 your perspective, and there have been errors made
20 before by landmen. I think you've been involved in
21 those cases, so you know that it's not an exact
22 science. So we will deal with evidence at the time,
23 and you'll be given a chance to present your evidence.

24 The standard of evidence is a
25 preponderance of evidence. So whoever has more

1 relevant and reliable evidence will win in that motion
2 hearing. So I've given you --

3 MR. SAMANIEGO: -- brought forth --
4 Permian has only brought forth hearsay. Hearsay is
5 not admissible evidence. American has only brought
6 forth burden of proof by documentation recorded at the
7 Eddy County Clerk house.

8 THE HEARING EXAMINER: Okay, thank you,
9 Mr. Samaniego. I'm hoping you're not going to
10 interrupt me again, because then we will mute you --

11 MR. SAMANIEGO: I'm done.

12 THE HEARING EXAMINER: Hearsay, sir --
13 let me finish -- hearsay evidence is admissible in an
14 administrative hearing, and it's given the weight that
15 I feel appropriate based on its reliability and
16 relevancy. So please don't quote rules to me because
17 you don't know what you're talking about.

18 All right, let's move on now. We're
19 going to have a status conference on these three cases
20 February 27, Ms. Shaheen. And is there anything more
21 from you?

22 MS. SHAHEEN: No, thank you,
23 Mr. Examiner.

24 THE HEARING EXAMINER: All right, very
25 good. Okay. And please, Ms. Shaheen, if you file a

1 motion to strike, please file it with enough time to
2 give Mr. Samaniego time to have his landman do some
3 research so that he can respond properly to your
4 motion so that we can have a motion hearing on the
5 27th of February when we come back for a status
6 conference.

7 MR. SAMANIEGO: And if I may make one
8 more statement?

9 MS. SHAHEEN: Well, I just realized
10 that I am going to be in the throes of the
11 Empire/Goodnight hearing.

12 THE HEARING EXAMINER: Right.

13 MS. SHAHEEN: So the only other
14 alternative would be the March status conference. Is
15 that...

16 THE HEARING EXAMINER: That's getting a
17 little bit late. Let me think what else we might do.
18 We have some special dockets that we could hear the
19 status conference at the beginning of a special docket
20 so that it doesn't cause a great delay.

21 Freya, when do we have special dockets
22 in February around the 27th?

23 MS. TSCHANTZ: -- that. For right now,
24 we have February 18th.

25 THE HEARING EXAMINER: Okay.

1 Ms. Shaheen, can you appear on February
2 18?

3 MS. SHAHEEN: I think so. Let me just
4 double check real quick.

5 THE HEARING EXAMINER: It can be
6 virtual. You don't have to be here.

7 MS. SHAHEEN: I'm getting close. That
8 looks good.

9 THE HEARING EXAMINER: Okay. So
10 Ms. Shaheen, you'll continue your cases to the
11 February 18th special docket as status conferences,
12 and we may have a motion hearing that day depending on
13 your research and your motion and Mr. Samaniego's
14 response. So let me go around the room now and make
15 sure everyone is available.

16 Ms. Vance, would you be available for a
17 virtual status conference on these cases on the 18th?

18 MS. VANCE: It was March 18th, you
19 said?

20 THE HEARING EXAMINER: No, February.

21 MS. VANCE: Or February 18th? Yes.

22 THE HEARING EXAMINER: Yes? That's a
23 yes? Okay, very good.

24 MS. VANCE: Correct.

25 THE HEARING EXAMINER: Ms. Hatley?

1 MS. HATLEY: Yes.

2 THE HEARING EXAMINER: That's a yes.

3 Mr. Bruce?

4 MR. BRUCE: Yes, sir.

5 THE HEARING EXAMINER: Okay, very good.
6 That's an affirmative answer?

7 MR. BRUCE: Yes.

8 THE HEARING EXAMINER: All right, very
9 good.

10 Mr. Samaniego, will you be available
11 February 18th for a status conference/motion hearing?

12 MR. SAMANIEGO: Yes.

13 THE HEARING EXAMINER: Oh, excellent.
14 Okay.

15 MR. SAMANIEGO: And at that hearing I'd
16 also like for Permian Resources to present their
17 evidence of ownership because the merger with Santos
18 has been proven to be invalid. So they need to
19 present new ownership interest that is separate from
20 the Santos because that's invalid.

21 THE HEARING EXAMINER: Okay. Thank you
22 Mr. Samaniego.

23 Okay, so Ms. Shaheen, we will see you
24 on the 18th of February to accommodate your
25 Empire/Goodnight schedule. And we will hear that

1 at --

2 Now, Freya, are we starting at 9 a.m.
3 on the 18th?

4 MS. TSCHANTZ: Yes, 9 a.m.

5 THE HEARING EXAMINER: Should we do
6 this at 8:30?

7 MS. SHAHEEN: That's fine with me.

8 THE HEARING EXAMINER: You okay with
9 that?

10 MS. SHAHEEN: Uh-huh.

11 THE HEARING EXAMINER: Ms. Vance?

12 MS. VANCE: Fine with me.

13 THE HEARING EXAMINER: Ms. Hatley?

14 MS. HATLEY: Yes, sir.

15 THE HEARING EXAMINER: Mr. Bruce, are
16 you okay with 8:30 that morning?

17 MR. BRUCE: Yes, sir.

18 THE HEARING EXAMINER: I think you said
19 yes.

20 MR. BRUCE: Yes.

21 THE HEARING EXAMINER: And
22 Mr. Samaniego, will you be ready at 8:30 that morning?

23 MR. SAMANIEGO: Yes, sir.

24 THE HEARING EXAMINER: Great. And
25 Mr. Samaniego, I just want to remind you, if you do

1 have any witnesses that are going to testify on your
2 behalf, please have them ready in front of a computer
3 with a camera and a working microphone so we can swear
4 them in and hear from them.

5 MR. SAMANIEGO: Yes, sir.

6 THE HEARING EXAMINER: Okay. Very
7 good. Okay, we're off the record in these three
8 cases. Thank you, everyone. We're moving now to
9 Number 24, -5, -6, and -7, Mewbourne Oil, Case Numbers
10 25055, -56, -57, and -59. Entries of appearance,
11 please.

12 MS. VANCE: Good morning, Mr. Hearing
13 Examiner. Paula Vance with the Santa Fe office of
14 Holland & Hart on behalf of Mewbourne.

15 THE HEARING EXAMINER: Are there any
16 other parties that you know of?

17 Ms. Hatley?

18 MS. HATLEY: Good morning,
19 Mr. Examiner. Keri Hatley on behalf of
20 ConocoPhillips, but only in Case 25059.

21 THE HEARING EXAMINER: I see that here
22 now. Thank you. Did you object in that case?

23 MS. HATLEY: We did object, but we have
24 since withdrawn our objection.

25 THE HEARING EXAMINER: Okay, so then

1 are you just monitoring?

2 MS. HATLEY: Yes, we are now just
3 monitoring.

4 THE HEARING EXAMINER: Okay, very good.
5 Is there someone else speaking?

6 MS. BENNETT: Yes. Good morning,
7 Mr. Examiner. And hopefully this connection is
8 better. I changed to my phone. This is Deana Bennett
9 on behalf of Avant Operating.

10 THE HEARING EXAMINER: Much better
11 connection, thank you. Okay, very good. So
12 Ms. Bennett, did you object?

13 MS. BENNETT: We did object, but I will
14 be withdrawing our objection today and -- although
15 retaining the entry of appearance to monitor and
16 preserve rights.

17 THE HEARING EXAMINER: Thank you.

18 So Ms. Vance, do you want to move these
19 cases to the next hearing by affidavit docket?

20 MS. VANCE: That's correct.

21 THE HEARING EXAMINER: So February 13?

22 MS. VANCE: That works.

23 THE HEARING EXAMINER: Works for us.

24 Okay, so you'll move these, is it four cases? I think
25 it's four cases; isn't it?

1 MS. VANCE: Yes, four cases.

2 THE HEARING EXAMINER: Yes. Okay.

3 Then we will see you on the 13th for a hearing by
4 affidavit.

5 Anything further, Ms. Bennett?

6 MS. BENNETT: Nothing from me, thank
7 you.

8 THE HEARING EXAMINER: Ms. Hatley?

9 MS. HATLEY: No, sir.

10 THE HEARING EXAMINER: Okay. Thank
11 you.

12 Ms. Vance?

13 MS. VANCE: Nope.

14 THE HEARING EXAMINER: We're off the
15 record in these four cases. We're now moving to
16 Number 28 on our docket. This is RAZ Oil and Gas,
17 25081.

18 MS. BENNETT: Good morning,
19 Mr. Examiner. Deana Bennett on behalf of RAZ Oil and
20 Gas.

21 THE HEARING EXAMINER: Thank you. I
22 don't see -- what are you requesting the Division?
23 It's blank here, what you're asking.

24 MS. BENNETT: So what RAZ is seeking --
25 this is a saltwater disposal well, an injection well,

1 and RAZ has an approved order to inject into one
2 formation and is requesting approval from the Division
3 to inject into a different formation.

4 THE HEARING EXAMINER: When you say
5 different, do you mean in addition to the approved
6 formation or just a whole different one?

7 MS. BENNETT: In lieu of the approved
8 formation. So right now, RAZ is authorized to inject
9 produced water into the Devonian formation, which is a
10 very deep formation, and RAZ is seeking approval to
11 plug the well up to a higher injection interval.

12 THE HEARING EXAMINER: Into what
13 formation?

14 MS. BENNETT: The Delaware Mountain
15 Group.

16 THE HEARING EXAMINER: Delaware
17 Mountain Group. Okay. Are there any other parties
18 that have entered an appearance in this case?

19 MS. BENNETT: Yes. Mewbourne.

20 MR. RANKIN: Good morning,
21 Mr. Examiner. Adam Rankin with the Santa Fe office of
22 Holland & Hart, appearing on behalf of Mewbourne Oil
23 Company.

24 THE HEARING EXAMINER: Thank you. Did
25 you object?

1 MR. RANKIN: We did.

2 THE HEARING EXAMINER: On what basis?

3 MR. RANKIN: On the basis that we have
4 offsetting plan -- plans for offsetting development
5 below and have concerns about impairment between the
6 different zones. So they'll be injecting to the
7 Delaware Mountain Group, and Mewbourne is intending to
8 develop offsetting zones in the -- vertically offset.
9 They're worried about --

10 THE HEARING EXAMINER: Mr. Rankin, I
11 hate to ask you to repeat everything you just said,
12 but you're so far from the microphone I can't even
13 hear what you're saying clearly.

14 MR. RANKIN: Sorry --

15 THE HEARING EXAMINER: So why did you
16 object?

17 MR. RANKIN: Mewbourne has plans to
18 develop vertically offsetting acreage tracts and their
19 concern about impacts from the disposal into their
20 planned development.

21 THE HEARING EXAMINER: So Mewbourne
22 fears that this request to inject into a different
23 formation will impair your client's --

24 MR. RANKIN: Correct.

25 THE HEARING EXAMINER: Your client's

1 existing operations or future operations?

2 MR. RANKIN: Very soon planned
3 operations. They -- their lessees and then acreage
4 and their concern about impacts.

5 THE HEARING EXAMINER: I see. Okay.
6 All right.

7 And Ms. Bennett, did you hear that?

8 MS. BENNETT: I did. And we,
9 Mr. Rankin and I, have been in communication about
10 this issue. And I believe that we have an agreement
11 in principle to address Mewbourne's concerns, and that
12 way Mewbourne would be able to withdraw its objection.
13 And just for one more bit of context on this case,
14 this case was originally set for January 9th, or
15 that's the date that was in the application.

16 And this case was then part of the set
17 of cases that was automatically or would have been
18 automatically set for February 13th but for
19 Mewbourne's objection because the January 9th docket
20 was so full.

21 THE HEARING EXAMINER: Okay.

22 MS. BENNETT: So here what I'm hoping
23 is that Mr. Rankin and I will be able to reach an
24 agreement today, hopefully to withdraw Mewbourne's
25 objection, so that this case can be set back on the

1 February 13th docket as originally contemplated.

2 THE HEARING EXAMINER: Thank you.

3 Mr. Rankin?

4 MR. RANKIN: Mr. Examiner, yes, we have
5 reached an agreement in principle. We need to just
6 paper it up. So I don't know how long that will take,
7 but as soon as it's done and our -- my client's
8 satisfied with the written terms in the agreement,
9 then we will withdraw our objection, assuming that
10 we're able to come to that. I expect we will. And
11 we're already working on the paperwork, so we're
12 hopeful that we can get that done quickly.

13 THE HEARING EXAMINER: Okay. Thank
14 you, Mr. Rankin.

15 So Ms. Bennett, it'll be up to you to
16 move the case to the February 13 docket for hearing by
17 affidavit. I think you can do it now in hopes that
18 the objection will be withdrawn. And I suspect if
19 it's not, then you'll have to move it to the next
20 docket, February 27, for another status conference.

21 MS. BENNETT: That would be great. I
22 think the Division's notice for the February 13th
23 docket might be going out today or tomorrow, so if
24 it's possible to have it on the February 13th OCD
25 docket notice, and then, of course, if we're unable to

1 get the objection withdrawn, then, of course, it
2 wouldn't go on February 13th. But there's a bit of a
3 timing constraint here given the deadline for the OCD
4 docket notice to go out.

5 THE HEARING EXAMINER: And just one --
6 I mean, obviously, it's completely within your power
7 to put it on the February 13 docket. As of now, you
8 could move it; right?

9 MS. BENNETT: Well it's -- I don't know
10 that I can because of Mewbourne's objection. But if I
11 can, then yes, I will do that. I will file whatever
12 it takes to put it on the February 13th docket. I can
13 file a continuance, a motion to continue to the
14 February 13th docket, today.

15 THE HEARING EXAMINER: Right. Right.
16 But the other part of what you said that I wasn't
17 quite clear on is if this -- did the Division not --
18 didn't the Division already notice this case for the
19 January 9, you said?

20 MS. BENNETT: Oh, that's right.

21 THE HEARING EXAMINER: Okay.

22 MS. BENNETT: I apologize. I forgot.
23 This one was already noticed for January 9, so if I
24 file a continuance to the February 13th docket, I
25 think I'm good there.

1 THE HEARING EXAMINER: I think so, too.
2 MS. BENNETT: Thank you. Sorry about
3 that.
4 THE HEARING EXAMINER: Yeah. No, I
5 understand. Anything further, Ms. Bennett, on this
6 case?
7 MS. BENNETT: No. Thank you
8 THE HEARING EXAMINER: Mr. Rankin?
9 MR. RANKIN: Nothing further. Thank
10 you.
11 THE HEARING EXAMINER: Thank you.
12 We're in recess on this case.
13 MS. BENNETT: Thank you.
14 THE HEARING EXAMINER: Let's go to
15 Number 29 through, it looks like, 36. These are all
16 Permian Resource cases. I'll read them all. They're
17 joined for the purposes of a hearing. This is 25093,
18 -94, -95, -96, -97, -98, -99, and 25100. Entries of
19 appearance, please.
20 MS. HARDY: Dana Hardy on behalf of
21 Permian Resources Operating.
22 MS. VANCE: Good morning, Mr. Hearing
23 Examiner. Paula Vance with the Santa Fe office of
24 Holland & Hart on behalf of Matador.
25 MR. SAVAGE: Darin Savage on behalf of

1 Cimarex Energy.

2 THE HEARING EXAMINER: And are those
3 the only parties, Ms. Hardy?

4 MS. HARDY: They are.

5 THE HEARING EXAMINER: Okay, very good.
6 Who objected that you know of?

7 MS. HARDY: Matador has objected.

8 THE HEARING EXAMINER: Okay. So not
9 Cimarex but just Matador?

10 MS. HARDY: That's my understanding,
11 correct.

12 THE HEARING EXAMINER: Perfect.

13 Ms. Vance, why did you object?

14 MS. VANCE: So we filed competing
15 cases, and we just filed those and got the case
16 numbers. However, that being said, it's my
17 understanding that the parties are in negotiation. So
18 we would like to ask for a status conference if
19 Permian and Cimarex are agreeable to that. But as of
20 right now, we did file competing cases.

21 THE HEARING EXAMINER: And when you say
22 you filed them, do you have numbers for them yet?

23 MS. VANCE: Yes, I do.

24 THE HEARING EXAMINER: What are the
25 numbers?

1 MS. VANCE: Give me one moment. So it
2 is 25169 through 25180. Sorry, wanted to make sure
3 that they were all in order. So that's 25169 to
4 25180.

5 THE HEARING EXAMINER: So there's 11 or
6 12 cases?

7 MS. VANCE: Yes, that sounds right, 11
8 cases. Yep.

9 THE HEARING EXAMINER: Okay. All
10 right.

11 Ms. Hardy?

12 MS. HARDY: Mr. Examiner, there are a
13 lot of moving parts in these cases, I think, and this
14 is a refiled version of these applications. They were
15 previously dismissed and refiled. I think Permian
16 Resources would prefer to set them on a contested
17 hearing docket in a timeframe around late April, which
18 I think would give the parties time to negotiate.

19 THE HEARING EXAMINER: Okay. We have
20 the 29th of April.

21 MS. HARDY: I believe that that would
22 be fine.

23 THE HEARING EXAMINER: Okay.

24 Ms. Vance, I know you haven't spoken
25 with your client yet, but I'll set these for April 29,

1 contested hearing. It gives you -- the parties plenty
2 of time to negotiate, to confirm your witness
3 availability.

4 If that doesn't work, we can always do
5 the 15th of April, Ms. Hardy.

6 MS. HARDY: I can confirm with my
7 client.

8 THE HEARING EXAMINER: Sure. But those
9 are the --

10 MS. HARDY: Okay.

11 THE HEARING EXAMINER: So that's what
12 we'll do.

13 And I'll, of course, include your
14 cases, Ms. Vance, on that pre-hearing order.

15 MS. VANCE: Okay. That works for us.

16 THE HEARING EXAMINER: Okay, very good.
17 So 4/29, 9 a.m. start time. Good luck with your
18 negotiations.

19 Anything further, Ms. Hardy?

20 MS. HARDY: No, thank you.

21 THE HEARING EXAMINER: Ms. Vance?

22 MS. VANCE: No.

23 THE HEARING EXAMINER: Mr. Savage?

24 MR. SAVAGE: No, thanks.

25 THE HEARING EXAMINER: All right, very

1 good. And Mr. Savage, you're just going to be
2 monitoring?

3 MR. SAVAGE: At this time; correct.

4 THE HEARING EXAMINER: At this time.
5 That's cagey, thank you. All right, let's go now to a
6 motion hearing we're having. This is with
7 Mr. Holliday and Mr. Samaniego. This is Number 37 on
8 our docket, 24517. Before, actually, we get to there,
9 we do have on our docket Case Numbers 25115 and 25117.

10 Mr. Savage, do you represent V-F
11 Petroleum in these cases?

12 MR. SAVAGE: I do. And we filed a
13 continuance early yesterday morning, so I guess that
14 hasn't been -- gone through the system yet.

15 THE HEARING EXAMINER: Okay, perfect.
16 So then we don't need to call these cases because
17 they're going to be heard next Tuesday?

18 MR. SAVAGE: That's correct.

19 THE HEARING EXAMINER: Along with the
20 other cases.

21 MR. SAVAGE: Yes, sir.

22 THE HEARING EXAMINER: Okay, very good.
23 Okay, going back to 24517, entries of appearance,
24 please.

25 MR. HOLLIDAY: Good morning,

1 Mr. Examiner. Ben Holliday on behalf of Silverback
2 Operating II.

3 THE HEARING EXAMINER: Thank you.

4 Mr. Samaniego, I'm waiting for you.

5 MR. SAMANIEGO: I just had to unmute.
6 I was muted for some reason.

7 THE HEARING EXAMINER: Okay.

8 MR. SAMANIEGO: Jonathan Samaniego,
9 representing American Energy Resources.

10 THE HEARING EXAMINER: Okay, perfect.
11 So here's how we'll do this. First, I'm going to just
12 give a little context of what we're doing here today.
13 We have a motion to reopen the case filed by American
14 Energy Resources. The Case Number is 25417. We
15 issued an Order Number R-23045.

16 Mr. Samaniego claims that he has an
17 interest in the unit, and he has filed a document to
18 demonstrate that ownership interest. He claims also
19 that he should have been given notice, but that he was
20 not given notice. We then have a response to the
21 motion, filed by Mr. Holliday.

22 This was filed -- let's see when this
23 was filed. This was filed only a few days ago on the
24 21st of January. Today is the 23rd of January. All
25 right. And I do see the evidence that was supplied by

1 the landman in this case on behalf of Silverback.

2 Mr. Samaniego, did you have a chance to
3 review the response?

4 MR. SAMANIEGO: Yes.

5 THE HEARING EXAMINER: Okay. Very
6 good. Now, I understand that you just got this two
7 days ago, and I want to give you time to file a reply
8 to this, but the reply would have to include evidence
9 to be considered. Do you understand?

10 MR. SAMANIEGO: Going off of the last
11 hearing we just had under 250 -- -50, -51 and -52, you
12 stated that even though -- with no evidence, hearsay
13 is admissible; okay? And I'm not saying my evidence
14 is hearsay. I'm going to pull the -- exactly those
15 same books and pages at the Eddy County Clerk's Office
16 and get them to you.

17 But I'm not going to rush down to
18 Carlsbad, two and a half hours away, going 100 miles
19 an hour, risking mine and everyone's life on the road;
20 okay? I need adequate time. And I didn't get that
21 filing until five o'clock on the 21st, so I really had
22 less than 24 hours.

23 THE HEARING EXAMINER: That's why I'm
24 giving you more time to reply.

25 So Mr. Holliday, you've provided

1 evidence in support of your motion -- or your
2 response, excuse me, and you've made legal arguments
3 as to why I should dismiss the motion to reopen this
4 case.

5 So, Mr. Samaniego, I want to be clear
6 with you what I'm looking for -- looking to from you;
7 okay? I'm expecting that you're going to file a
8 reply. I'm going to give you a deadline. I am
9 expecting that you're going to attach evidence in
10 support of your reply.

11 And I am also expecting that you are
12 going to have either an expert witness, like a
13 landman, or someone explain to me why your evidence --
14 well, what's the word I'm looking for? Not
15 counteracts, but goes against -- I can't think of the
16 word I want.

17 Mr. Holliday, what's the word I want?

18 MR. HOLLIDAY: He needs to come in and
19 establish a valid chain of title that would entitle
20 him to notice under the compulsory pooling statute.

21 THE HEARING EXAMINER: Yes, exactly.

22 Now, Mr. Samaniego, do you understand
23 that?

24 MR. SAMANIEGO: I do. But I'm
25 requesting that Silverback be held to the same

1 standard and also present their chain of title to show
2 their interest in the pooling.

3 THE HEARING EXAMINER: Mr. Samaniego,
4 I'm not going to comment on --

5 MR. SAMANIEGO: Everybody they notified
6 is not --

7 THE HEARING EXAMINER: Mr. Samaniego,
8 I'm not going to comment. Mr. Samaniego, don't speak
9 over me, or I'll have to mute you. I'm not going to
10 comment on that request that you just made.
11 Everything needs to be filed properly through the
12 portal. At this point in the proceedings, we're
13 basically in the middle of a motion hearing.

14 So you have filed a document to support
15 your motion to reopen. I've considered that document.
16 I have instructed Mr. Holliday to have his landman
17 research your document and provide a response. He has
18 done so. His claim, very simply, is that your
19 document does not establish ownership for two
20 different reasons.

21 And I'm not going to go through them.
22 You can read the response yourself. If you have no
23 further evidence, I'm going to rule in his favor and
24 deny your motion. However, I'm going to give you an
25 opportunity to file a reply and to show me why your

1 document does establish ownership in this and why you
2 were required notice under the original case, because
3 that's the only reason you could reopen the case. So
4 I hope I've explained myself clearly.

5 MR. SAMANIEGO: Notice under the
6 case -- I'm writing all this down, just -- I'm sorry.

7 THE HEARING EXAMINER: This is a little
8 bit like a ping-pong game, Mr. Samaniego. You filed
9 the -- you hit the ball across the net the first time;
10 okay? You filed a document with some evidence. So it
11 needs to be considered, and you need to be given a
12 fair hearing on that. And that's what we're doing.

13 Mr Holliday and his client hit the ball
14 back; okay? They provided evidence and legal
15 reasoning why your document does not do what you think
16 it does. Okay. Now it's your opportunity to hit the
17 ball back across the net. This is your final
18 opportunity.

19 MR. SAMANIEGO: So what you're
20 requesting is that the books and pages that were
21 listed on the response, you want those books and pages
22 as the exhibits to state American's standing?

23 THE HEARING EXAMINER: Okay,
24 Mr. Holliday, how would you respond to that? Because
25 I'm not going to respond to that. How would you

1 respond to that?

2 MR. HOLLIDAY: I would just revert back
3 to -- my prior understanding of the case is that --
4 put me in a bit of an awkward spot. But if I were on
5 the other side of this, I would need to bring forward
6 evidence of a chain of title that would've established
7 me to notice -- support --

8 THE HEARING EXAMINER: Okay, but that's
9 not what I was asking you. But thank you for
10 clarifying that because I think that's what
11 Mr. Samaniego needs to do here. But the reason
12 that -- so just give us a summation of your response.
13 Why does that document that he has so far provided
14 fall short of what you just said?

15 MR. HOLLIDAY: Sure. Okay, thank you.
16 There's two reasons, really quickly. One, there was a
17 2010 quiet title suit that eliminated the claims and
18 the chain of title under which American Energy claims.
19 And it's Silverback's position that they don't own an
20 interest.

21 Even if they did own an interest prior
22 to the quiet title suit, prior to all the deeds
23 referenced in this, the original owner of those leases
24 that we're talking about executed a JOA at the end of
25 1978. And the 1978 JOA, under that, Silverback II is

1 the operator. So all the parties that are subject to
2 the JOA are not subject to the compulsory pooling
3 order that they're not required to notice. That's all
4 handled contractually so.

5 THE HEARING EXAMINER: Right. Okay.
6 So Mr. Holliday, thank you for explaining that in
7 clear language to Mr. Samaniego.

8 So Mr. Samaniego, if you read the
9 response, you will see what Mr. Holliday just said.
10 But he explained it to you very clearly in language
11 that I think is understandable by non-lawyers. So
12 basically, if you want me to rule in your favor and
13 reopen this hearing on the original case, 24517, upon
14 which the Division has already issued an order, you
15 need to show me why what he's saying is not correct.

16 In other words, he's saying that there
17 was a quiet title suit in 2010, and that quiet title
18 resolved the ownership interests at stake here.
19 That's Number 1.

20 And he's saying that even if it didn't,
21 the interest that you're claiming was incorporated in
22 a JOA back from 1978. And so you were not an
23 uncommitted interest at the time of this case going
24 forward, and that's why you didn't get notice. So
25 those are the two issues you need to address, and you

1 need to address them not only verbally, but you need
2 to show me evidence as why those two issues should be
3 resolved in your favor and not in favor of Silverback.

4 MR. SAMANIEGO: Yes, sir. And -- and
5 if I can make a verbal oral response to that quiet
6 title, I am going to get these books and pages to you.
7 But as far as the quiet title, the quiet title was ten
8 years after Wildcat retained interests. Wildcat was
9 not mentioned in the quiet title. Therefore, under
10 the color of law, if it's not mentioned in the quiet
11 title, therefore, the interests were not quiet titled
12 in the quiet title.

13 Wildcat purchased many interests ten
14 years prior. Therefore, interests do remain in
15 Wildcat and were assigned to American.

16 THE HEARING EXAMINER: Okay,
17 Mr. Samaniego, thank you for telling me that. Let me
18 just explain one other thing. The Division is not the
19 place to adjudicate interest ownership. That's not
20 what we do here. That's a court's decision to make.
21 So if, in fact, you have a claim about the quiet title
22 or even the JOA, that would be a suit in the 5th
23 Judicial Circuit.

24 MR. SAMANIEGO: There would be a claim
25 if I was listed and so on and so on. But Wildcat was

1 not listed, therefore, they were not a participant or
2 a party or a defendant in the quiet title.

3 THE HEARING EXAMINER: I understand.

4 MR. SAMANIEGO: That's a color of law.
5 That's a color of law that you -- you cannot be --
6 you -- that's a color of law.

7 THE HEARING EXAMINER: Yes, sir.
8 You've said that three times now. I heard you the
9 first time. So let me just finish this by saying I'm
10 giving you an opportunity to reply, and then we'll
11 come back for the rest of this motion hearing. And
12 we'll set that date in just a moment.

13 But if you want to effectually respond
14 or reply to this response, you're going to show me why
15 those two arguments are not correct, why the quiet
16 title suit, why that argument does not apply. And
17 you'll need evidence to support that. And you'll need
18 to explain why the JOA argument also does not apply to
19 you.

20 And you'll need evidence to show me
21 that as well. Not just argument, but evidence as
22 well. How much time do you need to reply?

23 MR. SAMANIEGO: I'll be ready, I guess,
24 at the February 18th.

25 THE HEARING EXAMINER: Well, then --

1 okay, so we're not adding it to February 18. So let's
2 slow down here. The next time we have time to hear
3 this case would be February 13.

4 Mr. Holliday, would you be prepared to
5 have a motion hearing on the 13th of February?

6 MR. HOLLIDAY: I believe so. Let me
7 just make sure I'm not committed to something that
8 day.

9 THE HEARING EXAMINER: Okay.

10 MR. HOLLIDAY: But that does give me
11 plenty of time.

12 THE HEARING EXAMINER: Right?

13 MR. SAMANIEGO: And also I want on the
14 record that Silverback is claiming ownership through
15 the quiet title in the Chaplain [ph] lease, but all
16 the people they notified were none -- were no interest
17 owners in the Chaplain [ph] lease. The people that
18 they notified don't own the interest in the Chaplain
19 [ph] lease at all. I -- it -- it -- go ahead.

20 THE HEARING EXAMINER: Mr. Samaniego,
21 this argument isn't helping you right now. I've told
22 you exactly what you need to do. And I'm not your
23 attorney, so, you know, please understand that my
24 telling you that is from my perspective here; okay?

25 MR. SAMANIEGO: No, no, I -- I know.

1 I -- I just want just my statement on the record that
2 Silverback is stating these interest owners that they
3 notified, they're presenting a quiet title claim that
4 they -- that these are now all the interest owners in
5 the Chaplain [ph] lease, but yet on their notification
6 they never notified any of those quiet titles that
7 were awarded the -- the interests.

8 That's kind of funny. That's kind of
9 weird.

10 THE HEARING EXAMINER: Okay,
11 Mr. Samaniego. Mr. Samaniego, this argument doesn't
12 help you because you don't have standing to argue for
13 other parties. You have only standing --

14 MR. SAMANIEGO: I'm not arguing --
15 nobody. I'm pointing -- I'm pointing out what --

16 THE HEARING EXAMINER: Would you mute
17 the microphone, please?

18 Mr. Samaniego, if you speak over me,
19 we're going to mute you, so it's really not in your
20 benefit to do that. I've told you what you need to
21 do. I'm not going to say it again. Hopefully, you've
22 written it down.

23 So Mr. Holliday, is February 13 work
24 for you for a motion hearing?

25 MR. HOLLIDAY: Yes, sir.

1 THE HEARING EXAMINER: Okay, very good.
2 Mr. Samaniego, I'm going to give you a deadline. So
3 give me a minute here. Let me get my calendar here in
4 front of me. Today is the 23rd. I'm going to give
5 you until the 5th of February to file your reply and
6 the evidence in support of your reply. That will give
7 Mr. Holliday a few days with his landman before the
8 13th.

9 Mr. Holliday, I'm not going to give you
10 any more -- you know, your response is your document
11 here, but you'll certainly have an opportunity to
12 present whatever witnesses you want to at the February
13 13th motion hearing. You can present any evidence at
14 the February 13th motion hearing as well, as long as
15 you share it with Mr. Samaniego before that date;
16 okay?

17 MR. HOLLIDAY: Yes, sir.

18 THE HEARING EXAMINER: All right. So
19 we're going to put that last because we have a list of
20 hearings by affidavit that we're going to be dealing
21 with that day.

22 So Mr. Samaniego, we probably won't get
23 to this case until about noon, so I'm letting you
24 know, if you have a witness, that you should advise
25 your witness to be available later morning, early

1 afternoon, virtually is fine.

2 And Freya, would you add this --
3 actually, it's not up to Freya to add.

4 Mr. Holliday, would you please continue
5 this case to the February 13th docket for a motion
6 hearing?

7 MR. HOLLIDAY: Yes, sir. Will do.

8 THE HEARING EXAMINER: Okay. Is there
9 anything else, Mr. Holliday?

10 MR. HOLLIDAY: Nothing from Silverback,
11 no, sir.

12 THE HEARING EXAMINER: Okay, very good.
13 Well, Mr. Samaniego, unfortunately,
14 when you force me to mute you, I can't ask you if
15 there's anything else. But I'm going to assume
16 there's nothing else. I've explained what you need to
17 do at this point, and we will see you then. And you
18 have a deadline, so I expect that you'll keep the
19 deadline of the 5th of February for any document that
20 you file in support of your motion.

21 Okay, we are off the record in this
22 case, and I believe we are done for the day. So thank
23 you Mr. Holliday, Mr. Samaniego.

24 And Mr. Cogswell, I hope you feel
25 better. We're off the record. Thank you.

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(Whereupon, the meeting concluded at
10:25 a.m.)

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CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

February 5, 2025



JAMES COGSWELL
Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, JILL SABERHAGEN, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

February 5, 2025



JILL SABERHAGEN

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