

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

**APPLICATIONS OF MEWBOURNE OIL
COMPANY FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

**Case No. 21361
Case No. 21362
Case No. 21363
Case No. 21364**

**APPLICATION OF ASCENT ENERGY,
LLC, FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

**Case No. 21393
Case No. 21394**

**APPLICATION OF APACHE CORPORATION
FOR COMPULSORY POOLING AND
APPROVAL OF A HORIZONTAL SPACING
UNIT FOR A POTASH DEVELOPMENT
AREA AND PILOT PROJECT,
EDDY COUNTY, NEW MEXICO**

**Case No. 21489
Case No. 21490
Case No. 21491**

THIRD AMENDED PRE-HEARING ORDER

This Third Amended Pre-Hearing Order follows a status conference on September 9, 2021. The Oil Conservation Division (“Division”) Hearing Examiner (“Examiner”) previously issued a Pre-Hearing Order, dated December 4, 2020, as amended (“Pre-Hearing Order”). The Pre-Hearing Order is amended and restated as follows.

1. The hearing will commence on December 3, 2021 and continue as necessary through completion.
2. The hearing will be recorded and transcribed by a court reporter.
3. The hearing will be conducted using the virtual meeting platform; sign-in information will be sent to the parties closer to the date of the hearing. The Examiner may modify the format of the hearing consistent with the available resources and public distancing directives in place at the time of the hearing.

4. The parties have already filed the pre-hearing statement required by 19.15.4.13.B NMAC along with the requested additional information. A party may amend or supplement their pre-hearing statement until November 22, 2021.

5. Any evidentiary objections to the filed direct testimony or any exhibit shall be filed by 5 p.m. no later than five (5) calendar days before the hearing and will be addressed at the commencement of the hearing.

6. All witnesses filing direct testimony shall attend the hearing and will be subject to cross examination by counsel for the parties and the Division Examiners. The order of presentation of cases-in-chief shall proceed as follows:

- a. Mewbourne Oil Company;
- b. Apache Corporation; and
- c. Ascent Energy, LLC (“Ascent”).

7. The Oil Conservation Commission stayed Case Nos. 21277 through 21280 “until all competing applications are heard by the Division or are otherwise resolved”. Order R-21454. The Commission clarified that its Order “does not order the Oil Conservation Division to rehear Ascent Energy’s pooling applications under Case Nos. 16841 and 16842”. Order R-21454-A. In this proceeding, Ascent is allowed, but not required, to present evidence and testimony, as part of its case-in-chief, in support of the compulsory pooling applications from Case Nos. 16481 and 16482.

8. All pleadings filed in this proceeding, including any amended pre-hearing statements and exhibits, shall be filed through the online portal and served on all other parties. The parties are not required to file a courtesy copy with the Examiner.

9. Any requests for continuances or status conferences shall be filed in writing through the Division fee portal.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**

William R. Brancard

WILLIAM R. BRANCARD
HEARING EXAMINER

Date: September 13, 2021