

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:

AMENDED APPLICATION OF NGL WATER CASE NO. 20151
SOLUTIONS PERMIAN, LLC FOR APPROVAL
OF A SALTWATER DISPOSAL WELL, LEA COUNTY,
NEW MEXICO.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

August 22, 2019

Santa Fe, New Mexico

BEFORE: MICHAEL McMILLAN, CHIEF EXAMINER
KATHLEEN MURPHY, TECHNICAL EXAMINER
DYLAN ROSE-COSS, TECHNICAL EXAMINER
BILL BRANCARD, LEGAL EXAMINER

This matter came on for hearing before the New Mexico Oil Conservation Division, Michael McMillan, Chief Examiner; Dylan Rose-Coss, Technical Examiners; and Bill Brancard, Legal Examiner, on Thursday, August 22, 2019, at the New Mexico Energy, Minerals and Natural Resources Department, Wendell Chino Building, 1220 South St. Francis Drive, Porter Hall, Room 102, Santa Fe, New Mexico.

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

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1 (1:17 p.m.)

2 EXAMINER McMILLAN: Call this hearing back
3 to order.

4 We're going to call Case Number 20151,
5 application of NGL Water Solutions Permian, LLC for
6 approval of a saltwater disposal well in Lea County, New
7 Mexico.

8 Call for appearances.

9 MS. BISONG: Mr. Hearing Examiner, Susan
10 Miller Bisong on behalf of NGL.

11 EXAMINER McMILLAN: Any other appearances?

12 MR. BRUCE: Mr. Examiner, Jim Bruce of
13 Santa Fe entering an appearance for Solaris Water
14 Midstream, LLC.

15 I have no witnesses.

16 MS. LUCK: Kaitlyn Luck, with the Santa Fe
17 office of Holland & Hart, on behalf of EOG Resources,
18 Inc.

19 And I also have no witnesses.

20 EXAMINER McMILLAN: Proceed.

21 MS. BISONG: Thank you.

22 Today we have one witness, and that's
23 Mr. Neel Duncan.

24 EXAMINER McMILLAN: If the witness would
25 please stand up and be sworn in at this time.

1 NEEL L. DUNCAN,
2 after having been first duly sworn under oath, was
3 questioned and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. BISONG:

6 Q. Good afternoon, Mr. Duncan.

7 Can you state your full name for the
8 record?

9 A. Neel Lawrence Duncan.

10 Q. Who do you work for?

11 A. Integrated Petroleum Technologies, and we're an
12 engineering firm for NGL Water Solutions.

13 Q. And what are your responsibilities for NGL?

14 A. Drilling and completing wells in southeast New
15 Mexico, specifically Lea and Eddy Counties.

16 Q. And do your responsibilities include management
17 and oversight of saltwater disposal wells?

18 A. Yes.

19 Q. And you've previously testified before the Oil
20 Conservation Division?

21 A. I have.

22 Q. And your credentials were accepted as a matter
23 of record?

24 A. Yes.

25 Q. Does your area of responsibility at NGL include

1 the areas of southeastern New Mexico?

2 A. Yes.

3 Q. Are you familiar with the amended and original
4 application filed by NGL in this matter?

5 A. Yes, ma'am, I am.

6 Q. And are you familiar with the saltwater
7 disposal well which is the subject of this amended
8 application?

9 A. I am.

10 Q. Now, I understand this morning you left your
11 house with a tie?

12 A. Yes.

13 Q. And you don't have that tie anymore?

14 A. No, I don't.

15 Q. Can you tell us what happened to your tie?

16 A. The door of the plane came open as I departed.

17 EXAMINER McMILLAN: Oh, God.

18 (Laughter.)

19 THE WITNESS: And when I tried to level off
20 and slow down and open the door to try to fix it,
21 everything in the copilot's seat left the airplane, tie
22 and the sandwich bag.

23 (Laughter.)

24 EXAMINER BRANCARD: So you missed lunch,
25 too?

1 THE WITNESS: Well, my lawyer took me to
2 lunch.

3 (Laughter.)

4 Q. (BY MS. BISONG) Okay. Thank you, Mr. Duncan.

5 Can you turn to Tab 1?

6 EXAMINER McMILLAN: Any objections?

7 MR. BRUCE: No objection.

8 MS. LUCK: No objection.

9 EXAMINER McMILLAN: Proceed.

10 Q. (BY MS. BISONG) On Tab 1, let's start with
11 Exhibit 1A. And Exhibit 1A is the amended and the
12 original application, correct?

13 A. That's correct.

14 Q. And can you explain what NGL's seeking under
15 this application?

16 A. We are seeking a saltwater disposal well to the
17 Devonian-Silurian Formation with a large enough casing
18 to accommodate a 7-inch-by-5-1/2-inch tubing string.
19 We're seeking an injection rate maximum of 50,000
20 barrels per day.

21 Q. And is the injection interval 16,805 feet to
22 18,475 feet?

23 A. Yes. That will be amended when we actually
24 drill.

25 Q. Okay. And NGL proposed to relocate this well,

1 **correct?**

2 A. Yes, we did. The original application from
3 November of 2018 was amended to accommodate EOG and
4 their horizontal program. They're drilling north-south
5 wells, so they asked us to be close to the section line.

6 **Q. So did the change in location change the**
7 **parties that were entitled to notice?**

8 A. No.

9 **Q. Well, I think --**

10 A. If it did -- well, we --

11 **Q. It's addressed in the Weyand affidavit?**

12 A. Yeah. We -- we typically notice a mile. The
13 required notice is a half a mile. So we still
14 overnotice.

15 **Q. Okay. And Mr. Weyand has an affidavit that's**
16 **included in the exhibits under Tab 5 --**

17 A. Yes.

18 **Q. -- where he talks about service of notice,**
19 **correct?**

20 A. That's correct.

21 **Q. Did other parties enter their appearance in**
22 **this case?**

23 A. Yes.

24 **Q. And which parties?**

25 A. Marathon did, but that's been since withdrawn.

1 EOG has. I see they're here. And Solaris has. I see
2 they're represented here.

3 Q. Did NGL prepare an updated affirmative
4 statement for the new location?

5 A. Yes.

6 Q. Okay. And is that affirmative statement
7 located under Exhibit 1D?

8 A. Yes.

9 Q. And the State Land Office's notice of
10 withdrawal is located in Exhibit 1D, correct?

11 A. That's correct.

12 Q. And Marathon's withdrawal -- entry of
13 appearance and withdrawal is located in Exhibit 1C; is
14 that correct?

15 A. Yes.

16 Q. Has NGL calculated the distance between the
17 Tomahawk well and the Telluride well?

18 A. Yes.

19 Q. And what is that distance?

20 A. 1.03 miles.

21 Q. And that distance appears in the affidavit of
22 Mr. Weyand, correct?

23 A. Mr. Weyand's affidavit, yes. That's correct.

24 Q. Can you briefly explain the benefits of using
25 the larger tubing size?

1 A. As we've testified in previous hearings, the
2 larger tubing size will reduce friction pressure and
3 allow for injection at the same rate with lower
4 pressure, also -- so that reduces horsepower, energy,
5 just a greener way to do injection.

6 **Q. Has NGL considered whether fishing operations**
7 **are feasible in the Tomahawk?**

8 A. Yes, we are. We studied that. We can fish our
9 5-1/2-inch tubing inside of the 7-5/8 casing as long as
10 the casing weight is 39 pound per foot or less.

11 **Q. Has NGL retained a reservoir engineer to**
12 **conduct a study on the injection zones to the well?**

13 A. Yes. That's Scott Wilson with Ryder Scott.
14 And he's testified before the Division here, and his
15 credentials have been accepted.

16 **Q. Has Mr. Wilson provided an affidavit which**
17 **discusses his studies?**

18 A. Yes, he has.

19 **Q. And that affidavit is located under Tab 2 --**

20 A. Yes.

21 **Q. -- is that correct?**

22 A. That's correct.

23 **Q. In his affidavit, does Mr. Wilson confirm that**
24 **increasing the tubing size for the Tomahawk well will**
25 **reduce friction in the wellbore?**

1 A. Yes, he does.

2 Q. Does Mr. Wilson also confirm that using
3 increased tubing sizes will only have a very small
4 impact on the pore pressures in the formation?

5 A. Yes.

6 Q. Is it Mr. Wilson's opinion that the increased
7 tubing size will not cause fractures in the formation?

8 A. Yes.

9 Q. Does Mr. Wilson also perform a study looking at
10 which models -- a study that looks at migration of
11 fluids that are injected into the well?

12 A. Yes.

13 Q. And in that study, does Mr. Wilson conclude
14 that over a period of 20 years, the majority of fluids
15 injected will stay within one mile of where the well is
16 located?

17 A. That's correct.

18 Q. Has NGL retained a geologist to review the
19 geology in the area where the well will be located?

20 A. Yes. And that's Dr. Kate Zeigler. And she's
21 testified before the Division before, and her
22 credentials were accepted.

23 Q. And her affidavit and exhibit prepared by her
24 are located behind Tab 3, correct?

25 A. Yes.

1 Q. The exhibits that Ms. Zeigler is presenting to
2 the Tomahawk well are the same type of exhibits she's
3 submitted for NGL -- NGL saltwater disposal wells?

4 A. Yes. That's -- that's correct, with the point
5 showing the confinement of the injected fluids to the
6 injection interval and also the production of
7 groundwater.

8 Q. Does Dr. Zeigler find that the areas where the
9 well's located are suitable for injection at increased
10 rates?

11 A. Yes.

12 Q. Does Dr. Zeigler find that there is a
13 permeability barrier both above and below the injection
14 zones which will prevent the migration of fluids
15 injected into the reservoir?

16 A. Yes, she does.

17 Q. If you could turn to Tab 4, is Tab 4 the
18 affidavit and exhibits prepared by Dr. Steven Taylor on
19 behalf of NGL?

20 A. Yes.

21 Q. And who is Dr. Taylor?

22 A. Dr. Taylor is a geophysicist and seismologist
23 up in Los Alamos. In addition to working with us and
24 preparing for these hearings, he also runs the -- all
25 the seismic networks for NGL from Colorado, New Mexico

1 and Texas.

2 Q. And he's testified before the Division,
3 correct?

4 A. He has.

5 Q. And his credentials were accepted as a matter
6 of record?

7 A. Yes.

8 Q. Did he look at prior seismic activity in the
9 area where this well is to be located?

10 A. Yes, he did.

11 Q. And did he find that there is not a lot of
12 seismic activity in the area?

13 A. Yes. It's very minimal.

14 Q. Does NGL also work with consultants at FTI
15 Platt Sparks to run a fault slip probability analysis?

16 A. Yes, Todd Reynolds.

17 Q. And did Mr. Taylor review those studies?

18 A. Yes, he did.

19 Q. Are those studies included as attachments to
20 Dr. Taylor's affidavit?

21 A. Yes, they are.

22 Q. Did Dr. Taylor and FTI Platt Sparks find that
23 there is very little risk of induced seismicity?

24 A. Very little risk.

25 Q. Can you now turn to Tab 5?

1 A. Uh-huh.

2 Q. And this is an exhibit -- this exhibit is proof
3 that NGL has notified all affected parties located
4 within a one-mile area from where the well is located?

5 A. Yes.

6 Q. In addition, did NGL publish notice of its
7 amended application in this matter?

8 A. Yes. And a copy of that is attached. It's
9 page 109.

10 Q. And the confirmation that all parties entitled
11 to notice either was received by certified mail or it
12 was returned? Is that page 107?

13 A. Yes.

14 Q. And those parties that did not receive mail
15 service were notified by publication, correct?

16 A. Yes. That's correct.

17 Q. Were Exhibits 1 through 5 prepared -- in this
18 packet today prepared by you, under your supervision and
19 direction or compiled from company business records?

20 A. Yes.

21 Q. In your opinion, does the granting of this
22 application promote the prevention of waste and the
23 protection of correlative rights?

24 A. Yes.

25 MS. BISONG: At this time I'd move to have

1 Exhibits 1 through 5 admitted into the record.

2 MR. BRUCE: No objection.

3 MS. LUCK: No objection.

4 EXAMINER McMILLAN: So qualified -- will be
5 submitted as part of the record.

6 (Laughter.)

7 (NGL Water Solutions Permian, LLC Exhibit
8 Numbers 1 through 5 are offered and
9 admitted into evidence.)

10 MS. BISONG: I have no further questions at
11 this time.

12 EXAMINER McMILLAN: Cross?

13 MR. BRUCE: Just one.

14 CROSS-EXAMINATION

15 BY MR. BRUCE:

16 Q. Mr. Duncan, does NGL object to the OCD
17 approving Solaris' Telluride SWD application?

18 A. I can't answer that, Mr. Bruce.

19 Q. Why not?

20 A. I'm not a manager of NGL. I'm just a
21 consultant doing the work on this particular well.

22 Q. Okay. Thank you.

23 A. Uh-huh.

24 MS. LUCK: And I have no questions for this
25 witness.

1 EXAMINER COSS: Do you want to go first?

2 EXAMINER McMILLAN: I've heard the spiel
3 five or six times.

4 EXAMINER COSS: Okay. Well, I haven't
5 heard the spiel five or six times, so maybe I'll go
6 ahead with a few of the questions I have.

7 CROSS-EXAMINATION

8 BY EXAMINER COSS:

9 Q. I assume that you -- people within the company
10 have run tests to measure the effects of -- I have a
11 diagram that shows me all of the wells in the vicinity,
12 a few square miles, and they've ran pressure tests --
13 tests for the effects of your well on the other wells
14 and vice versa?

15 A. Yes. We looked at all current and all
16 permitted wells -- well, all wells that we know about
17 and maybe a permit is in process, whatever. We do do
18 the simulations.

19 Q. And what were the problems that came up as a
20 result of those tests, if any?

21 A. None, really, no. We look at those pressure
22 fronts, we look at the effect on possible induced
23 seismicity, and all those wells are included when we do
24 the fault slip probability analysis.

25 Q. Okay. So I guess on the seismic note then,

1 too -- maybe this has been cleared up in some of the
2 previous testimony, but I'm curious. Do we say that
3 there is little seismic activity in the area because of
4 lack of measurement or because of lack of seismic
5 activity?

6 A. Yes. That's partially true. The USGS stations
7 there are quite far apart. The WIPP seismic monitoring
8 site, which Marilyn can tell us more about that than I
9 can, doesn't quite measure at that depth or that type
10 of -- that type of wave, so it's not of much use. Now
11 we have a lot of private networks out there, you know.
12 Of course, the Texas Bureau of Economic Geology is just
13 south of us, and the NGL private network has been in
14 place for almost two years now, and so we look at all
15 that data.

16 MS. BISONG: And just for your reference,
17 there is a map showing the seismic monitoring stations,
18 if you look at page 80, under Tab 4, and there are
19 several maps that show where the seismic stations
20 locations are. And if you look at Exhibit 4A, it talks
21 about recent seismic activity.

22 EXAMINER COSS: Okay. That's included?

23 MS. BISONG: Yes, sir.

24 EXAMINER COSS: I'll review that at a later
25 time.

1 Q. (BY EXAMINER COSS) And also out of curiosity, I
2 understand that you'd like to have increased wellbore
3 diameter for these injection wells and that you paint a
4 rosy picture of the benefits of it. I guess I'd like to
5 hear, from an engineering standpoint, what might be some
6 of the pitfalls of drilling --

7 A. It just costs a heck of a lot more, and it
8 takes a bigger rig. But really the larger wellbore
9 gives you more options as you're drilling. Worst-case
10 scenario, if you lose -- you know, if you lose a section
11 of the well, we go down a casing size, it's not the end
12 of the world.

13 Q. Would there be any risk of wellbore stability,
14 longevity?

15 A. No. No. It's an open-hole completion. It's,
16 what, 6-1/4 open hole that we'll be injecting into. But
17 it's very, very hard dolomite, and it's -- after we
18 drill these holes, they look like a gun barrel.

19 Q. Caliper logs typically?

20 A. Yeah. Yeah.

21 Q. Those are all my questions. Thank you.

22 EXAMINER McMILLAN: Do you have anything?

23 EXAMINER MURPHY: I do have a question.

24

25

1 CROSS-EXAMINATION

2 BY EXAMINER MURPHY:

3 Q. You moved the location, and it was due to
4 operations from someone else that was interfering?

5 A. Well, no. EOG is drilling their -- they plan
6 to drill their horizontal wells north-south. We had
7 previously been up on -- near the north section line --

8 Q. Right.

9 A. -- which would accommodate east-west drilling.
10 No problem. So we had to go to the east section line.

11 Q. And so that -- moving that location put it how
12 far from the Telluride?

13 A. 1.03 miles.

14 Q. 1.03.

15 A. We have an affidavit to that effect in our
16 exhibits.

17 MR. LARSON: Right. Under Tab 5.

18 Q. (BY EXAMINER MURPHY) I've not been known to
19 ever tag team with Mr. Bruce, but, I mean, would you
20 have protested if Solaris was that close to you, to NGL?

21 A. Well, both those wells were submitted about the
22 same time, November of 2018.

23 Q. I think theirs was in August. I have that
24 date.

25 A. I have November in the records of the OCD.

1 Q. It does seem interesting that it's okay -- you
2 know, I was for it before I was against it or I was
3 against it before I was for it; I'll protest if you're
4 too close to me, but -- it just seems odd to me.

5 Thank you.

6 EXAMINER McMILLAN: Go ahead.

7 EXAMINER BRANCARD: Oh, okay.

8 CROSS-EXAMINATION

9 BY EXAMINER BRANCARD:

10 Q. I'll just ask a couple of questions which
11 you're not going to answer.

12 So this well is going 18,470 feet down?

13 A. Ish, yeah.

14 Q. "Ish, yeah." I'm not good at math,
15 3-and-a-half miles.

16 Do you know whether NGL is going to post a
17 single-well bond for financial assurance for this?

18 A. I do not know. I think -- you know, we have
19 always advocated that the bonding requirements be higher
20 than they are, and we're on the record with that in the
21 Saltwater Disposal Work Group last summer. I advocated
22 that as well, because, again, if you've ever had to plug
23 one of these wells, the cost just to rig up is your bond
24 amount. That's before you start any work. You've got
25 to plug these with a drilling rig. So I think the

1 bonding thresholds need to be revisited in New Mexico
2 for these deep Devonian wells.

3 Q. Thank you.

4 Okay. So jumping ahead, I think -- I'm
5 going to try paraphrase your quote here. Maybe I can
6 get an exact quote. You said, "The majority of fluids
7 will be within with one mile based on the modeling after
8 20 years."

9 A. Yes.

10 Q. And so we already know there is another two
11 wells proposed about a mile away.

12 A. We study the interference. We look at what
13 that pressure is, and it's not that significant. It's a
14 big, thick -- it's a very, very big interval.

15 Q. I'm guessing in the next few months, we'll get
16 more wells coming in real close to you. So if the only
17 data you're giving to us modeling is 20 years, would NGL
18 be willing to accept a 20-year permit term?

19 A. I can't answer that.

20 Q. Okay. And thank you for discussing the paucity
21 of seismic data. You referenced an NGL private network.
22 Will NGL be willing to submit all its data to the State
23 from the private network?

24 A. I also can't answer that. Upon State request,
25 we can always review data with the State.

1 **Q. Okay. Thank you.**

2 EXAMINER McMILLAN: Any closing statements?

3 CLOSING STATEMENT

4 MR. BRUCE: Mr. Examiner, if I may, very
5 briefly just a brief statement. I've handed you what's
6 marked as Solaris Exhibit 1, and at the center of that
7 plat, it shows the location of Solaris' Telluride SWD
8 No. 1. That was the subject of Case 20114. NGL
9 originally objected to that application, and Solaris had
10 objected to NGL's Sidewinder case filed about the same
11 time. They eventually settled out and withdrew
12 objections to each other's applications. So I think the
13 Sidewinder may have been granted. The NGL Sidewinder
14 application may have been granted. Solaris' application
15 is still pending, but Solaris' application was filed
16 first.

17 And as Ms. Murphy said, you know, it's
18 within the 1.5-mile area. Not that Solaris has a big
19 objection to the Tomahawk well, but if that 1.5-mile
20 rule is being enforced, we have to insist that since the
21 Telluride -- the Telluride application was first filed,
22 it has priority, and that application should be granted
23 and NGL's application denied.

24 And originally the Tomahawk was more than
25 1.5 miles away, and then it was amended and moved. So,

1 again, Solaris will insist that its application be given
2 preference over the NGL Tomahawk application, if that's
3 the -- if the Division is enforcing that 1.5-mile rule.

4 EXAMINER MURPHY: What date do you have it
5 being filed, the Telluride?

6 MR. BRUCE: I would have to look at the
7 file again, Ms. Murphy, but I believe it was originally
8 filed administratively in August -- somewhere in August
9 of last year.

10 EXAMINER MURPHY: I have August 20th.

11 MR. BRUCE: Something like that.

12 EXAMINER McMILLAN: It's a question --
13 remember, it's a question of not the date it was
14 received. It's the date that it was deemed
15 administratively complete.

16 MR. BRUCE: Okay.

17 EXAMINER McMILLAN: That's the critical
18 date.

19 MR. BRUCE: But the Tomahawk case was --
20 location was amended, and so I believe that the
21 Telluride has priority over the -- and especially
22 considering they agreed in February that they would not
23 object to the Telluride application. And that was in
24 front of Mr. Goetze and Mr. Brooks and Mr. Jones.

25 MS. LUCK: I have nothing further.

1 EXAMINER McMILLAN: Okay. Well, we need --
2 how about Solaris Exhibit 1?

3 MR. BRUCE: I would move its admission. It
4 really just confirms what is in this application packet
5 here, but --

6 MS. BISONG: I don't have an objection.

7 EXAMINER McMILLAN: Okay. Solaris Exhibit
8 1 may now be accepted as part of the record.

9 (Solaris Water Midstream, LLC Exhibit
10 Number 1 is offered and admitted into
11 evidence.)

12 CLOSING STATEMENT

13 MS. BISONG: I just would like to close by
14 adding that Solaris' protest just based upon the
15 1.5-mile new rule, and there's been no site-specific
16 evidence that has been presented to contradict what's in
17 NGL's exhibits in terms of their analysis of whether or
18 not all the wells operating together will affect induced
19 seismicity and that the wells can be operated together
20 with environmental protections in mind and no compromise
21 of the freshwater resources.

22 So at this time, if there is nothing
23 further, I would move that Case 20151 be taken under
24 advisement.

25 MR. BRUCE: Nothing further, Mr. Examiner.

1 MS. LUCK: I have nothing further.

2 EXAMINER McMILLAN: Okay. Case Number
3 20151 shall be taken under advisement.

4 (Case Number 20151 concludes, 1:46 p.m.)

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1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

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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 13th day of September 2019.

21

22

23 MARY C. HANKINS, CCR, RPR
24 Certified Court Reporter
New Mexico CCR No. 20
Date of CCR Expiration: 12/31/2019
Paul Baca Professional Court Reporters

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