

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:

APPLICATION OF MEWBOURNE OIL COMPANY FOR A NONSTANDARD OIL SPACING AND PRORATION UNIT AND COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO. CASE NO. 16207

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

June 14, 2018

Santa Fe, New Mexico

BEFORE: MICHAEL McMILLAN, CHIEF EXAMINER
DAVID K. BROOKS, LEGAL EXAMINER

This matter came on for hearing before the New Mexico Oil Conservation Division, Michael McMillan, Chief Examiner, and David K. Brooks, Legal Examiner, on Thursday, June 14, 2018, at the New Mexico Energy, Minerals and Natural Resources Department, Wendell Chino Building, 1220 South St. Francis Drive, Porter Hall, Room 102, Santa Fe, New Mexico.

REPORTED BY: Mary C. Hankins, CCR, RPR
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APPEARANCES

FOR APPLICANT MEWBOURNE OIL COMPANY:

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FOR INTERESTED PARTIES EOG RESOURCES, EOG Y, EOG A,
EOG M and EOG RESOURCES ASSETS, LLC:

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1	INDEX	
2		PAGE
3	Case Number 16207 Called	4
4	Mewbourne Oil Company's Case-in-Chief:	
5	Witnesses:	
6	Paul Haden:	
7	Direct Examination by Mr. Bruce	4
	Cross-Examination by Mr. Feldewert	11
8	Redirect Examination by Mr. Bruce	14
	Cross-Examination by Examiner McMillan	14
9	Cross-Examination by Examiner Brooks	16
10	Jordan Carrell:	
11	Direct Examination by Mr. Bruce	19
	Cross-Examination by Examiner McMillan	23
12	Cross-Examination by Examiner Brooks	24
13	Proceedings Conclude	24
14	Certificate of Court Reporter	25
15		
16	EXHIBITS OFFERED AND ADMITTED	
17	Mewbourne Oil Company Exhibit Numbers 1 through 8	10
18	Mewbourne Oil Company Exhibit Numbers 9 through 12	23
19		
20		
21		
22		
23		
24		
25		

1 (8:25 a.m.)

2 EXAMINER McMILLAN: So the first case I
3 would like to call is Case Number 16207, application of
4 Mewbourne Oil Company for a nonstandard oil spacing and
5 proration unit and compulsory pooling, Eddy County, New
6 Mexico.

7 Call for appearances.

8 MR. BRUCE: Mr. Examiner, Jim Bruce of
9 Santa Fe representing the Applicant. I've got two
10 witnesses.

11 EXAMINER McMILLAN: Any other appearances?

12 MR. EXAMINER: Mr. Examiner, Michael
13 Feldewert, with the Santa Fe office of Holland & Hart,
14 appearing on behalf of EOG Resources, EOG Y, EOG A,
15 EOG M. And I have no witnesses.

16 EXAMINER McMILLAN: If the witnesses would
17 please stand up and be sworn in at this time.

18 (Mr. Haden and Mr. Carrell sworn.)

19 PAUL HADEN,
20 after having been first duly sworn under oath, was
21 questioned and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. BRUCE:

24 Q. Would you please state your full name for the
25 record?

1 A. My name is Paul Haden.

2 **Q. And where do you reside?**

3 A. Midland, Texas.

4 **Q. Who do you work for and in what capacity?**

5 A. Mewbourne Oil Company as a petroleum landman.

6 **Q. Have you testified before the Division before?**

7 A. Yes, I have.

8 **Q. And were your credentials as an expert**
9 **petroleum landman accepted as a matter of record?**

10 A. Yes, they were.

11 **Q. And are you familiar with the land matters**
12 **involved in this case today?**

13 A. Yes, I am.

14 MR. BRUCE: Mr. Examiner, I tender
15 Mr. Haden as an expert petroleum landman.

16 EXAMINER McMILLAN: Any objections?

17 MR. FELDEWERT: No objection.

18 EXAMINER McMILLAN: He is so qualified.

19 **Q. (BY MR. BRUCE) Mr. Haden, could you refer to**
20 **Exhibit 1 and describe what Mewbourne seeks in this**
21 **case?**

22 A. Okay. Exhibit Number 1 is a land plat of the
23 area in Township 18 South, Range 29 East. That, among
24 other things, covers Sections 28 and 29. Mewbourne Oil
25 Company seeks to pool the Bone Spring Formation for the

1 proposed project area. This covers the south half of
2 the northeast quarter of Section 29 and the south
3 half-south half of Section 28, all in Township 18 South,
4 Range 29 East Eddy County, New Mexico.

5 **Q. And could you turn to the second page, the**
6 **C-102, and identify the well involved and where the**
7 **surface- and bottom-hole locations are.**

8 A. Yes. This exhibit is the C-102, which is an
9 acreage dedication plat. It shows the surface location
10 at 2,500 feet for the west line, 2,100 from the north
11 line in Section 29, and the bottom-hole location of
12 2,100 feet from the north line and 330 feet from the
13 east line of Section 28, which is all in Township 18
14 South, Range 29 East.

15 **Q. And will the first and last take points of the**
16 **well be at orthodox locations?**

17 A. Yes, they will.

18 **Q. Referring to Exhibit 2, could you identify**
19 **that?**

20 A. Exhibit Number 2 for this case is a tract
21 ownership. It illustrates the ownership in the south
22 half of the northeast quarter of Section 29, the south
23 half-northeast quarter of Section 28, the southeast
24 quarter of the northwest quarter of Section 28, the
25 southwest quarter of the northwest quarter of Section

1 28. And also on the next page, it has the ownership in
2 the project area.

3 **Q. And which two companies do you seek to force**
4 **pool?**

5 A. We seek to pool EOG Y Resources, Inc. and EOG
6 Resources Assets, LLC, and it sets forth their ownership
7 in the project area.

8 **Q. What are Exhibits 3 and 4?**

9 A. Exhibit 3 is the summary of the communications
10 with EOG Y Resources, Inc. and EOG Resources Assets,
11 LLC.

12 **Q. And Exhibit 4 contains the proposal letter, as**
13 **well as follow-up emails?**

14 A. Yes, it does.

15 **Q. Is there a possibility that the EOG entities**
16 **might join in the well?**

17 A. According to Chuck Moran of EOG, no. They are
18 not interested in participating in the well. We're
19 currently negotiating a trade with them, but so far that
20 trade has not come to conclusion.

21 **Q. If that does occur, will you notify the**
22 **Division so that the entities are not subject to forced**
23 **pooling?**

24 A. That's correct.

25 **Q. In your opinion, has Mewbourne made a**

1 good-faith effort to obtain the voluntary joinder of EOG
2 in this well?

3 A. Yes, we have.

4 Q. Would you refer to Exhibit 5 and discuss the
5 cost of the proposed well?

6 A. Exhibit Number 5 is our copy of the AFE for the
7 proposed well. It sets forth the estimated completed --
8 completed cost for the well, which is \$6,942,800 for
9 this proposed horizontal Bone Spring test.

10 Q. And is this cost in line with the cost of other
11 similar wells drilled in this area of New Mexico?

12 A. Yes.

13 Q. Do you request that Mewbourne be appointed
14 operator of the well?

15 A. We do.

16 Q. And what is your recommendation for supervision
17 and administrative expenses?

18 A. We're requesting \$7,500 per month for the
19 drilling rate and \$750 per month for the producing well
20 rate.

21 Q. And are these amounts reasonable and equivalent
22 to those charged by Mewbourne and other operators in
23 this area for wells of this type?

24 A. Yes. We've drilled a number of wells in this
25 area with the same rates.

1 Q. And are these also the rates in your JOA?

2 A. Yes, they are.

3 Q. Do you request that the rates be adjusted
4 periodically as provided by the COPAS accounting
5 procedure?

6 A. Yes, we do.

7 Q. And do you request the maximum cost plus 200
8 percent risk charge if an interest owner goes nonconsent
9 in the well?

10 A. Yes, sir, we do.

11 Q. Were the parties being pooled notified of this
12 hearing?

13 A. Yes, they were.

14 Q. And is Exhibit 6 my notice letter sent to the
15 EOG entities?

16 A. That is correct.

17 MR. BRUCE: As usual, Mr. Hearing Examiner,
18 I haven't received the green card back from EOG, but
19 they're obviously here today.

20 MR. FELDEWERT: I object to the
21 characterization of the "as usual" course.

22 THE WITNESS: The usual.

23 MR. BRUCE: It's only happened before
24 (laughter).

25 Q. (BY MR. BRUCE) And does Exhibit 7 list the

1 offset operators to the proposed well?

2 A. Yes, it does.

3 Q. And were the offset -- the only other offset is
4 Cimarex. Were they notified of this hearing?

5 A. Yes, they were.

6 Q. And is Exhibit 8 a true copy of my notice
7 letter and associated green card?

8 A. Yes, that's correct.

9 Q. Were Exhibits 1 through 8 either prepared by
10 you or under your supervision and compiled from company
11 business records?

12 A. Yes, they were.

13 Q. And in your opinion, is the granting of this
14 application in the interest of conservation and the
15 prevention of waste?

16 A. That's correct.

17 MR. BRUCE: Mr. Examiner, I'd move the
18 admission of Exhibits 1 through 8.

19 MR. FELDEWERT: No objection.

20 EXAMINER McMILLAN: Exhibits 1 through 8
21 may now be accepted as part of the record.

22 (Mewbourne Oil Company Exhibit Numbers 1
23 through 8 are offered and admitted into
24 evidence.)

25 EXAMINER McMILLAN: Cross?

1 CROSS-EXAMINATION

2 BY MR. FELDEWERT:

3 Q. Mr. Haden, your records show EOG Resources
4 Assets, LLC as holding interest in this acreage?

5 A. According to our records, yes.

6 MR. FELDEWERT: Mr. Examiner, I'd like to
7 include, if I may EOG, Resources Assets, LLC as having
8 entered an appearance in this case. Okay?

9 Q. (BY MR. FELDEWERT) Mr. Haden, I then -- I'm
10 looking at Exhibit Number 3, and I note you had some
11 discussions with Mr. Moran; is that right?

12 A. Yes, that's correct, many discussions.

13 Q. You reference an operating agreement. What
14 does that involve, "June 6, 2018, reply email to Chuck
15 regarding the status of a previous Operating
16 Agreement...."?

17 A. Oh, that involved a previous operating
18 agreement that Yates Petroleum Corporation was the
19 operator, but apparently the well subject to that
20 operating agreement has not produced in years, and it's
21 in the process of being plugged and abandoned. So,
22 therefore, that operating agreement will expire under
23 the terms of that agreement.

24 Q. Has expired or will expire?

25 A. Well, for all effective purposes, it has

1 expired because it had -- as long as there is
2 production, plus 180 days, and it's been years.

3 Q. Okay. Did that JOA cover the acreage at issue
4 here?

5 A. Yes, sir.

6 Q. I'm sorry. I'm sorry. Did it cover the
7 acreage for your proposed spacing unit for this 1H well?

8 A. No. It only covered portions of the acreage.
9 It covered acreage in Section 28.

10 Q. Now, as I look at your well proposal letter in
11 Exhibit Number 4 -- can you turn to that for me, please?

12 A. What's that, sir?

13 Q. I'm looking at your well-proposal letter.

14 A. Okay. In that letter we proposed two wells.

15 Q. Yes. That was my question. What happened to
16 the -- what's the status -- let's see. This pooling
17 case involves the second well listed on here, correct?

18 A. That's correct, the Pavo Frio 29/28 B2GH Fed
19 Com 1H well.

20 Q. Yes.

21 A. That well is on our current drilling schedule.

22 The other proposed well, which is the Pavo
23 Frio 29/28 B2BA Fed Com 1H well is not currently on our
24 drilling schedule. It would be drilled, however, at a
25 later date.

1 Q. Okay. Just so I understand, if I look at
2 Exhibit Number 4 and I look at your well-proposal
3 letter, the first well that you list here in the second
4 paragraph, that's the one that's no longer going to
5 be -- is not on your drilling schedule?

6 A. The first well referenced is not in our current
7 drilling schedule, but it will be.

8 Q. Okay. And we're here today on the second well
9 that is listed on the first page of your March 27th
10 well-proposal letter?

11 A. Yes, that's correct.

12 Q. Got it. Okay. All right.

13 Now, I also notice that you propose the
14 formation of the working interest unit covering 1,020
15 acres; is that right?

16 A. At the time that was our initial proposal, but
17 that working interest unit has since changed. It covers
18 all of Section 28 and the east half of Section 29 for
19 Bone Spring.

20 Q. Did you submit a revised well-proposal letter
21 to EOG Resources?

22 A. No. We didn't think it was necessary to do so.
23 As they have indicated all along, they are not going to
24 participate in these proposed wells.

25 Q. So just to be clear, then, you haven't

1 submitted a well-proposal letter to them for a 240-acre
2 spacing and proration unit in the Bone Spring Formation?

3 A. Apparently not.

4 Q. That's all the questions I have.

5 MR. BRUCE: Couple of follow-up questions,
6 please.

7 REDIRECT EXAMINATION

8 BY MR. BRUCE:

9 Q. Mr. Haden, on Exhibit 4, this is a
10 well-proposal letter for the 240-acre unit; is it not?
11 The bottom paragraph describes the well unit for this
12 proposed well, does it not, page 1 of the proposal?

13 A. Yes. Yes.

14 Q. It specifically describes the 240-acre well
15 unit?

16 A. Yes, it does.

17 Q. And did EOG ever request a single well unit
18 JOA?

19 A. No, they did not.

20 Q. Thanks.

21 CROSS-EXAMINATION

22 BY EXAMINER McMILLAN:

23 Q. What's the pool?

24 A. The pool is the Palmilla East; Bone Spring Oil
25 Pool. It's Pool Code 49553.

1 **Q. Are there any unlocatable interests?**

2 A. No, there are not.

3 **Q. Any depth severances?**

4 A. No, sir.

5 EXAMINER McMILLAN: This is a weird
6 question. I've got a question for EOG. Is it EOG-Y
7 Resources, Incorporated and dash A? I'm trying to get
8 the names correct.

9 MR. FELDEWERT: I would -- in terms of
10 whatever is listed as the working interest ownership?

11 EXAMINER McMILLAN: Who is making an
12 appearance?

13 MR. FELDEWERT: I'm going to make this easy
14 for you. It's EOG Y Resources, Inc., EOG Resources
15 Assets, LLC and EOG Resources. They were initially
16 listed. Doesn't appear that they need to be. So
17 basically what's on Exhibit Number 2, plus EOG
18 Resources.

19 EXAMINER BROOKS: As far as the spelling is
20 concerned, is it not correct that EOG Y has a space
21 between the G and the Y, not a dash?

22 MR. FELDEWERT: Yes. Thank you.

23 EXAMINER BROOKS: That's the way I've
24 always seen it written so far.

25 MR. FELDEWERT: That's my understanding.

1 EXAMINER BROOKS: When I was a young
2 lawyer, I got in trouble with Texaco Inc. because I had
3 put a comma between Texaco and Inc. And I was told,
4 "There is no comma in Texaco Inc."

5 (Laughter.)

6 MR. FELDEWERT: I've had that explained to
7 me a few times.

8 THE WITNESS: Me, too.

9 MR. BRUCE: Now there is no Texaco Inc.

10 EXAMINER McMILLAN: Go ahead.

11 EXAMINER BROOKS: I don't have any -- oh,
12 yeah, I do have some questions.

13 CROSS-EXAMINATION

14 BY EXAMINER BROOKS:

15 Q. There are a number of individuals listed on
16 your distribution of interests as having an interest in
17 this unit. What's happened to their interest?

18 A. They're committed.

19 Q. Pardon me?

20 A. They are committed to the proposed well.

21 Q. Committed. Okay.

22 A. Yes.

23 Q. And is that also true of Jalapeno Corporation?

24 A. They are committed.

25 Q. Okay. I'm pleased to hear it. They don't

1 usually agree.

2 A. Well, as far as we're concerned, they're
3 committed.

4 Q. Okay. So the only uncommitted interests are
5 the EOG Y and EOG Resources Assets?

6 A. That is correct.

7 Q. Okay. Are there any overriding royalties?

8 A. There are. I knew you were going to ask that
9 question.

10 Q. And this is -- what's the land type?

11 A. There are various overriding royalty interests
12 throughout this project area. These leases are all
13 federal leases, and it will be subject to a
14 communitization agreement which is currently being
15 prepared. It will be furnished to all the working
16 interest owners, and eventually the overriding interest
17 owners will sign Division orders to consent or agree to
18 their interest in the proposed unit.

19 Q. Of course, the Division order is a revocable
20 instrument, so it's not a conveyance. The
21 communitization agreement would be adequate to commit
22 their interest if they sign it. And I've heard varying
23 testimony on whether the BLM actually requires the
24 operator to obtain the signature of override owners on
25 com agreements.

1 A. The BLM does not require that. However, they
2 can ratify the com agreement.

3 Q. Yes, and frequently do.

4 A. That's the easiest process that we go through.

5 Q. Yeah.

6 The question is: If it's merely a process
7 that can be gone through and it has not been gone
8 through, where does that leave us so far as our rule
9 about notice to royalty owners?

10 Do you have an opinion on that, Mr. Bruce?

11 MR. BRUCE: Well, there are two, which is,
12 number one, I mean, if they don't sign a Division order
13 ratifying, I guess we've got to come back and pool them,
14 but I've never had to do that with Mewbourne.

15 Second, there is conflicting case law on --
16 I think the most recent federal case said that if a
17 working interest owner signs the com agreement,
18 automatically the overrides are committed to that com
19 agreement.

20 EXAMINER BROOKS: Okay. If that's so, then
21 that takes care of our -- of our concern. You suppose
22 you could find that case for me?

23 MR. BRUCE: Boy --

24 EXAMINER BROOKS: I know you have a lot of
25 other things to do.

1 MR. BRUCE: -- I'll try (laughter).

2 EXAMINER BROOKS: And I'm sure I don't have
3 as many things to do as you do, but I find it very hard
4 to find cases.

5 MR. BRUCE: I know how to dig it up.

6 EXAMINER BROOKS: Okay. Good. I'm glad.
7 That would help me not just in this case, but it would
8 help prevent me from asking dumb questions in a lot of
9 other cases.

10 I think that's all my questions.

11 EXAMINER McMILLAN: Thank you.

12 THE WITNESS: Thank you.

13 MR. BRUCE: Jordan Carrell is our next
14 witness.

15 JORDAN CARRELL,
16 after having been previously sworn under oath, was
17 questioned and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BRUCE:

20 Q. Will you please state your full name and city
21 of residence?

22 A. Jordan Carrell, Midland, Texas.

23 Q. Who do you work for there?

24 A. Mewbourne Oil Company.

25 Q. What's your job there?

1 A. Geologist.

2 Q. Have you previously testified before the
3 Division?

4 A. Yes.

5 Q. And were your credentials as an expert
6 petroleum geologist accepted as a matter of record?

7 A. Yes.

8 Q. And are you familiar with the geologic matters
9 involved in this application?

10 A. Yes.

11 MR. BRUCE: Mr. Examiner, I tender
12 Mr. Carrell as an expert petroleum geologist.

13 MR. FELDEWERT: No objection.

14 EXAMINER McMILLAN: So qualified.

15 Q. (BY MR. BRUCE) Mr. Carrell, could you identify
16 Exhibit 9 for the Examiner?

17 A. Yes. Exhibit 9 is a Bone Spring activity map,
18 as well as a net 10 percent porosity isopach map, which
19 is colored in green. The red contours are structure
20 contours of the 2nd Bone Spring Sand. The green sticks
21 on here are 2nd Bone Sand wells with production
22 highlighted -- or noted on the right side of the well.
23 The red number is cumulative gas. The black number is
24 cumulative produced oil, and the blue number is
25 cumulative produced water. The dashed green line is our

1 proposed 2nd Bone Spring Sand well within the yellow
2 proration unit.

3 Q. And there is a line of cross section on this
4 plat?

5 A. There is. That's cross section A to A prime,
6 which is the next --

7 Q. Are those older, deeper gas wells?

8 A. They are.

9 Q. Let's move on to the cross section and discuss
10 the Bone Spring in more detail.

11 A. Yes. This is a cross section through the
12 proration unit within the closest wells. The red arrow
13 is where we plan on targeting with this particular well
14 within the Lower 2nd Bone Spring Sand. There is roughly
15 8 to 10 percent porosity across the Lower 2nd Bone
16 Spring Sand, and it is continuous throughout the unit.

17 Q. And based on Exhibits 9 and 10, would you
18 anticipate from a geologic standpoint that each
19 quarter-quarter section of the well unit will contribute
20 more or less equally to production?

21 A. Yes.

22 Q. What is Exhibit 11?

23 A. Exhibit 11 is a production table of 2nd Bone
24 Spring Sand wells within the immediate area. This shows
25 cumulative oil, cumulative gas and cumulative water that

1 has been produced and then the orientation of these
2 horizontal wells. The north-south wells within the area
3 produce significantly less than the east-west wells, and
4 we think east-west is the preferred orientation in this
5 area.

6 Q. And finally -- and one question on Exhibit 11.
7 Apparently these Bone Spring wells in this area do not
8 produce much gas, do they?

9 A. No. The GOR ranges from -- it's about 800 to
10 2,700.

11 Q. And finally, what is Exhibit 12?

12 A. Exhibit 12 is our proposed survey of the well.
13 The last page on there is a plat showing the first and
14 last take points as well.

15 Q. Were Exhibits 9 through 12 either prepared by
16 you or under your supervision or compiled from company
17 business records?

18 A. Yes.

19 Q. In your opinion, is the granting of this
20 application in the interest of conservation and the
21 prevention of waste?

22 A. Yes.

23 MR. BRUCE: Mr. Examiner, I'd move the
24 admission of Exhibits 9 through 12.

25 MR. FELDEWERT: No objection.

1 EXAMINER McMILLAN: Exhibits 9 through 12
2 may now be accepted as part of the record.

3 (Mewbourne Oil Company Exhibit Numbers 9
4 through 12 are offered and admitted into
5 evidence.)

6 EXAMINER McMILLAN: Cross?

7 MR. FELDEWERT: I have no questions.

8 CROSS-EXAMINATION

9 BY EXAMINER McMILLAN:

10 Q. So based on production, the east-west wells are
11 outperforming?

12 A. Yes.

13 Q. And that's assuming the same completion types?

14 A. The north-south wells are older wells. They
15 were drilled in 2011 and 2012. Their completions --
16 amount of proppant and fluid used is quite a bit less
17 than back then.

18 Q. But even though the completions aren't the
19 same, you still believe that east-west will outproduce?

20 A. I do, yeah.

21 Q. And the next thing I've got to tell you is I'm
22 looking at your Exhibit 9, and there is too much
23 information on it. If you come, break this down. It's
24 easier for me to understand if you break it down to two
25 or three different exhibits.

1 A. Okay.

2 EXAMINER McMILLAN: I'm through.

3 CROSS-EXAMINATION

4 BY EXAMINER BROOKS:

5 Q. Looking at this map that you have here, it
6 looks like you're kind of pushing toward the north end
7 of this play. Would that be a correct characterization?

8 A. Yes. The 2nd Bone Spring Sand still does -- it
9 goes north. What's showing on this map is a 10 percent
10 porosity cutoff. And so it is -- we are reaching the
11 northern end of the 2nd Bone Spring Sand, and we believe
12 that because of that, we could expect better oil cuts.

13 Q. Okay. The zero on this contour line at the
14 top, that's a zero porosity cutoff?

15 A. Yeah. The zero feet --

16 Q. Zero porosity that meets your cutoff?

17 A. Yes, zero feet greater than 10 percent.

18 Q. Thank you.

19 MR. BRUCE: Nothing further, Mr. Examiner.
20 I ask that the case be taken under advisement.

21 EXAMINER McMILLAN: Okay. Case Number
22 16207 shall be taken under advisement at this time.

23 Thank you.

24 (Case Number 16207 concludes, 8:52 a.m.)

25

1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

3

4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court
6 Reporter, New Mexico Certified Court Reporter No. 20,
7 and Registered Professional Reporter, do hereby certify
8 that I reported the foregoing proceedings in
9 stenographic shorthand and that the foregoing pages are
10 a true and correct transcript of those proceedings that
11 were reduced to printed form by me to the best of my
12 ability.

13 I FURTHER CERTIFY that the Reporter's
14 Record of the proceedings truly and accurately reflects
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither
17 employed by nor related to any of the parties or
18 attorneys in this case and that I have no interest in
19 the final disposition of this case.

20 DATED THIS 17th day of July 2018.

21

22

23 MARY C. HANKINS, CCR, RPR
24 Certified Court Reporter
New Mexico CCR No. 20
Date of CCR Expiration: 12/31/2018
Paul Baca Professional Court Reporters

25