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

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

Case Nos. 25312, 25347, 25348,
25376, 25247, 25248, 25250,
25252, 25253, 25254, 25123,
25124, 25204, 25202, 25228,
25301, 25302

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HEARING

DATE: Thursday, June 26, 2025
TIME: 8:57 a.m.
BEFORE: Hearing Examiner Gregory Chakalian
LOCATION: EMNRD - Oil Conservation Division
1220 South Street, Francis Drive,
3rd Floor
Santa Fe, New Mexico 87505

REPORTED BY: PAUL BACA, CCR #112
VERITEXT LEGAL SOLUTIONS
500 4th Street, Suite 105
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EXHIBITS

(No Exhibits Marked)

1 HEARING OFFICER CHAKALIAN: Good morning.
2 It is 8:57 a.m. We are going to go on the record.
3 This is the second regular docket of the month for
4 the Oil Conservation Division. We are hearing
5 approximately 14 status conferences today.

6 I am going to begin with Case Number 1 on
7 our docket is 253 -- this is Case Number 25312. It
8 is Pride Energy. I think it is joined with some
9 other cases. It is joined with 25348 and 25 -- hold
10 on a second here.

11 25312 is not joined with any other case, I
12 apologize.

13 Entry of appearance, please.

14 MS. SHAHEEN: Sharon Shaheen on behalf of
15 Pride Energy.

16 HEARING OFFICER CHAKALIAN: Good morning.

17 MR. FELDEWERT: Good morning,
18 Mr. Examiner, Michael Feldewert, Santa Fe office of
19 Holland & Hart on behalf of EOG Resources, Inc.

20 HEARING OFFICER CHAKALIAN: Mr. Feldewert,
21 are you monitoring or did you object?

22 MR. FELDEWERT: We objected. We had filed
23 a competing case.

24 HEARING OFFICER CHAKALIAN: Do you have a
25 case number?

1 MR. FELDEWERT: I do. It is 25455. And
2 as Ms. Shaheen pointed out yesterday, we need to
3 file a motion to amend a prehearing order to add
4 that case, because I believe the case is set for a
5 hearing on August 12.

6 Our case is scheduled to appear on the
7 July 10 docket, just so it is on the docket in case
8 anybody shows up. So we can either wait until
9 July 10 or we can file a motion this week to amend
10 the prehearing order to add this case to the hearing
11 on August 4.

12 HEARING OFFICER CHAKALIAN: Or you can
13 make an oral motion today to amend and that is
14 granted.

15 So Freya, would you issue an amended
16 prehearing order to add Case Number 25455?

17 MS. TSCHANTZ: Yes.

18 HEARING OFFICER CHAKALIAN: Thank you.

19 And then would you join that case number
20 for the purposes of the hearing.

21 MS. TSCHANTZ: I will.

22 HEARING OFFICER CHAKALIAN: All right. Is
23 that docket, August 12, is that a trailing docket or
24 is that the only one on there?

25 MS. TSCHANTZ: It is a trailing docket set

1 to begin at 1:30.

2 HEARING OFFICER CHAKALIAN: Very good.
3 1:30.

4 All right. Mr. Feldewert, we are adding
5 that case and then in your prehearing order we will
6 issue a prehearing order later today.

7 MR. FELDEWERT: Just one matter of
8 clarification. Will the matter still appear on the
9 July 10 docket.

10 HEARING OFFICER CHAKALIAN: Yes, it will.

11 MR. FELDEWERT: Okay. That is where it
12 has been noticed. Great.

13 HEARING OFFICER CHAKALIAN: Freya, did you
14 shake your head? I couldn't tell.

15 MS. TSCHANTZ: It is.

16 HEARING OFFICER CHAKALIAN: So,
17 Mr. Feldewert, maybe I gave you the wrong
18 information. What do you want to tell us?

19 MS. TSCHANTZ: It was noticed for July 12
20 but I will move it to August 12.

21 HEARING OFFICER CHAKALIAN: Is that okay
22 or would you prefer it stay on the July 12?

23 MR. FELDEWERT: It seems to me that it
24 might be beneficial to stay on there in case there
25 are other parties that appear. So that would be the

1 only reason.

2 HEARING OFFICER CHAKALIAN: Freya, can you
3 leave it on July 12?

4 MS. TSCHANTZ: I can.

5 HEARING OFFICER CHAKALIAN: July 12 is the
6 hearing by affidavit, isn't it?

7 MS. TSCHANTZ: Right.

8 MR. FELDEWERT: Yes.

9 MS. TSCHANTZ: I could move it to the
10 status conference docket already when I receive the
11 objection. I think that is July 24. I will leave
12 it on that docket.

13 HEARING OFFICER CHAKALIAN: That is a good
14 idea.

15 MS. TSCHANTZ: Okay.

16 HEARING OFFICER CHAKALIAN: Ms. Shaheen,
17 are you going to file an objection in that case in
18 writing?

19 MS. SHAHEEN: Yes, absolutely.

20 HEARING OFFICER CHAKALIAN: All right. I
21 figured you would.

22 MS. SHAHEEN: I think my assistant might
23 have done that yesterday.

24 HEARING OFFICER CHAKALIAN: Okay. Freya,
25 did you hear that?

1 MS. TSCHANTZ: I did.

2 HEARING OFFICER CHAKALIAN: So,
3 Mr. Feldewert, it will be on the July 24 docket for
4 a status conference.

5 And, Ms. Shaheen, would you continue your
6 case to that docket so that we hear them together, I
7 know it is only, I know there is almost no reason to
8 do this, but I think it is a good idea to have the
9 new case on the docket before the actual special
10 docket.

11 MS. SHAHEEN: I will absolutely do that.
12 And just to clarify, will we also need to move to
13 continue it to the August 12 docket?

14 HEARING OFFICER CHAKALIAN: Yes.

15 MS. SHAHEEN: We will need to file two
16 motions for continuance.

17 HEARING OFFICER CHAKALIAN: Yes.

18 MS. HARDY: Mr. Examiner, just for the
19 record, I didn't do my appearance as a matter of
20 record. We are just monitoring. Hardy McLean for
21 Red River Energy Partners.

22 HEARING OFFICER CHAKALIAN: You said you
23 are monitoring.

24 MS. HARDY: Yes.

25 MS. HATLEY: Mr. Examiner, I would like to

1 enter my appearance as well. Keri Hatley entering
2 an appearance on behalf of COG Operating and
3 ConocoPhillips Company, and we are objecting to this
4 case.

5 HEARING OFFICER CHAKALIAN: Okay. Did you
6 want to spell your name for the court reporter.

7 MS. HATLEY: Yes. Keri, K-E-R-I, Hatley,
8 H-A-T-L-E-Y.

9 HEARING OFFICER CHAKALIAN: So you are
10 going to enter a written objection?

11 MS. HATLEY: We already have in the Pride
12 Energy case.

13 HEARING OFFICER CHAKALIAN: Okay. In
14 Ms. Shaheen's case?

15 MS. HATLEY: Yes.

16 HEARING OFFICER CHAKALIAN: Okay. Now, at
17 the hearing will you be offering evidence?

18 MS. HATLEY: We will not.

19 HEARING OFFICER CHAKALIAN: Will you be
20 cross-examining witnesses?

21 MS. HATLEY: I don't anticipate it but I
22 reserve the right to.

23 HEARING OFFICER CHAKALIAN: The parties
24 never have to reserve the right but you have the
25 right, there is nothing to reserve. This is the

1 administrative forum.

2 MR. BRUCE: Mr. Examiner, James Bruce.

3 HEARING OFFICER CHAKALIAN: Who is taking?

4 MR. BRUCE: This is Jim Bruce representing
5 Kaiser-Francis Oil.

6 HEARING OFFICER CHAKALIAN: Are you
7 entering an appearance.

8 MR. BRUCE: Yeah. I previously filed a
9 written entry of appearance.

10 HEARING OFFICER CHAKALIAN: I guess we
11 need to give the parties enough time to verbally
12 speak up this morning. We won't make that mistake
13 again.

14 Mr. Bruce, objections.

15 MR. BRUCE: Mine was just an entry of
16 appearance, but I will be attending the contested
17 hearing and will probably have a position by that
18 time.

19 HEARING OFFICER CHAKALIAN: Okay. Is
20 there any other party that didn't get a chance to
21 speak up?

22 Okay. Ms. Shaheen, it is your case. How
23 do you want to proceed? I mean, is there anything
24 else you want to say before we go into recess?

25 MS. SHAHEEN: I think we have all said it

1 all. I think we can move on.

2 HEARING OFFICER CHAKALIAN: Okay. Good.
3 Thank you. We are in recess on 25312.

4 Moving to Number 2 and 3 on our docket
5 which are joined together. This is Avant Operating
6 25347, 25348.

7 Entries of appearance.

8 MS. BENNETT: Good morning, Mr. Examiner.
9 Deana Bennett on behalf of Avant Operating II.

10 HEARING OFFICER CHAKALIAN: Good morning.

11 MR. FELDEWERT: Good morning, Mr.
12 Examiner. Michael Feldewert with the Santa Fe
13 office of Holland & Hart for RC Permian, who has
14 objected to this matter.

15 HEARING OFFICER CHAKALIAN: Good, thank
16 you.

17 MS. HARDY: Good morning, Mr. Examiner,
18 Dana Hardy with Hardy McLean on behalf of Permian
19 Resources Operating. We have not objected, we are
20 monitoring at this point.

21 MR. RODRIGUEZ: Mike Rodriguez with
22 Civitas Permian Operating LLC and we have objected
23 to these cases.

24 HEARING OFFICER CHAKALIAN: Okay. Thank
25 you, Mr. Rodriguez.

1 Are there any other parties before we go
2 back to Ms. Bennett?

3 Not hearing any. Ms. Bennett.

4 MS. BENNETT: Mr. Hearing Examiner, there
5 is one other party, Paloma Resources or Paloma
6 Permian AssetCo. If they are not all this, I will
7 just say for the record Paloma did object to the
8 case being heard by affidavit, but has since
9 withdrawn their objection.

10 HEARING OFFICER CHAKALIAN: Do you know
11 who their counsel is?

12 MS. BENNETT: Yes. Michael Jewell from
13 Jewell Jimmerson Natural Resources.

14 HEARING OFFICER CHAKALIAN: Sure. Up in
15 Colorado?

16 MS. BENNETT: Yes.

17 HEARING OFFICER CHAKALIAN: Freya, is
18 Jewell part of the e-mail that goes out?

19 MS. TSCHANTZ: I believe so.

20 HEARING OFFICER CHAKALIAN: He has been on
21 cases that we have heard in the past several months,
22 so I am surprised he is not here.

23 Okay. All right. They withdrew their
24 objections?

25 MS. BENNETT: They did, on June 17.

1 HEARING OFFICER CHAKALIAN: Okay. Where
2 are we with this?

3 MS. BENNETT: These cases we -- we, Avant,
4 my office on behalf of Avant filed the applications
5 in early April requesting a May 8 hearing.

6 Then MRC objected. Civitas objected.
7 Paloma objected, but as I've mentioned has now
8 withdrawn.

9 And on May 22nd we had a status conference
10 in these cases. And at that time Paloma indicated
11 it might submit competing applications, which it has
12 not done.

13 MRC and Civitas maintained their
14 objection. And on that date the Hearing Examiner
15 set the case for a contested hearing on July 15. We
16 came today to talk about the status of whether any
17 competing applications had been filed.

18 At this point no competing applications
19 had been filed by any party, so the only
20 applications to be heard at the July 15 contested
21 hearing are Avant's applications and Avant is --
22 still wants to move forward with the July 15
23 contested hearing.

24 They, as we indicated at the prior status
25 conference, Avant owns a majority of the interest in

1 their units. They have been in discussions with
2 Civitas and MRC. And as I have mentioned, the
3 case -- we had a status conference in May and the
4 Hearing Examiner said that was plenty of time for
5 the parties to negotiate, which is a proposition in
6 which Avant agrees.

7 It is now time to go to the contested
8 hearing on July 15. I will say that this morning
9 Mr. Feldewert and I had a chance to confer and it
10 does seem like there is some room for discussions
11 between Avant and MRC, but those discussions should
12 not hold up the previously set contested hearing.

13 HEARING OFFICER CHAKALIAN: Okay. You
14 said that Paloma withdrew its objection and they
15 have not filed competing applications.

16 Freya, would you know if Paloma had filed
17 competing applications?

18 MS. TSCHANTZ: Only if they let me know
19 that a certain case number was related to these
20 cases.

21 HEARING OFFICER CHAKALIAN: Okay.

22 MS. BENNETT: Mr. Hearing Examiner, I did
23 review the July 10th docket which is the only docket
24 upon which Paloma could apply for to make the
25 deadline and there were no Paloma cases nor were

1 there any Civitas cases. There were a couple of MRC
2 cases but they were in a different county and
3 different sections and townships. So in my review
4 of the July 10th docket, there were no competing
5 cases filed.

6 HEARING OFFICER CHAKALIAN: So I am just
7 going to go to Mr. Feldewert since he did file an
8 objection.

9 Mr. Feldewert, did you want to add
10 anything?

11 MR. FELDEWERT: The only thing I would add
12 is, as Ms. Bennett alluded to, I know there has been
13 some discussion between she and I that resulted in
14 discussions between MRC and Avant.

15 The issue is the number of initial wells
16 that we are hoping to possibly cure by Avant filing
17 an amended prehearing statement, which I think would
18 be the most efficient way to go, but that has not
19 been formalized yet. So they are still in
20 discussions, but that is the issue that is of
21 primary concern of ours.

22 HEARING OFFICER CHAKALIAN: So MRC would
23 like to see Avant drill either more initial wells or
24 less, less initial wells?

25 MR. FELDEWERT: Correct.

1 HEARING OFFICER CHAKALIAN: What
2 percentage of ownership -- do you know what
3 percentage of ownership MRC has in this?

4 MR. FELDEWERT: Off the top of my head, I
5 do not.

6 HEARING OFFICER CHAKALIAN: Do you know,
7 Ms. Bennett?

8 MS. BENNETT: Yes, I do. It is somewhere
9 between 6 and 7 percent.

10 HEARING OFFICER CHAKALIAN: Okay. By the
11 way, how much does Avant own in this acreage?

12 MS. BENNETT: Avant owns 40 percent, they
13 control 69 percent, and they are in discussion with
14 another party to get 5 more percent, so they will be
15 at about 75 percent working interest control.

16 HEARING OFFICER CHAKALIAN: Perfect.
17 Okay. Thank you.

18 Mr. Rodriguez, you objected. Where are
19 you.

20 MR. RODRIGUEZ: So on Monday an on-site
21 was conducted at the location of Avant II service,
22 and Civitas is still evaluating those results.

23 Also, I believe the parties are working on
24 a JOA now so I am hopeful that Civitas' concerns
25 will be resolved in the coming days. And

1 notwithstanding any unforeseen issues, I am hoping
2 Civitas will be able to withdraw its objection by
3 next week sometime.

4 HEARING OFFICER CHAKALIAN: Okay. Do we
5 have Mr. Jewell or do we still not have Mr. Jewell?

6 Freya, will you send Mr. Jewell an e-mail
7 just letting him know we heard these cases, he
8 wasn't present. If he has something to add, he can
9 hop on and I will recall the cases.

10 MS. TSCHANTZ: Yes.

11 HEARING OFFICER CHAKALIAN: Okay. So,
12 Ms. Bennett, we are on track for July 15.

13 Is there anything else?

14 MS. BENNETT: Yes. I did receive a text
15 from Avant stating that permian -- Paloma Permian
16 has filed -- signed, excuse me, a JOA with Avant,
17 which may be why Mr. Jewell is not in attendance
18 today because there is no further -- they are in a
19 voluntary agreement with Avant.

20 And I, with respect to Mr. Feldewert's
21 comments, earlier Avant and MRC have been in
22 discussions about Avant's well bins, but -- and it
23 is my understanding that Avant intends to drill six
24 initial wells. But they are not abandoning their
25 full development plan, if that is the crux of MRC's

1 agreement.

2 Avant wants to develop the six initial
3 wells, see the results and if there are, you know,
4 in the realm of what is expected then they will move
5 forward with all the wells under the order.

6 So it would not be that Avant will be
7 removing wells from its application, it would be
8 that Avant would be willing to agree that there are
9 six initial wells, but that other wells are still
10 wells under the order.

11 HEARING OFFICER CHAKALIAN: Okay. Thank
12 you.

13 Is there anything further?

14 MS. BENNETT: Nothing further.

15 HEARING OFFICER CHAKALIAN: Okay. Very
16 good.

17 All right. We are in recess on these two
18 cases. We are going to move on to Number 4 on our
19 docket. It looks like Hilcorp Energy, Case
20 Number 25376. And I think that case stands on its
21 own.

22 Entry of appearance, please.

23 MS. HARDY: Mr. Examiner, this is actually
24 a case filed by Spur Energy Partners.

25 HEARING OFFICER CHAKALIAN: It is, excuse

1 me. Is that your case Ms. Hardy.

2 MS. HARDY: It is, yes.

3 HEARING OFFICER CHAKALIAN: Thank you.

4 MS. HARDY: Dana Hardy with Hardy & McLean
5 on behalf of Spur Energy Partners.

6 HEARING OFFICER CHAKALIAN: Okay.

7 MR. SUAZO: Good morning, Mr. Examiner.
8 Miguel Suazo with Beatty & Wozniak appearing on
9 behalf of Hilcorp Energy, Overton Energy Investment
10 VI and The Salient Zarvona Energy Fund.

11 HEARING OFFICER CHAKALIAN: Excellent.
12 Thank you, Mr. Suazo.

13 Did you object, by the way.

14 MR. SUAZO: Yes, we did. All three
15 parties objected.

16 HEARING OFFICER CHAKALIAN: Okay. What is
17 happening with your objections?

18 MR. SUAZO: Do you mean the basis for the
19 objections?

20 HEARING OFFICER CHAKALIAN: No, I don't
21 need to know the basis right now. Are you
22 maintaining your objection?

23 MR. SUAZO: Yes, Mr. Examiner.

24 HEARING OFFICER CHAKALIAN: Okay. Are you
25 in discussions? Do you know if your client is

1 negotiating with Spur?

2 MR. SUAZO: So I think it varies across
3 the three clients. I don't know if Hilcorp is still
4 trying to gather additional information from Spur.
5 Right now they are not particularly comfortable with
6 horizontal wells that are proposed. In fact, they
7 are vertical wells. So I know with respect to them,
8 the discussions are ongoing.

9 And with respect to Zarvona, you know, it
10 is more of a concern about the interests that they
11 hold in relation to the size of the interest that
12 Spur has. So Zarvona is particularly experienced in
13 this area and in drilling these types of wells. And
14 they have a larger interest, so I know that, you
15 know, they have spoken to Spur, and Spur has kind of
16 refused to make some commitments that Zarvona would
17 feel more comfortable with.

18 So in that respect discussions are
19 ongoing, but I don't think that they have been
20 resolved to date. And with the final client,
21 Overton Investment VI, their objection stems from
22 Spur's unwillingness to provide a JOA and then kind
23 of some of the terms that would be incorporated,
24 particularly the marketing piece, so I know they are
25 speaking as well.

1 HEARING OFFICER CHAKALIAN: Okay.

2 Perfect. Thank you, Mr. Suazo.

3 Are there any other parties that you know
4 of, Ms. Hardy?

5 MS. HARDY: Not that I know of.

6 HEARING OFFICER CHAKALIAN: Okay. How do
7 you want to proceed?

8 MS. HARDY: Mr. Examiner, I think Spur
9 would like to have this case set for a contested
10 hearing, preferably in August. They are working
11 with Hilcorp on the technical concerns. They have
12 provided the JOA to Overton and Zarvona. I don't
13 believe that Zarvona has drilled or operates any
14 wells in this area or in New Mexico, for that
15 matter. I am not sure that they are a licensed
16 operator.

17 So the competing applications have been
18 filed. We would ask that this be set for a
19 contested hearing preferably on August 12 and 13 on
20 that trailing docket.

21 HEARING OFFICER CHAKALIAN: Did you just
22 say that competing applications were filed?

23 MS. HARDY: Have not been filed.

24 HEARING OFFICER CHAKALIAN: Have not been
25 filed. Thank you.

1 Freya, the first date you give me to offer
2 is August 26. Now, Ms. Hardy is wondering about the
3 12th or the 13th. Are we not able to offer earlier
4 than the 26th?

5 MS. TSCHANTZ: We already have three
6 hearings set for the August 12 docket and we start
7 in the afternoon on the 12th going into the 13th, so
8 that would be tight.

9 HEARING OFFICER CHAKALIAN: You understand
10 the problem.

11 MS. HARDY: I do.

12 HEARING OFFICER CHAKALIAN: It looks like
13 August 26 is our first possible date.

14 Does that work for you.

15 MS. HARDY: That will work.

16 HEARING OFFICER CHAKALIAN: Okay.

17 Mr. Suazo, August 26 if your clients continue to
18 maintain their objection.

19 MR. SUAZO: Well, I want to make sure that
20 Zarvona especially has time to submit competing
21 applications. And I guess that technically gives
22 them enough time. Just out of curiosity, what is
23 the first available docket in September?

24 HEARING OFFICER CHAKALIAN: The first one
25 in September is the 2nd.

1 MR. SUAZO: Okay. Well, that is not
2 enough of a material difference, so I guess
3 August 26 is probably acceptable.

4 HEARING OFFICER CHAKALIAN: Okay. And so
5 of the three clients, the Zarvona Energy Fund would
6 be the one that would potentially file competing
7 applications?

8 MR. SUAZO: Well, not necessarily, but I
9 think they are probably the most likely. It depends
10 on the conversations that continue to be had and how
11 they pan out, but I do think Zarvona is most likely
12 to be in that position.

13 HEARING OFFICER CHAKALIAN: Do you know
14 what their ownership interest in the subject land s
15 is?

16 MR. SUAZO: Yes. Let me see if I can find
17 that. Zarvona's interest is 15.375 percent and
18 Spur's is 12.4 percent.

19 HEARING OFFICER CHAKALIAN: Okay.
20 Perfect. Thank you.

21 Ms. Hardy, do you agree with those
22 figures?

23 MS. HARDY: Spur is in the process of
24 acquiring an additional interest, so they would have
25 more interest than that by the time we got to

1 hearing.

2 HEARING OFFICER CHAKALIAN: That figure is
3 correct as of today?

4 MS. HARDY: It sounds approximately
5 correct.

6 HEARING OFFICER CHAKALIAN: Thank you,
7 Mr. Suazo. I appreciate the figures. All right.

8 So we will issue a prehearing order,
9 Ms. Hardy, for August 26.

10 Freya, is that a trailing docket or is
11 that the only case on that docket?

12 MS. TSCHANTZ: It is a trailing docket.

13 HEARING OFFICER CHAKALIAN: It gives
14 plenty of time for negotiation with these three
15 interests. It gives Zarvona the ability to file
16 competing apps in a timely fashion.

17 Is there anything else, Mr. Suazo?

18 MR. SUAZO: No, Mr. Examiner. Thank you.

19 HEARING OFFICER CHAKALIAN: Ms. Hardy.

20 MS. HARDY: No. Thank you.

21 HEARING OFFICER CHAKALIAN: Good. We are
22 in recess on that case.

23 Moving not to Number 5 on our docket. It
24 is Matador Production Company. It looks like we
25 have a few cases here. It looks like we have a

1 motion hearing. The case numbers are 25247, 48,
2 25250, 52, 53 and 54.

3 Entries of appearance, please.

4 MR. FELDEWERT: Michael Feldewert with the
5 Santa Fe office of Holland & Hart for the applicant,
6 MRC Permian Company.

7 HEARING OFFICER CHAKALIAN: Thank you,
8 sir.

9 MR. SAMANIEGO: Jonathan Samaniego, go
10 representative of American Energy Resources.

11 HEARING OFFICER CHAKALIAN: Okay. Thank
12 you, sir.

13 MR. SAVAGE: Good morning, Mr. Examiner,
14 Darin Savage with Abadie & Schill on behalf of Alpha
15 Energy Partners II, LLC.

16 HEARING OFFICER CHAKALIAN: And,
17 Mr. Savage, I already know what Mr. Samaniego's
18 position is, I forgot your position.

19 MR. SAVAGE: We did an objection.

20 HEARING OFFICER CHAKALIAN: Didn't?

21 MR. SAVAGE: We did.

22 HEARING OFFICER CHAKALIAN: Did.

23 MR. SAVAGE: We did enter an objection.

24 It looks like competing applications are going to
25 arrive. Alpha was looking at doing the applications

1 but they have an AMI.

2 HEARING OFFICER CHAKALIAN: I don't know
3 what AMI means.

4 MR. SAVAGE: Area mutual interests. It is
5 an agreement so that you carve out, you look at
6 civil townships, you look at civil sections and then
7 you do an agreement where if parties go in and they
8 lease, that they agree to share the percentages of
9 that.

10 So it is an area of mutual interest that
11 they are developing. And it encompasses this, these
12 areas that are being contested.

13 So Alpha was planning on doing a competing
14 application, but it looks like Mewbourne is going to
15 been the one leading that effort and would be filing
16 the competing applications. So this is kind of a
17 rather complicated matter. I don't know anything
18 about Mr. Samaniego's motion and do not support it.
19 But affably looking at this and talking to my
20 client, there may be separate grounds for dismissing
21 MRC's applications at this point that we would like
22 to be able to address and discuss with Mr. Feldewert
23 during this.

24 HEARING OFFICER CHAKALIAN: So that is
25 fine. We have as much time as we need to discuss

1 these things, but so you're representing Alpha.

2 Who is representing Mewbourne.

3 MR. BRUCE: Mr. Examiner, this is Jim
4 Bruce. I am.

5 HEARING OFFICER CHAKALIAN: Mr. Bruce, did
6 you enter an objection.

7 MR. BRUCE: No, I didn't. I did not enter
8 an objection at the time, because Mewbourne, at that
9 point, was just an observer that it did not receive
10 notice of the applications from MRC and it did not
11 receive the well proposal. But we can get into that
12 in a little more detail at the time, but Mewbourne
13 will be filing competing applications.

14 And if I may, just to clarify, MRC's
15 applications cover all of Sections 27, 28, and 29,
16 and Mewbourne's applications will cover the west
17 half of Section 29, all of Section 30, and all of
18 Section 25 and the adjoining township.

19 So really what is at issue is really that
20 half section of land, the west half of Section 29.

21 HEARING OFFICER CHAKALIAN: Not the east
22 half of 29, the west half of 29?

23 MR. BRUCE: Correct.

24 HEARING OFFICER CHAKALIAN: But you said
25 the -- okay, I guess that is not really critical for

1 me to understand right now. So would you please
2 enter a written objection if that is your position.

3 MR. BRUCE: Yes, sir.

4 HEARING OFFICER CHAKALIAN: When do you
5 anticipate filing the competing applications?

6 MR. BRUCE: Well, my understanding from
7 the prior hearing was if Alpha was going to file,
8 they had to file by tomorrow to get on the July 29
9 special docket and I informed Mewbourne that they
10 would have to file by tomorrow.

11 HEARING OFFICER CHAKALIAN: Okay.

12 MR. BRUCE: I will probably follow-up with
13 an e-mail to Freya when they are filed just to make
14 sure that they are not set on the docket for -- any
15 other docket.

16 HEARING OFFICER CHAKALIAN: So you
17 wouldn't want them to be heard, not heard, but you
18 would not want them to be noticed for an earlier
19 docketed before July 29?

20 MR. BRUCE: Well, what is the regular,
21 second regular docket? We could do it that way,
22 but --

23 HEARING OFFICER CHAKALIAN: I just think
24 it allows for any kind of objection from another
25 party or just prehearing preparation. But what is

1 it, I don't know what it is.

2 Freya, what is the second docket of July?

3 MS. TSCHANTZ: We only have one hearing by
4 affidavit docket in July that would be noticed for
5 new cases, and that is July 10. The deadline has
6 already lapsed for that.

7 So the next docket that would be normally
8 noticed would be August 7. Since these are
9 competing applications, I could prepare a special
10 notice just for this one competing application for
11 July 29.

12 HEARING OFFICER CHAKALIAN: I see, okay,
13 Mr. Bruce, you heard that, right?

14 MR. BRUCE: Yes, sir.

15 HEARING OFFICER CHAKALIAN: So we would be
16 doing, we would be going above and beyond what we
17 normally do to get these to be joined for the
18 July 29 contested hearing.

19 So please make sure you are in
20 communication with Ms. Tschantz and also file a
21 motion to consolidate once you have filed the
22 competing applications.

23 MR. BRUCE: Yes, sir.

24 HEARING OFFICER CHAKALIAN: Mr. Feldewert,
25 we are back to you.

1 MR. FELDEWERT: Thank you. I am a little
2 confused. So our applications for lay-down covering
3 27, 28, and 29.

4 HEARING OFFICER CHAKALIAN: Okay.

5 MR. FELDEWERT: Mr. Bruce said his are
6 going to cover, and Mr. Bruce, correct me if I am
7 wrong, 29, 30, and you say 31?

8 HEARING OFFICER CHAKALIAN: No. 25 of the
9 next township range.

10 MR. FELDEWERT: Of the next township.
11 Okay.

12 MR. BRUCE: Mr. Feldewert, the west half
13 of 29 only.

14 HEARING OFFICER CHAKALIAN: Which I don't
15 understand either. I thought it would be the east
16 half of 29. I would think that would be what abuts
17 the 30, but I don't have a map in front of me.

18 MR. BRUCE: Yeah. I don't either.

19 MR. FELDEWERT: We will see whatever it
20 is. My point being is that you are now adding to
21 the case that is docketed additional acreage which
22 would be additional pooled parties who have up until
23 now most likely not be informed of Mewbourne's
24 plans.

25 So it would seem to me that we would want

1 to have it filed and have it scheduled for a docket
2 before July 29 to see if there are other parties
3 that appear and may have development plans that
4 compete with other Mewbourne's acreage.

5 HEARING OFFICER CHAKALIAN: Mr. Bruce.

6 MR. BRUCE: Well, yeah, I -- theoretically
7 I have no objection to that, but I guess that would
8 have to be -- today is the 26, that would have to be
9 July 26 or 27 because of the 30-day application
10 filing timeline.

11 MR. FELDEWERT: Have the well proposals
12 gone out?

13 MR. BRUCE: Mr. Feldewert, I presume so.
14 I have not -- I do not know. I was contacted so
15 recently, I do not know.

16 HEARING OFFICER CHAKALIAN: Well,
17 Mr. Bruce, do you have a way of contacting your
18 client? We can go into recess.

19 MR. SAMANIEGO: If you don't come
20 prepared, he doesn't have relevancy to proceed. And
21 to wait for his client would cause burden on other
22 effected parties. I will object to Mewbourne
23 proceeding at this time until he gets his documents
24 in order. Until then, I respectfully request to
25 proceed.

1 I also object to Alpha's proceeding
2 because there has been violations in their antics in
3 Cases 25166 and they're fined now for many, many
4 violations regarding State law.

5 A hearing, a de novo hearing will be filed
6 in that shortly, but as far as today, I am objecting
7 to Alpha proceeding because of their continuous
8 violations of State law in their antics to profit.

9 HEARING OFFICER CHAKALIAN: Okay.
10 Mr. Samaniego, before you continue -- sir, before
11 you continue -- Freya, please mute Mr. Samaniego.

12 (Simultaneous speaking.)

13 HEARING OFFICER CHAKALIAN: Mr. Samaniego,
14 when you hear me start to speak, I prefer that you
15 stop speaking. It is going to make this a lot
16 easier for both of us.

17 The court reporter needs you to state and
18 spell your name for the record, so let's turn on
19 your microphone, please, and do that.

20 Mr. Samaniego, you have to turn on the
21 microphone once Freya turns it off. She can't turn
22 it back on for you.

23 MR. SAMANIEGO: Jonathan Samaniego,
24 J-O-N-A-T-H-A-N, S-A-M-A-N-I-E-G-O. Representative
25 of American Energy Resources.

1 HEARING OFFICER CHAKALIAN: Okay. Thank
2 you. Hold on one second. You got that?

3 THE COURT REPORTER: Yes.

4 HEARING OFFICER CHAKALIAN: So,
5 Mr. Samaniego, let's take this one step at a time.
6 What I asked Mr. Bruce to do was to contact his
7 client and find out if well proposals had been
8 mailed out. That's all I have asked him to do.

9 And so we are having a motion hearing
10 today on MRC's motion to strike you as a participant
11 or a party to this case. So that is what we are
12 doing today.

13 In you want to file written motions for
14 other things, you are more than welcome to do that
15 and we will hear that at a later date. But I have
16 received your filings. I did receive your filing on
17 6-24. I received -- this is your motion to dismiss,
18 I think. I have that in front of me. I also have
19 your docketing statement for the Court of Appeals
20 dealing with the Judge's order down in the Fifth
21 Judicial District.

22 So I have those, I have that information.
23 I also have the document that you filed, a motion to
24 strike back on 6-6. So I have a bunch of documents
25 that you have filed that we need to deal with today.

1 I also have MRC Permian's motion to strike
2 you as a party, you filed a response. I gave MRC an
3 opportunity to reply, they did not take me up on
4 that, which is fine, they don't have to. But before
5 we get to the motion, I do want to deal with these
6 competing applications.

7 Mr. Bruce, I agree with Mr. Feldewert if
8 you're filing competing applications and it is going
9 to encompass new lands, which obviously it is going
10 to, then we need to have this on some docket before
11 the contested hearing on July 29. So we need to
12 work this out.

13 Do you have any suggestions, Mr. Bruce.

14 MR. BRUCE: Well, two. Number one would
15 be that the applications are filed by tomorrow, so
16 that would be 30 days, July 26. Set them on that
17 docket to see if there are any further objections.

18 HEARING OFFICER CHAKALIAN: Okay.

19 MR. BRUCE: The other one would be to set
20 this for the August 7 docket and that would probably
21 entail amending the pretrial order to set another
22 hearing date.

23 HEARING OFFICER CHAKALIAN: So, Freya, are
24 we able to get these contest -- these competing
25 applications, which have yet to be filed, on the

1 July 26 status conference docket?

2 MS. TSCHANTZ: That is July 24 is the
3 status conference docket. The 26th is a Saturday.

4 HEARING OFFICER CHAKALIAN: All right.
5 Thank you. July 24.

6 MR. SAVAGE: Mr. Examiner, there is some
7 additional information that may impact the selection
8 of the date. So, for example, in that Section 29 it
9 says missing title, and there is leases that have
10 terminated by their own terms and gone back to -- so
11 there is unleased interest in there in addition to a
12 number of changes of ownership. So Alpha has not
13 received this well proposal at all.

14 HEARING OFFICER CHAKALIAN: From who?

15 MR. SAVAGE: From MRC.

16 HEARING OFFICER CHAKALIAN: From MRC.

17 MR. SAVAGE: That's correct. I don't
18 believe Marathon has received -- I'm sorry, not
19 Marathon, Mewbourne. I do not believe Mewbourne --
20 Mr. Bruce may clarify, but I do not believe they
21 have received theirs.

22 There is five other owners, at least.
23 Some of those are landowners who have notification
24 about the oil and gas industry. I know that Pegasus
25 Resources, McMillan, City of Carlsbad, the Estate of

1 McCreed, Estate of Paul Williams, these are all
2 close.

3 What is interesting, typically when you
4 have -- you have a couple of scenarios. You have
5 one scenario where you have, let's say, an oil and
6 gas company that has a lease, they receive a well
7 proposal, then they assign it to somebody else.
8 During the interim while you are there, so you have
9 another oil and gas company. In that kind of
10 scenario you usually get due diligence and usually
11 they would know that the well proposal was -- you
12 know, that lease was subject to a well proposal and
13 then you would have -- they would be aware or they
14 should have been aware.

15 In this scenario we have leases on the
16 lands and I believe, if my client is correct in
17 this, that Marathon and ConocoPhillips may have been
18 the lessees at the time the well proposals were sent
19 out. So you have leases.

20 And then you some have event, and I
21 believe it was a missing shut-in payment or
22 something like that, that terminated the lease. So
23 the lease goes back to the landowner.

24 And then in our scenario then another
25 party came along and leased the interest and then

1 that party assigned it to another company. Assigned
2 it to Alpha. So we have, like, several
3 intermediates. You don't have that continuity of
4 potential notice that you have in the previous
5 scenario; is that correct?

6 HEARING OFFICER CHAKALIAN: Doesn't the
7 rules -- I don't have the rule in front of me, but
8 doesn't the rule say it is the responsibility of the
9 applicant to send notice that they know or should
10 know, based on records, et cetera, et cetera, at the
11 time of the filing?

12 MR. SAVAGE: Well, this is the well
13 proposal. So actually the special rules on well
14 proposals say that you should send, you really need
15 to send the well proposal 30 days before you file
16 the application.

17 HEARING OFFICER CHAKALIAN: Sure.

18 MR. SAVAGE: Then there is language in
19 there about extenuating circumstances. So, you
20 know, and the purpose of the well proposal is to get
21 the parties to reach voluntary agreement prior to.

22 So there is extenuating circumstances.
23 You can shorten that period and still maintain
24 notice and rights and all of that. But it looks to
25 me like what you can't do under the terms of the

1 order is you can't file the application prior to
2 sending out the well proposal.

3 HEARING OFFICER CHAKALIAN: Who did that?

4 MR. SAVAGE: We believe that MRC did that.

5 HEARING OFFICER CHAKALIAN: I see.

6 Mr. Feldewert, there is a lot here for you to deal
7 with before we even get to the motion hearing.

8 MR. FELDEWERT: Let's see, Mewbourne
9 entered an appearance in this case in May.

10 HEARING OFFICER CHAKALIAN: Okay.

11 MR. FELDEWERT: Mr. Savage, do you know
12 when you appeared?

13 MR. SAVAGE: Let's see here. We appeared,
14 it looks like May 21st, somewhere in there.

15 MR. FELDEWERT: They appeared in May.

16 MR. SAVAGE: May 21st.

17 MR. FELDEWERT: May, June. So long before
18 you heard this matter and set this case for a
19 hearing on July 29, none of this, to my knowledge.
20 I have not copied the record but none of this was
21 raised. This is all a complete surprise.

22 I wonder why Mewbourne, who appeared in
23 May did not indicate that they were filing competing
24 applications until now.

25 I wonder why Alpha apparently has this

1 knowledge about title that apparently nobody else
2 does, why they did not raise this sooner.

3 So this does come as a complete surprise.
4 I would say it is fairly tardy given that you
5 already set this for a hearing on July 29.

6 That is all I can say now because I don't
7 know what the heck they are talking about.

8 HEARING OFFICER CHAKALIAN: Do you know
9 whether MRC did send out proposals before it filed
10 this case?

11 MR. FELDEWERT: I am sure they did. I am
12 sure they did. That is their normal routine. That
13 is something we check before we file the
14 application.

15 HEARING OFFICER CHAKALIAN: Okay.

16 MR. FELDEWERT: So, yes, I am sure they
17 sent out well proposals to the parties of record
18 that is shown by the title records in the County
19 where the property is located or otherwise known to
20 the company, okay? The same as you do for notice of
21 the hearing.

22 Mewbourne got some kind of notice because
23 they were here in May. Alpha got some kind of
24 notice because they were here in May. None of them
25 raised any issue about not receiving a well

1 proposal. And none of them raised any issue about
2 any title search.

3 HEARING OFFICER CHAKALIAN: Okay.
4 Mr. Savage.

5 So, Mr. Bruce, let me come back to you for
6 a moment. Are you saying you did not get -- your
7 client did not get a well propose.

8 MR. BRUCE: No, they did not. That goes
9 to Mr. Savage's point. Mewbourne has an interest
10 under this area of Mutual Interest Agreement. But
11 at the time they did not have any plans, they were
12 looking at acreage to the east and Mr. Savage's
13 client would like the west half of Section 29
14 included in the well unit. So, there was a lot of
15 moving parts here. So, there was no evil intent on
16 Mewbourne, they were just interested in what was
17 going on at the time.

18 One thing, I did just confirm with
19 Mewbourne that they had sent out well proposals.

20 HEARING OFFICER CHAKALIAN: Do you know
21 when?

22 MR. BRUCE: I did forget to ask that, but
23 it was within the past week, I was informed.

24 HEARING OFFICER CHAKALIAN: Wow. It feels
25 like I don't have all the information here that I

1 need to make some sort of decision.

2 This -- Mr. Bruce, I don't have the rule
3 in front of me, but does the rule say that --
4 because we have a 20-day notice period. I think you
5 have to notice people as well before we put
6 something on the docket. Is it 30 days in the rule
7 or 20 days in the rule?

8 MR. BRUCE: Well, it is 20 days for notice
9 but I have to file the applications Thursday before
10 the hearing.

11 HEARING OFFICER CHAKALIAN: That is to
12 give the OCD time to give notice for 20 days before.

13 MR. BRUCE: That is just in the rules that
14 the applicant has to file notice Thursdays before
15 the hearing.

16 HEARING OFFICER CHAKALIAN: Okay. And
17 then we have a policy of sending out proposals
18 30 days before you file.

19 MR. BRUCE: We would have to mail out
20 notice 20 days before the Thursday.

21 HEARING OFFICER CHAKALIAN: That is not
22 what I am asking. That is okay. I understand.

23 So, it is June 26. This hearing is
24 scheduled for a month and three days, basically,
25 from now.

1 So Mr. Bruce yeah, tomorrow is your
2 deadline to file your competing applications.

3 MR. BRUCE: Correct.

4 HEARING OFFICER CHAKALIAN: And unless
5 there is something -- unless I don't have the
6 discretion to put those cases on the July 24 docket
7 if someone wants to make an argument why I can't do
8 that, I know the rule says 30 days before, but it
9 would still be 30 days before July 29. I would like
10 to get these on the July 24 docket so that other
11 parties have an opportunity to look at your
12 applications and make objections or whatever.

13 So Mr. Bruce, is it within my discretion
14 to list your competing applications that you're
15 filing tomorrow on the July 24 docket for an initial
16 for that notice and then to have you continue them
17 to July 29?

18 MR. BRUCE: Mr. Examiner, it seems to me
19 that you are putting the cart before -- the Division
20 has the right to request an exception to any rule of
21 the Division.

22 And the -- I could file a motion today to
23 ask that 30-day period for notice -- I mean, that
24 that period be revised to, what, 27 days. And allow
25 this to be set for July 24. Would that be --

1 HEARING OFFICER CHAKALIAN: Sure.

2 MR. BRUCE: I see no problem with that.

3 HEARING OFFICER CHAKALIAN: Okay. What
4 are the extenuating circumstances in this case?

5 MR. BRUCE: I guess it would be the --
6 Number one, as Mr. Feldewert pointed out, for
7 acreage involved we need to see if anybody else has
8 objection before the July 29, scheduled July 29
9 hearing date. And there is still time, you know,
10 for the 20-day notice.

11 Mr. Examiner, I would note that
12 historically when I started practicing before the
13 Division, the actual time schedule for filing an
14 application was 20 days before the hearing date.

15 So the -- it would be good to change that
16 after three decades later, so there is nothing magic
17 about the 20 or 30 days, it is just --

18 HEARING OFFICER CHAKALIAN: Okay. I
19 understand, Mr. Bruce. File that motion, please,
20 and put in there the position of the other parties,
21 including Mr. Samaniego's who I believe he objects
22 to just about -- yeah. So, I believe he would
23 object to that but we will hear from him in just a
24 moment.

25 Mr. Feldewert, do you have any problem

1 with that?

2 MR. FELDEWERT: Well, I think it would be
3 cleaner if they would file their applications
4 tomorrow.

5 HEARING OFFICER CHAKALIAN: They are going
6 to.

7 MR. BRUCE: That will be done. I will
8 file the motion today.

9 MR. FELDEWERT: If they file the
10 applications tomorrow, they will be timely filed for
11 the July 24 docket. Then notice will go out 20 days
12 before that July 24 docket, so I fail to see the
13 need for why are we filing a motion on this date.

14 HEARING OFFICER CHAKALIAN: Asking for
15 exceptional circumstances the 30-day period the rule
16 says you have to file an application before it.

17 MR. FELDEWERT: So they are going to be
18 filing 30 days in advance of the hearing, there is
19 no exception.

20 HEARING OFFICER CHAKALIAN: I would agree
21 with that for the 29th of July but we are going to
22 be listing it on the 24th, five days before.

23 MR. FELDEWERT: Right. But they can file
24 for the 24th tomorrow.

25 HEARING OFFICER CHAKALIAN: Definitely.

1 But that still wouldn't be 30 days before July 24th
2 is all that we are talking about.

3 MR. FELDEWERT: It would be, wouldn't it?
4 Maybe my math is --

5 HEARING OFFICER CHAKALIAN: Okay.

6 MR. FELDEWERT: You might be correct.
7 That is fine, I don't object to that process.

8 HEARING OFFICER CHAKALIAN: Thank you.
9 Mr. Savage, any objections for what Mr. Bruce is
10 going to do?

11 MR. SAVAGE: If you don't mind I would
12 like to respond to Mr. Feldewert's comments about my
13 tardiness.

14 HEARING OFFICER CHAKALIAN: I am asking
15 you a specific question. Do you have any objection
16 to Mr. Bruce filing his applications tomorrow for
17 the July 24 docket as a status conference and then
18 to be consolidated for the July 29 special hearing?

19 MR. SAVAGE: I don't have any objection to
20 the filing of the application tomorrow, but I would
21 have an objection to having the contested hearing on
22 July 29.

23 HEARING OFFICER CHAKALIAN: They are not
24 your cases, they are Mr. Feldewert's cases.

25 MR. SAVAGE: We are a party of interest.

1 We believe that Mr. Feldewert, that the application
2 should be dismissed.

3 HEARING OFFICER CHAKALIAN: Well, then
4 file a motion right away so I can -- you know, we
5 can get a response from Mr. Feldewert and then we
6 can deal with that.

7 MR. SAVAGE: Okay. The motion would
8 include a response to his comments on the record.

9 HEARING OFFICER CHAKALIAN: Fine. I don't
10 intend --

11 MR. SAVAGE: Is that something I could
12 address on the record in response to his comments he
13 made on the record.

14 HEARING OFFICER CHAKALIAN: If you feel
15 the need to, go ahead.

16 MR. SAVAGE: Okay. Thank you.

17 So, Mr. Feldewert, so Alpha did file its
18 entry of appearance and objection on May 21. We did
19 announce that the applications would be timely. We
20 did file our objection.

21 Then we never received a well proposal,
22 but we did monitor -- we do monitor -- Alpha does
23 monitor the docket and that is how we were aware and
24 that is how most parties who don't receive their
25 notice properly become aware.

1 So after that we -- Alpha, and I believe
2 Mewbourne began discussing how to proceed, and I, as
3 I understand, they actually informed MRC that there
4 are defects in the well proposals not being sent out
5 and that there are defects in the title and that
6 that should be addressed.

7 So MRC was slowly aware of these defects
8 well before today. In fact, Ms. Vance actually
9 e-mailed me and Mr. Feldewert was on that e-mail and
10 said, Hey, what is going on about the upcoming
11 status conference? And I checked with my client, I
12 responded to them that Alpha and Mewbourne were
13 discussing these matters. It seemed very
14 complicated and it would be a good idea for MRC to
15 be involved in those discussions.

16 So, as I understand they were involved in
17 those discussions. They were involved in some
18 discussions. So if counsel for MRC is not aware of
19 this stuff, you know, I think that is a
20 communication between MRC and counsel. But MRC
21 should be fully aware of these defects, and I
22 believe that -- I looked at the rules and it looks
23 to me like you cannot, even though you may shorten
24 the time period for the well proposal for
25 extenuating circumstances, you cannot file an

1 application prior to sending out the well proposal.
2 That seems to be a bright line that you cannot
3 cross.

4 So it looks to me like the application
5 should be dismissed, and reapplied or that there,
6 you know, MRC should do some motion to ask for an
7 exception to allow more time to send out the well
8 proposals and then move everything down the road
9 just a bit to allow for proper well proposals and
10 for negotiations with the working summaries that
11 were late.

12 HEARING OFFICER CHAKALIAN: Thank you.
13 Mr. Feldewert.

14 MR. FELDEWERT: The only immediate
15 response is that the -- MRC filed their application
16 in March, which meant the well proposals probably
17 went out in February. They went out in February to
18 the parties of record in the County and other
19 properties located in February.

20 And I am just guessing, my guess is that
21 Alpha things tat they have an interest or has an
22 interest that perhaps there wasn't anything of
23 record in February when the well proposals went out
24 to indicate that they do.

25 So, he can file whatever motion he wants

1 to, but that would be my guess.

2 HEARING OFFICER CHAKALIAN: Okay. Thank
3 you. All right. Mr. Savage, it is on the record,
4 your response to the timeliness of your objections.

5 If you have evidence that shows that well
6 proposals did go out to at least who they thought
7 was the -- you know, record title owners, file it.
8 Otherwise Mr. Bruce knows what he is doing. I
9 understand your position.

10 Now we need to deal with this motion to
11 strike. We have had several motions -- actually, we
12 have had many motions in this case. I am just going
13 to review some of the history in this case since it
14 is a little not -- it is out of the ordinary.

15 So these applications were filed March 10.
16 We received a -- we received an entry of appearance
17 and objection from Mr. Samaniego on -- well, there
18 is no date on this, so let me go back. On April 14.

19 Then, Mr. Samaniego filed a motion to
20 strike these applications and I am just going to
21 shorthand this because I know you weren't here,
22 Mr. Feldewert, but I dealt with this by order.
23 Ms. Vance was here already dealing with this. And
24 this was that basically your client was not
25 following the rules and that they had wells that

1 were out of compliance and that because of that we
2 should dismiss the applications. I denied that
3 motion to strike because I informed Mr. Samaniego
4 that he does not have standing to enforce the rules
5 of the OCD. Only the OCD has the standing to
6 enforce its own rules. There is nothing in the
7 rules that gives a private right of action to any --
8 to anyone.

9 Okay. So then we had a motion to strike
10 filed on May 20, asking me to strike American Energy
11 Resources entry of appearance and notice of
12 opposition based on the following. I don't know,
13 have you reviewed this?

14 MR. FELDEWERT: I have reviewed the
15 history.

16 HEARING OFFICER CHAKALIAN: So you are
17 familiar.

18 MR. FELDEWERT: I am familiar.

19 HEARING OFFICER CHAKALIAN: Do you want to
20 summarize this motion and the basis upon which you
21 are requesting me to strike so that Mr. Samaniego
22 can hear because then I am going to go through the
23 responses and everything else.

24 MR. FELDEWERT: I think you are correct.
25 The only matter for the Division to address now is

1 MRC's motion to strike American Energy's entry of
2 appearance and objections in these cases.

3 We filed a motion demonstrating, we
4 believe, that they do not have a basis to intervene
5 in this matter. We show that they are not seeking
6 to pool, Mr. Samaniego because we don't show him as
7 being an interest owner of record.

8 Secondly, there was a District Court
9 decision that determined that American Energy and
10 Samaniego did not own any interest in the west half
11 of the west half of Section 26, which is where they
12 claim their interests. And that that District Court
13 case involved the Dowling lease, which is one of the
14 mineral owners of record there for which MRC has a
15 lease and is proceeding to develop that acreage.

16 I saw that he submitted a response on the
17 day of the status conference, where he conceded to
18 the District Court had issued its ruling. He
19 conceded that it involved the Dowling lease. He
20 said he had appealed it. The transcript said you
21 found this a little confusing, inconsistent, was
22 lacking in substance, but gave him another chance to
23 file his response to the motion to strike.

24 When we looked at it, there was -- it
25 didn't raise anything new. In fact, alone

1 demonstrated, itself demonstrated that his motion
2 should be denied. And when you look at what he has
3 filed -- I was going to bring it up on my screen.

4 HEARING OFFICER CHAKALIAN: I am looking
5 at the document that was filed on July 6. Is that
6 what you are looking at?

7 MR. FELDEWERT: June 5th?

8 HEARING OFFICER CHAKALIAN: I have the
9 6th.

10 MR. FELDEWERT: Okay. If I can share
11 that, yes.

12 HEARING OFFICER CHAKALIAN: Please do.

13 MR. FELDEWERT: Okay. When I look at this
14 really what he is suggesting is that he should be
15 able to intervene because he still claims that he is
16 an interest owner in the acreage in the west half of
17 the west half of Section 27, and he says he has
18 APD's applications to drill for four vertical wells.

19 Now, when I look at what he filed and I go
20 to, for example, PDF Page 6 of what he filed, he
21 provided the Agency with the summary judgment from
22 the District Court indicating he has no interest in
23 the acreage. And the acreage said they were
24 addressing, as you can see in the highlighted
25 portion, is the west half of the west half of

1 Section 27.

2 The Court ruled that the -- that
3 particular property that they have described in
4 their ruling was established in the plaintiff, which
5 was Ms. Dowling, okay, and the Court found, you will
6 see down at the bottom, that the deeds that
7 Mr. Samaniego was claiming an interest in, that the
8 Court found that those deeds were unenforceable,
9 voidable, void, null, had no affect, and they are
10 hereby stricken from the real estate records, okay?

11 So that is where we stand now. The
12 instruments into which he is claiming an interest
13 are stricken from the real estate records. And that
14 the title records show that Ms. Dowling owns the
15 interest and under that lease is what MRC is
16 proceeding under.

17 So that is the state of the record. So if
18 you will look at the state of the matter now, he
19 does not own an interest, period.

20 HEARING OFFICER CHAKALIAN: Would you take
21 a look at Paragraph 16 of the order for summary
22 judgment.

23 MR. FELDEWERT: Yes.

24 HEARING OFFICER CHAKALIAN: Would you read
25 that out loud.

1 MR. FELDEWERT: Okay. "Defendants
2 admitted the relevant facts in their deemed
3 admissions. Defendants American Energy and Black
4 Gold admitted the deeds at issue, and those are
5 Exhibits A, E and F, are void and voidable. All of
6 the defendants admitted the Defendant Samaniego is
7 the alter ego of the Black Gold and American Energy.
8 The same counsel represents all defendants.
9 Accordingly -- accordingly the admissions of Black
10 Gold and American Energy are binding on Defendant
11 Samaniego, period."

12 HEARING OFFICER CHAKALIAN: Now these
13 deeds at issue, Exhibits A, E and F of this, do you
14 know whether these deeds, Exhibits A, E and F are
15 what give rise to a claim of an interest in this?

16 MR. FELDEWERT: That is what Mr. Samaniego
17 has attached to his motion as is the basis for his
18 interest.

19 HEARING OFFICER CHAKALIAN: That is what I
20 thought.

21 MR. FELDEWERT: There is A, E and F of the
22 summary judgment, okay. If I go down to PDF in
23 which he marked as Exhibit E, which is Page 18 of
24 the PDF, it is the same mineral deed that the court
25 said is void, stricken, no longer valid.

1 HEARING OFFICER CHAKALIAN: Right. But
2 did the Defendant American Energy and Black Gold
3 admit that the deeds are void and voidable.

4 MR. FELDEWERT: Per the District Court
5 judgment, yes.

6 HEARING OFFICER CHAKALIAN: Okay. So
7 before guy to Mr. Samaniego --

8 MR. FELDEWERT: I do have a secondary.

9 HEARING OFFICER CHAKALIAN: I don't know
10 that I need a secondary at this point.

11 Now that this is on appeal and
12 Mr. Samaniego provided a docketing statement showing
13 that this is on appeal does, that automatically stay
14 the District Court's decision?

15 MR. FELDEWERT: No, it does not, number
16 one. Number two it doesn't change the District
17 Court decision. Number three, the only thing that
18 the Division can go on is the status of the real
19 estate of records now just like every other person
20 in this room.

21 And the fact that someone is appealing it
22 and suggesting that it might be able to overturn it
23 does not change the status of the record.

24 HEARING OFFICER CHAKALIAN: Now the
25 attorney, Mr. Samaniego's attorney could file

1 something in the Court of Appeals asking it to stay
2 in District Court, couldn't it?

3 MR. FELDEWERT: Well, I don't know if he
4 could ask the District Court to stay its decision
5 because there is no action being taken. There is
6 nothing to stay.

7 HEARING OFFICER CHAKALIAN: I thought that
8 the District Court was instructing the County Clerk
9 to remove anything from the records. Didn't you
10 just state that?

11 MR. FELDEWERT: It said shall be stricken.
12 It is stricken, period. I don't know if that means
13 the Clerk has to do did that or not. That is beyond
14 my level of expertise, but they have not done
15 anything other than the appeal.

16 HEARING OFFICER CHAKALIAN: Mr. Samaniego,
17 is your microphone on?

18 MR. SAMANIEGO: Yes, sir.

19 HEARING OFFICER CHAKALIAN: Mr. Samaniego,
20 so you have heard the argument to support the motion
21 to strike your entry of appearance and your
22 objection. And, basically, it is based on the
23 District Court's order, as Mr. Feldewert just
24 reviewed with you just now, and also in writing,
25 earlier. I know that you're appealing the Judge's

1 order, but at this point the Judge's order is in
2 effect.

3 What do you have to say about that?

4 MR. SAMANIEGO: I am going to say that
5 Mr. Feldewert, his review was very brief, so I am
6 going to say he didn't get the full understanding of
7 the matter. But I am going to move forward and say
8 that he the Judge's ruling and order and if any
9 ruling for the order violates State law, it is null
10 and void.

11 And because the Judge's order was in
12 violation of State law, one, the violation of due
13 process, which is the unconstitutional by federal
14 law, regardless of what New Mexico thinks.

15 Second, the plaintiff awarded the property
16 is an unaffiliated party of the matter.
17 Mr. Simpson, I don't know where he get involved in
18 this matter, why he was awarded the property
19 unaffiliatedly, or why he felt he needed to be
20 awarded these properties when he was an unaffiliated
21 party.

22 There is many, many violations of State
23 and federal law that occurred in this matter in
24 District Court, and because of the fact that has
25 been brought forth, the District order is null and

1 void and the appeal stands along with Mr. Samaniego
2 and American's interest in the matters.

3 HEARING OFFICER CHAKALIAN: Mr. Samaniego,
4 I don't have anything in front of me, any authority
5 in front of me to disregard the District Court's
6 order, I know that you have an issue with your due
7 process rights in front of the District Court. I
8 realize that that is one of the bases of your appeal
9 to the Court of Appeals, you felt as though the
10 District Court did not handle the matter fairly
11 towards you. But I have nothing, I have no
12 authority that says I can just ignore a District
13 Court's order.

14 Do you understand that?

15 MR. SAMANIEGO: The plaintiff in the
16 District Court order, it was granted to William
17 Scott Simpson, who is a dead guy. He is deceased.
18 Why was this property awarded to an unaffiliated
19 party who is deceased?

20 HEARING OFFICER CHAKALIAN: The part of
21 the District Court order that I am focused on is the
22 part where the Court adjudicates this matter to the
23 plaintiff and finds that you don't have an interest
24 in this acreage.

25 MR. SAMANIEGO: Under State law if the

1 order violates State law and Federal law, it is null
2 and void. There were many, many numerous violations
3 on that order. I really don't want to say certain
4 criteria of what happened here, but it was
5 negligence. I mean, there was a lot of gross
6 negligence that occurred.

7 That Judge's order is null and void. It
8 is not able to be upheld. That is a violation of
9 State law. An order like that is a violation of
10 State law to assist in a gross negligence matter
11 that grossly affects an interest owner.

12 HEARING OFFICER CHAKALIAN: Okay. All
13 right. I notice that Mr. Candelaria is not here
14 representing you today.

15 MR. SAMANIEGO: I am aware of that. He
16 told me to handle it today and that he is going to
17 see how this matter is handled and then we will
18 proceed.

19 HEARING OFFICER CHAKALIAN: Okay. So
20 based on the Court order, my hands are tied,
21 Mr. Samaniego. I cannot disregard an order even if
22 you feel that it is void under Federal law or some
23 other type of law, I can't ignore a court order.

24 MR. SAMANIEGO: You are not --

25 HEARING OFFICER CHAKALIAN: Sir, so I am

1 going to grant, MRC's motion to strike. And if you
2 find that that -- that you don't agree with that,
3 when the order is issued in this case by the
4 Division, you have a de novo appeal to the
5 Commission but you have to wait until the
6 administrative process plays itself out and a final
7 order is issued either awarding MRC its compulsory
8 pooling or awarding it to Mewbourne or some other
9 applicant. But that is my decision at this point,
10 so we're done with this motion.

11 So, Mr. Feldewert, would you please draft
12 the order.

13 MR. SAMANIEGO: Hold on. I would like to
14 request an oral motion for stay on the matter until
15 the District Court and the Appeal has been resolved
16 to protect correlative rights that can be grossly
17 affected.

18 HEARING OFFICER CHAKALIAN: Mr. Samaniego,
19 first of all you are not being forced pooled in this
20 matter at all.

21 Did you know that?

22 MR. SAMANIEGO: MRC's lease has been
23 terminated under the own terms of the agreement.

24 HEARING OFFICER CHAKALIAN: Okay.
25 Mr. Samaniego, you are not being forced pooled here.

1 So your correlative rights aren't being impacted by
2 the eventual order of the Division.

3 MR. SAMANIEGO: American is being pooled.
4 They are drilling right through the land. To say
5 that they are not pooling the interest is just
6 trickery and slight of words.

7 HEARING OFFICER CHAKALIAN: Well, thank
8 you, Mr. Samaniego. I appreciate your participation
9 today.

10 Mr. Feldewert, please draft a proposed
11 order and send it for me.

12 MR. SAMANIEGO: How much time do we have
13 for the appeal -- for the appeal to be filed?

14 HEARING OFFICER CHAKALIAN: Mr. Samaniego,
15 you should speak to your attorney. I cannot give
16 you advise on what to do.

17 MR. SAMANIEGO: You have been helping
18 everybody else with advice.

19 HEARING OFFICER CHAKALIAN: Thank you,
20 Mr. Samaniego.

21 Freya, would you please mute the
22 microphone now.

23 MS. TSCHANTZ: (Complies.)

24 HEARING OFFICER CHAKALIAN: Okay. The
25 motion is finished. We have dealt with it.

1 Is there anything else?

2 MR. FELDEWERT: I will send a draft order.

3 HEARING OFFICER CHAKALIAN: Okay. Of
4 course, please circulate it to Mr. Samaniego and
5 other counsel for their positions. But is there
6 anything else in these cases today?

7 MR. SAMANIEGO: Yes. Mr. Examiner, I
8 filed a second motion to strike for MRC's being in
9 violation of State law with their numerous well
10 violations and to allow MRC to proceed would be a
11 violation of State law itself under 19.15.58 where
12 the Division is charged with a duty to protect
13 public health and the environment.

14 And to allow MRC to proceed with this
15 pooling hearing and to drill more wells when they
16 currently got more wells and violations than they
17 can handle would definitely fall under the lines of
18 gross negligence under public health and
19 environment, not protecting either one.

20 HEARING OFFICER CHAKALIAN: Thank you,
21 Mr. Samaniego. As I advised you at the last motion
22 hearing we had, you don't have standing to enforce
23 State rules and State statutes.

24 Is there any need for any of these cases?

25 MR. FELDEWERT: No.

1 MR. SAVAGE: No. Thank you.

2 MR. BRUCE: No, sir.

3 HEARING OFFICER CHAKALIAN: Mr. Bruce, you
4 are filing a motion today based on the time frame
5 that we have discussed. You're filing your
6 competing applications tomorrow. They will be
7 listed -- they will be noticed on the 24th of July
8 docket for a status conference only and then you
9 will move them to the July 29 for a hearing.

10 MR. BRUCE: That's correct.

11 HEARING OFFICER CHAKALIAN: We are off the
12 record in those cases.

13 MR. SAMANIEGO: Hold on, Mr. Examiner.
14 You didn't let me finish. I would like it to be on
15 the record that, Mr. Examiner, are you willfully
16 violating 19.15.59, the enforcement of the statute
17 where the division is charged.

18 HEARING OFFICER CHAKALIAN: Freya, would
19 you please mute the microphone of Mr. Samaniego.

20 Thank you.

21 MS. TSCHANTZ: (Complies.)

22 HEARING OFFICER CHAKALIAN: Okay. We are
23 now moving on to the next set of cases we have.

24 This is Number 11 on our docket. This is
25 WPX Energy Permian compulsory pooling, Case 235204.

1 Let me see if this is joined with other cases, I
2 believe, it is. I think these are four cases 25123,
3 25124, and 25205.

4 Entries of appearance, please.

5 MR. SAVAGE: Good morning, Mr. Hearing
6 Examiner, Darin Savage with Abadie & Schill on
7 behalf of WPX Energy Permian, LLC.

8 HEARING OFFICER CHAKALIAN: Thank you.

9 MR. SUAZO: Good morning, Mr. Examiner,
10 Miguel Suazo with Beatty & Wozniak appearing on
11 behalf of 3R Operating.

12 HEARING OFFICER CHAKALIAN: Thank you.

13 MS. HATLEY: Good morning, Mr. Examiner,
14 Keri Hatley on behalf of Marathon Oil Permian, and
15 we are monitoring only.

16 HEARING OFFICER CHAKALIAN: We had this
17 hearing, we had a two-day hearing at the end of
18 April. This is basically a hearing to make a
19 decision on WPX's motion to reopen the record and
20 admit two documents, basically.

21 So, Mr. Savage, I have a question -- first
22 let me get your motion in front of me, I don't have
23 it here.

24 Mr. Savage, I believe you filed -- this is
25 a little confusing for me because the way the filing

1 is working in these combined cases when you file
2 your motion, it is only in your case or is it going
3 in all the cases?

4 MR. SAVAGE: It pertains to all, because
5 3Rs did a response and so we filed it on behalf of
6 all.

7 HEARING OFFICER CHAKALIAN: Okay. I am
8 not sure, did 3R do a response?

9 MR. SAVAGE: Well, they did but they took
10 no position, so that was their official response.

11 HEARING OFFICER CHAKALIAN: Okay. And
12 give me a moment here. Let me pull this up. We
13 have a couple of questions for you and Mr. Suazo.

14 Okay. I am in 25204, just for everyone's
15 knowledge. The last document I have in 25204 is the
16 motion. I don't have Mr. Suazo's response which I
17 did see yesterday.

18 And, Mr. Suazo, my understanding is you
19 take no position to expedite the decision in these
20 cases; is that right?

21 MR. SUAZO: That's correct, Mr. Examiner.

22 HEARING OFFICER CHAKALIAN: Is there
23 anything else you want to add to that?

24 MR. SUAZO: Well, yeah. I mean, I think
25 we talked it over and, you know, our sense is that

1 this motion to reopen, essentially belies, you know,
2 relies the weakness of WPX's case. We have been
3 prepared and are prepared to drill these wells as
4 soon as an order is issued and if we are awarded.

5 So, you know, the question is, you know,
6 if you decide to open up the case I think that 3R
7 would like for the grounds for opening to be as
8 narrow as possible, you know, what that would look
9 like we can discuss but, you know, I think whatever
10 the basis for letting in these documents would be,
11 if the case is reopened, they should not be used for
12 anything beyond, you know, what they state.

13 MR. SAVAGE: I will object to those
14 comments. It sounds to me like 3R is taking a
15 position on the matter.

16 HEARING OFFICER CHAKALIAN: Well, that is
17 3R's position.

18 MR. SAVAGE: In his response he was saying
19 he states no position and now he is arguing over
20 parameters and qualifications and to me that sounds
21 like a position.

22 HEARING OFFICER CHAKALIAN: Okay. All
23 right. Mr. Savage, this is not evidence, first of
24 all. This is just argument, number one.

25 Number two, I do want to hear from

1 Mr. Suazo, so I overrule your objection. Thank you
2 for speaking up timely.

3 Mr. Suazo, I did see, I reviewed your
4 revised exhibit packet that you filed, I believe it
5 was May 21 or somewhere in that neighborhood. In
6 that revised exhibit packet I did see several
7 instances where you, in red letters, notified the
8 Division that this oil and gas -- this federal oil
9 and gas lease NMNM 134858 was set to expire on
10 October 1, 2025.

11 Now, I want to hear from you, why were
12 you -- what was the purpose of giving us that
13 information of the expiration?

14 MR. SUAZO: Well, as we stated in the
15 hearing, you know, the concern with these
16 applications were filed and then WPX, you know,
17 filed their competing applications and objections
18 was that this order would be kicked to a point in
19 the year when these leases would actually expire.

20 So time was of the essence and as of the
21 day of the hearing, the last day of the hearing the
22 BLM had not taken a position, and we made clear at
23 the hearing that, you know, an extension of these
24 leases was not a foregone conclusion and so time is
25 of the essence to make sure that an order was

1 obtained so that 3R or WPX would be able to be in a
2 position to actually drill these wells before the
3 lease expired.

4 It looks like, you know, this letter from
5 the BLM was issued the day, the last day of the
6 hearing but nevertheless I believe after the hiring
7 had concluded and the record had closed.

8 HEARING OFFICER CHAKALIAN: Okay. So I am
9 still fuzzy on rulings itself, so, let's talk about
10 the lease. Who is the lessee in this lease that I
11 just listed?

12 MR. SUAZO: 3R.

13 HEARING OFFICER CHAKALIAN: Okay. So this
14 lease favors you. So you were showing, you were
15 showing the Division that this lease, that you are
16 the lessee, would be expiring October 1st, basically
17 saying time is of the essence. If you are going to
18 award it to 3R, please award it as soon as possible.

19 MR. SUAZO: Correct.

20 HEARING OFFICER CHAKALIAN: And,
21 Mr. Savage, your purpose for entering this letter
22 from the BLM is what?

23 MR. SAVAGE: Okay. So, that is a legal
24 document that was at material issue in the case.
25 They made a significant argument, legal argument

1 over that, the urgency of that document based on the
2 legal terms of that document.

3 The second day of the hearing the BLM made
4 a legal decision. Now, a legal decision is very
5 analogous to, example, for a court decision who
6 makes legal decision on a particular matter.

7 So the BLM made a legal decision. What
8 they did is they reformed the terms of that lease,
9 so that lease no longer expires. In fact, the
10 expiration date was extended so far that it
11 accommodates the Division's issuance of the order
12 and the rigs to go on site and to fully develop the
13 lands.

14 HEARING OFFICER CHAKALIAN: Mr. Savage,
15 the question I asked you was what was the purpose of
16 your advising -- I don't want to know all the legal
17 background.

18 MR. SAVAGE: Well, that is all part of the
19 foundation of the purpose. One of the very
20 important purposes is that when the Hearing Examiner
21 provides the record to the director, that it is a
22 true and complete record, okay. There is no false
23 statements, there is no inaccurate exhibits, and it
24 reflects the material presentations and arguments
25 that were made at the hearing.

1 The second important issue is, you know,
2 Mr. Suazo said this belies the weakness of argument,
3 actually what it exemplifies is the strength.

4 HEARING OFFICER CHAKALIAN: I read your
5 motion carefully. You don't have to reiterate what
6 you said in the motion.

7 My question to you still has not been
8 answered. I just want a one sentence answer. What
9 was the purpose of your -- besides correcting the
10 record.

11 MR. SAVAGE: I don't understand that,
12 Mr. Hearing Examiner.

13 HEARING OFFICER CHAKALIAN: You don't
14 understand what? I have not finished the sentence
15 yet.

16 MR. SAVAGE: Okay. Please.

17 HEARING OFFICER CHAKALIAN: I'm trying.
18 What are you trying to tell the Division by entering
19 that letter from the BLM?

20 MR. SAVAGE: I am trying to tell the
21 Division that currently the record has false
22 statements.

23 HEARING OFFICER CHAKALIAN: Why does that
24 matter to the case?

25 MR. SAVAGE: Under case law you have to

1 have a fair, accurate and unbiased record. And
2 under statute, the Division Director has to receive
3 a true and complete record.

4 HEARING OFFICER CHAKALIAN: Yes, I
5 understand. How does it benefit you by getting that
6 letter in the record?

7 MR. SAVAGE: Well, I thought I explained
8 in the motion how it supports all the arguments that
9 we made during the hearing. It supports all our
10 exhibits and it shows clearly that WPX's plan is a
11 better plan.

12 HEARING OFFICER CHAKALIAN: Why does that
13 letter show that your plan is a better plan?

14 MR. SAVAGE: Because, it nullifies their
15 statement that there must be some kind of urgent
16 granting of the -- granting of the operatorship and
17 so it allows the Division to set it aside and look
18 closely at the merits alone without considering that
19 as a factor.

20 HEARING OFFICER CHAKALIAN: Okay. So in
21 which of the seven factors is urgency.

22 MR. SAVAGE: Well, 3R was the one that
23 brought up the urgency so they made it a simple
24 point and thesis of their position.

25 HEARING OFFICER CHAKALIAN: Well, you said

1 it was a material issue at the hearing. Those are
2 your words.

3 MR. SAVAGE: Because they brought it up.

4 HEARING OFFICER CHAKALIAN: If it is
5 material, it has for matter. If it matters, it
6 needs to be one of the seven factors that the
7 Commission considers. Which factor includes
8 urgency?

9 MR. SAVAGE: Mr. Examiner, I would say
10 that those seven factors, they're qualifying that
11 says the Division may consider in its evaluation of
12 any provision these seven factors but it does not
13 limit it to those seven factors.

14 3R brought this up, this issue up as a
15 material issue that it basically implies that they
16 need to get operatorship because they are the ones
17 who are ready and willing and able to jump in, as
18 Mr. Suazo said, ready, willing and able to jump in
19 and drill these wells and somehow WPX is not as
20 prepared, not as willing to jump in and drill these
21 wells. That is the underlying subtext of what
22 Mr. Suazo is saying.

23 So by focusing in on this, this issue of
24 urgency, they are basically shifting, trying to
25 shift the favor of the Division towards them and we

1 are trying to move it back to be unbiased and fair
2 because those are false statements at this point.

3 MR. SUAZO: Mr. Examiner, can I speak.

4 HEARING OFFICER CHAKALIAN: Yes. I am
5 coming back to you, of course. I am just trying to
6 think through what Mr. Savage said before I come
7 back to you.

8 I mean, Mr. Savage, that idea that a lease
9 is expiring on October 19 can go both ways, in my
10 mind. I am not the one -- I am not the Technical
11 Examiner for the team that develops the order
12 ultimately. But from a legal perspective, from the
13 Hearing Examiner's perspective that can go both
14 ways. It can cut both ways in an urgency sense.

15 So I am not convinced that the fact that
16 the BLM has now suspended the lease allowing 3R more
17 time to develop that lease or to drill weighs in
18 either favor. So that is what I am thinking so far.

19 MR. SAVAGE: May I respond to that?

20 HEARING OFFICER CHAKALIAN: Not yet, no.
21 The other document that you want to be let in is
22 what?

23 MR. SAVAGE: The legal decision by the
24 Division itself.

25 HEARING OFFICER CHAKALIAN: You don't

1 think the Division knows that it granted your Bone
2 Spring application?

3 MR. SAVAGE: That is irrelevant. This is
4 an argument. It is important to be part of the
5 record. If it is off the record then, you know, who
6 knows what anybody reviewing it would decide. The
7 important thing legally is to have a legally valid,
8 true record that does not present false information
9 or statements or exhibits.

10 HEARING OFFICER CHAKALIAN: But the
11 hearing record closed at the end of April 30, and
12 when was the -- when did the Division award WPX its
13 Bone Spring application?

14 MR. SAVAGE: May 7.

15 HEARING OFFICER CHAKALIAN: Okay. All
16 right. Mr. Suazo.

17 MR. SUAZO: You know, I am not sure that
18 the letter from the BLM achieves as much as
19 Mr. Savage has represented. You know, I think that
20 letter goes, if anything, to kind of the risk, you
21 know, the risk that 3R was that their lease would
22 expire. But at the end of the day, you know, we are
23 confident that 3R put the strongest proposal under
24 the seven factors we stand by that.

25 So, you know, what I agree that the

1 Division obviously knows about its own orders. I am
2 not sure what the utility of getting those orders on
3 to the record.

4 And with respect to the BLM, Mr. Savage
5 has represented that those are now false. Well,
6 they weren't false as of the time that the hearing
7 closed or as that the record closed. So I think it
8 is probably prudent to leave the record as is and
9 just let everything be because I think that the
10 decision of the Division is going to turn on, you
11 know, these documents, one way or the other.

12 HEARING OFFICER CHAKALIAN: Mr. Suazo,
13 when did you receive the letter from the BLM?

14 MR. SUAZO: I think it was -- I don't know
15 the exact date. I think it was in the lead-up to
16 the findings of fact and conclusions of law that we
17 noticed that WPX was trying to get them into the
18 record, and that is when we made our objection and I
19 am going through our case outline history.

20 HEARING OFFICER CHAKALIAN: So you did not
21 know about it on the two days of the hearing.

22 MR. SUAZO: Correct.

23 HEARING OFFICER CHAKALIAN: So,
24 Mr. Savage, why did you not file a motion asking for
25 the hearing record to be reopened?

1 MR. SAVAGE: Well, first of all, we do not
2 recall that instruction or option from the Division.
3 But, second, in all our years of -- we relied on our
4 years of experience in front of the Division. We
5 followed what we assumed was accepted procedure.

6 In fact, in Case 23448, which we have in
7 our exhibits, Holland & Hart actually filed a notice
8 of supplemental motion for three exhibits that they
9 came into the possession of over a month after
10 the -- in the conclusion of the hearing.

11 HEARING OFFICER CHAKALIAN: So it was a
12 motion?

13 MR. SAVAGE: No. No, it was not. It was
14 a notice -- it was the same procedural instrument
15 that we utilized and that was filed. In fact, we
16 actually had a legitimate -- under the factors,
17 under the seven factors, we actually had a
18 legitimate reason to object to it. We did a motion
19 to strike, and that was because one of the factors
20 is that the Division would only consider the amount
21 of working interest at the time of the hearing.

22 A month later Permian Resources had
23 acquired additional working interest and they
24 just -- and Holland & Hart counsel had filed those
25 notices of supplemental exhibits, there is three of

1 them. They are in the motion if you want to look at
2 them.

3 Mr. Hearing Examiner, you were the
4 presiding Hearing Examiner at that time, overseeing
5 the management of that case. The Division allowed
6 those supplemental exhibits to remain of record and
7 be considered in the final evaluation.

8 HEARING OFFICER CHAKALIAN: So you filed
9 an objection to those, right?

10 MR. SAVAGE: Based on a valid objection.

11 HEARING OFFICER CHAKALIAN: Was an order
12 issued?

13 MR. SAVAGE: No, it was disallowed. It
14 was disregarded and the notice of supplemental
15 exhibits were allowed to maintain in the record.

16 HEARING OFFICER CHAKALIAN: It was
17 disregarded.

18 MR. SAVAGE: Yes.

19 HEARING OFFICER CHAKALIAN: What was the
20 case number?

21 MR. SAVAGE: 23448.

22 HEARING OFFICER CHAKALIAN: 23448.

23 MR. SAVAGE: The exhibits are actually
24 attached to the motion. They start on Exhibit 2.

25 HEARING OFFICER CHAKALIAN: Okay. You

1 said that Holland & Hart filed what, when?

2 MR. SAVAGE: So on October 25, 2023 they
3 filed a notice of supplemental Exhibit C-12. That
4 was about a little over a month after --

5 HEARING OFFICER CHAKALIAN: Mr. Savage,
6 that wasn't my case.

7 MR. SAVAGE: You assumed supervision of
8 it.

9 HEARING OFFICER CHAKALIAN: No, sir, I
10 didn't. We had the same Hearing Examiner who
11 started that case continue that case. So anything
12 that was filed went to that Hearing Examiner. It
13 was not me who made any rulings. That is why
14 nothing was done with your objections.

15 MR. SAVAGE: All those status conferences,
16 all post motions, we had a number of motions during
17 that time while you were presiding over that case.
18 The original Hearing Examiner never made any
19 appearance or made any comment or she was, as far as
20 I understood, she was excluded at that point when
21 you came on board.

22 HEARING OFFICER CHAKALIAN: No, that is
23 not correct, Mr. Savage.

24 MR. SAVAGE: Well, nonetheless, it is just
25 an example that this is a standard practice.

1 HEARING OFFICER CHAKALIAN: It may have
2 been another Hearing Examiner's practice, but it is
3 not my practice. There is a difference. I started
4 here in August of '23. Any case that had been heard
5 before August of '23, the original Hearing Officer
6 worked with John Garcia on those cases.

7 So whether you think I had anything to do
8 with that case or not, I did not have anything to do
9 with that case. Maybe there was a status
10 conference, I don't remember, but I did not make
11 decisions about cases that I did not preside over.
12 So, let me clear that up for you now.

13 So, I don't need any more input from
14 either counsel at this point. As to the orders that
15 were issued on May 7, they are not part of the
16 record. The Division is quite aware of what it does
17 day-to-day. The group that deals with those orders
18 and issues those orders is the group that is dealing
19 with your -- is dealing with your contested cases
20 right now, that is number one.

21 Number two, the letter from the BLM. You,
22 in your motion, cited to a rule of ethics of candor
23 to the tribunal. I don't find that Mr. Suazo was
24 not candid with me at all about the status. I
25 believe that he thought that that lease would expire

1 on October 1st.

2 However, in fairness to WPX, I am going to
3 allow that letter to be added to the administrative
4 record for the sole purpose of correcting the
5 statement that the lease would expire on
6 October 1st. So I am going to grant your motion in
7 part and deny it in part.

8 So, Mr. Savage, would you please draft the
9 order granting in part and denying in part based on
10 what I just said.

11 Is there anything else Mr. Suazo?

12 MR. SUAZO: Just confirming that the
13 record would be officially closed after that order
14 is signed.

15 HEARING OFFICER CHAKALIAN: The record has
16 been closed since April 30. I am reopening it for
17 that one document, Mr. Suazo. So, yes, the record
18 remains closed.

19 MR. SUAZO: Okay. Thank you.

20 HEARING OFFICER CHAKALIAN: Mr. Savage,
21 anything further?

22 MR. SAVAGE: There are some important
23 items to address as a result of that decision.
24 First of all, we reported to redact and strike all
25 references to that decision. I believe that should

1 be reversed based on your decision.

2 HEARING OFFICER CHAKALIAN: Mr. Suazo,
3 what is your position on that?

4 MR. SUAZO: I guess I would need to see
5 how they are planning on using that language in the
6 redacted portion. I would need, you know, a little
7 bit of time to review that and then come to a
8 conclusion. I know it is referenced, I think, five
9 or six times in the record. So I am not really
10 sure. I think it depends on the usage.

11 I think, you know, we need to limit the
12 usage of that letter for the sole purpose that you
13 just explained which is the lease expiration. I
14 think anything beyond that is, you know, beyond the
15 scope and is not necessary. And, you know, the
16 record should probably stand for itself on the
17 balance.

18 HEARING OFFICER CHAKALIAN: Okay. All
19 right. Thank you, Mr. Suazo.

20 So, Mr. Savage, you're proposing that I
21 allow you to resubmit a new closing argument and a
22 new proposed findings and conclusions?

23 MR. SAVAGE: Correct.

24 HEARING OFFICER CHAKALIAN: Is there
25 anything else that you want?

1 MR. SAVAGE: Yes. I would like to look
2 at you -- I think you sanctioned WPX and stated that
3 WPX disregarded the fair ruling excluding such
4 documents from the record.

5 HEARING OFFICER CHAKALIAN: Uh-huh.

6 MR. SAVAGE: We would like to clear up any
7 misunderstandings, any confusions, and, you know,
8 and request in good faith that the Division address
9 this because we don't see where we violated a
10 District Court clear ruling and we are wondering if
11 the Hearing Examiner would reconsider that language.

12 HEARING OFFICER CHAKALIAN: I will think
13 about that. If you want to file something, I will
14 think about that. I will think about the idea that
15 you want to submit a revised closing and a revised
16 proposed findings of fact and conclusions of law.
17 But at this point the only ruling I am making is
18 that I will allow that one letter into the record.

19 So, please provide me a proposed order and
20 an exhibit to that order of the letter that you want
21 admitted and please pass it by Mr. Suazo for his
22 position.

23 MR. SAVAGE: Then if I understand this,
24 then, we do a motion to request the other items?

25 HEARING OFFICER CHAKALIAN: Uh-huh.

1 MR. SAVAGE: Okay.

2 HEARING OFFICER CHAKALIAN: Thank you.

3 Mr. Suazo, anything further before we are
4 off the record?

5 MR. SUAZO: No, Mr. Examiner.

6 HEARING OFFICER CHAKALIAN: Thank you,
7 Mr. Suazo. We are off the record in those cases.

8 Is there any other business before the
9 Division before I get off completely? I see some
10 hands raised.

11 MS. TSCHANTZ: Those are Mr. Samaniego.

12 HEARING OFFICER CHAKALIAN: They are both?

13 MS. TSCHANTZ: They are --

14 UNIDENTIFIED MALE: Actually,
15 Mr. Examiner, there is John, he actually is with my
16 client. I didn't see his hand until just now.

17 HEARING OFFICER CHAKALIAN: Okay.

18 UNIDENTIFIED MALE: I'm sorry. I just
19 noticed the hand raised there.

20 HEARING OFFICER CHAKALIAN: I am not sure
21 who that is. Is there anyone else who wants to
22 address the Division before we conclude today's
23 business?

24 MR. SAYER: This is Matthias Sayer. I was
25 hoping to just ask a question of you related to

1 consolidated cases, 25228, 25301 and 25303.

2 HEARING OFFICER CHAKALIAN: Okay. Would
3 you identify yourself first, please.

4 MR. SAYER: Matthias Sayer with Bradfute
5 Sayer.

6 HEARING OFFICER CHAKALIAN: Yes. This has
7 to do with the motion regarding the July 1 contested
8 hearing?

9 MR. SAYER: Correct.

10 HEARING OFFICER CHAKALIAN: Yes.

11 MR. SAYER: Yes. I appreciate your
12 response to the motion, however I was hoping that
13 you might be able to provide a little bit of context
14 as to why the motion was denied. It was an
15 unopposed joint motion entered in good faith.

16 HEARING OFFICER CHAKALIAN: Mr. Sayer, I
17 listed the reasons for the denial in the order.

18 What I stated was that the cases were
19 filed in February, so, first of all, they are old.
20 We need to move them along.

21 Second of all, the witness, we are only
22 talking about one landman witness for PBEX. That
23 landman can testify from anywhere they are in the
24 world virtually as long as they have a screen for me
25 to see them and swear them in. And if, for some

1 reason that landman can just -- cannot testify
2 virtually, then at the end of the hearing on
3 July 1st, we can set a new date for that one witness
4 to testify in the future.

5 MR. SAYER: Yeah. I appreciate the
6 explanation. Our concern is that it is not just the
7 inability to be present in Santa Fe, it is -- it is
8 that this situation requires them to be engaged in
9 other activities leading up to and on the day of the
10 hearing.

11 And while, again, I appreciate the work
12 flexibility in creating a second window of time to
13 conduct a continued hearing, nevertheless PBX would
14 be prejudice by not having their land expert
15 available during the first portion of the hearing.

16 And furthermore they would miss the entire
17 first portion of the hearing and thus would not be
18 fully aware of issues discussed and presented at the
19 first portion of the hearing, all which would end up
20 in a second hearing or a second round of hearing,
21 likely occurring at some point in August anyway,
22 which is what we had requested initially. So I
23 appreciate that you are trying to satisfy the
24 interest of the administrative economy, but it
25 doesn't seem that those interests would be served

1 while simultaneously PBX would be prejudiced. And
2 then also I wanted to know that PBX's cases were not
3 filed until the end of March, March 28.

4 HEARING OFFICER CHAKALIAN: Right. Well,
5 there are two parties. It seems like the parties
6 were depending on your late filed motion to be
7 successful because the parties have not filed
8 evidence and a prehearing statement as the rule and
9 the prehearing order requires.

10 I have to say that that tells me
11 something. The way that was handled, that tells me
12 something about the urgency of the matter. The
13 witness will have a transcript to review. The
14 hearing on July 1st will be recorded for the witness
15 to review before she testifies. There just are no
16 more dates in August to offer you, and I am not
17 willing to bump this down into September.

18 MR. SAYER: I appreciate that, Mr. Hearing
19 Examiner. I will say what it should also tell you
20 that those weren't filed is that there was some
21 presumption based on precedent history that when a
22 joint unopposed motion is filed on grounds such as
23 these, that a tribunal or Administrative Judge or
24 someone in your position typically responds a
25 different way to that type of motion, so that is

1 also a bit surprising.

2 HEARING OFFICER CHAKALIAN: Okay. I'm
3 sorry you feel that way, Mr. Sayer.

4 Is there anything further?

5 MR. SAYER: No. We will be filing a
6 motion for reconsideration.

7 HEARING OFFICER CHAKALIAN: So you are not
8 filing any evidence, you are just continuing down
9 this road?

10 MR. SAYER: We are filing a motion for
11 reconsideration.

12 HEARING OFFICER CHAKALIAN: Thank you,
13 Mr. Sayer.

14 We are off the record. That concludes our
15 business today. Thank you.

16 (Proceedings concluded at 10:40 a.m.)

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REPORTER'S CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Date: June 26, 2025

A handwritten signature in cursive script that reads "Paul Baca".

PAUL BACA, RPR, CCR

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