

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

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

Application of Apache Corporation for Compulsory Pooling, Eddy County, New Mexico	Case Nos. 21727, 21728 21729, 21730 21851, 21852 21853, 21854
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Application of Colgate Operating, LLC, for Compulsory Pooling, Eddy County, New Mexico	Case Nos. 21825, 21826 21827, 21828
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REPORTER'S TRANSCRIPT OF PROCEEDINGS

STATUS CONFERENCE

THURSDAY, AUGUST 19, 2021

This matter came on for hearing before the
New Mexico Oil Conservation Division, William
Brancard, Esq. Hearing Examiner, Kathleen Murphy,
Technical Examiner, on August 19, 2021, via Webex
Virtual Conferencing Platform hosted by New Mexico
Department of Energy, Minerals and Natural Resources

Reported by: Mary Therese Macfarlane.
New Mexico CCR #122
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A P P E A R A N C E S

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C O N T E N T S

11 CASE NOS: 21727, 21728, 21729, 21730 PAGE
 12 21851, 21852, 21853, 21854,
 21825, 21826 21827, 21828,

13 CASES CALLED: 4

14 SPECIAL HEARING SET FOR NOVEMBER 5, 2021 9

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1 (Time. Noted 8:17 a.m.)

2 EXAMINER BRANCARD: We have 12 cases to start us
3 off today on a status conference. Case Nos. 21727, 21728,
4 21729 and 21730, 21851, 21852, 21853, 21854, all of the
5 above being Apache Corporation; 21852, 218 -- sorry.
6 21825, 21826, 21827 and 21878, Colgate Operating.

7 Appearances for Apache.

8 MR. FELDEWERT: May it please the Examiner,
9 Michael Feldewert with the Santa Fe office of Holland &
10 Hart appearing on behalf of Apache Corporation.

11 EXAMINER BRANCARD: All right.

12 Colgate Operating.

13 MR. PADILLA: Mr. Examiner, Ernest L. Padilla
14 for Colgate Operating, LLC.

15 EXAMINER BRANCARD: All right. And now we have
16 a whole list of parties that have made appearances in
17 these cases. Let's start from the top.

18 EOG Resources, Beatty, Wosniak.

19 MR. RITTENHOUSE: Yes. This is Joby Rittenhouse
20 of Beatty, Wozniak appearing on behalf of EOG.

21 EXAMINER BRANCARD: Cimarex Energy.

22 MR. SAVAGE: Good morning. Darin Savage with
23 Abadie & Schill for Cimarex Energy Company

24 EXAMINER BRANCARD: Okay. XTO Holdings.

25 MR. CLOUTIER: Good morning, Mr. Examiner. This

1 is Andrew Cloutier of the Hinkle Shanor firm on behalf of
2 XTO.

3 EXAMINER BRANCARD: Excellent. Good to see you,
4 Mr. Cloutier.

5 V-F Petroleum, et al.

6 MS. HARDY: Good morning, Mr. Examiner. Dana
7 Hardy with the Santa Fe office of Hinkle Shanor on behalf
8 of V-F Petroleum.

9 EXAMINER BRANCARD: Let me just check. I think
10 that's it. Are there any other interested parties for
11 these 12 cases that I have listed and I'm not going to
12 list again?

13 MR. BRUCE: Mr. Examiner, Jim Bruce, only with
14 respect to Case No. 9, 21825. I have entered an
15 appearance for Petrogulf Corporation.

16 EXAMINER BRANCARD: Yes. I see you listed.
17 I also see MRC Permian listed for that
18 case. Is that correct?

19 MR. BRUCE: Oh, that's right. I did enter an
20 appearance for them also. I forgot.

21 EXAMINER BRANCARD: Any other interested parties
22 in these 12 cases? (Note: Pause.)

23 Hearing none, let me see.

24 Mr. Feldewert, your client filed first so
25 I'll let you start off.

1 MR. FELDEWERT: Mr. Examiner, yes, we filed
2 first. Colgate then filed their competing pooling
3 applications.

4 As you know, we vacated the Prehearing
5 Order, and Colgate's motion now seeks a hearing on the
6 first available Division date. We do not oppose that
7 request. This sets of cases does involve different
8 acreage, as you can probably tell by the nature of the
9 wells that are involved, but it does make sense, given the
10 witnesses that are going to be involved, to have both sets
11 of cases heard on the same day. (Note: Pause.)

12 Mr. Brancard, I think you may be muted.

13 EXAMINER BRANCARD: Thank you.

14 We are looking at an actual competing
15 pooling hearing here?

16 MR. FELDEWERT: That's my understanding, yes,
17 for two, uh --

18 EXAMINER BRANCARD: In other words, you're not
19 in negotiations working this out.

20 MR. FELDEWERT: Well, no, I think there are some
21 discussions, and have been some discussions, but I think
22 we are at a point where Apache would like to have a firm
23 hearing date so that we can move forward in the event that
24 those discussions are not fruitful.

25 EXAMINER BRANCARD: All right. Mr. Padilla.

1 MR. PADILLA: I agree with what Mr. Feldewert
2 has said. We did file for a continuance for the first
3 available hearing date, and our thinking was that it
4 probably would be sometime in November because of the way
5 schedules are being -- uh, OCD hearing scheduling.

6 But whatever the Division sets is fine with
7 us. I did note that September 23rd is probably -- got an
8 email from Mr. Cloutier yesterday that says he's not
9 available for that. And he can speak to that himself.

10 But any time the Division sets is fine.
11 Where we're setting the first available, whatever is first
12 available is fine.

13 EXAMINER BRANCARD: Thank you.

14 Do we have any other party with
15 disagreements on what has been expressed by Mr. Feldewert
16 and Mr. Padilla?

17 MR. CLOUTIER: Mr. Brancard, this is Andrew
18 Cloutier. As Mr. Padilla indicated, I just have not been
19 able to clear my schedule for September 23rd, so I cannot
20 make that particular date. I will make any other date
21 that the Division has currently scheduled, or if we look
22 for an alternate date, I'm happy to cooperate.

23 EXAMINER BRANCARD: All right. I don't think we
24 are looking at September here, given the number of
25 continuances we have these days and how quickly the

1 calendars are filling up, unless we want to have a special
2 hearing docket. But I don't really like to have that,
3 unless I was pretty sure that you-all are, you know, pikes
4 drawn ready to advance on each other and definitely having
5 a hearing, because we don't like to schedule these special
6 dockets and then have to cancel them. So that's why I was
7 sort of asking Mr. Feldewert and Mr. Padilla about how
8 serious we are about moving on to hearing on this case,
9 because if we are looking for a date to attach to an
10 existing docket, we are looking at November, probably
11 December at this point for hearing dockets.

12 Mr. Feldewert.

13 MR. FELDEWERT: Yes, Mr. Brancard. My client
14 told me October or November would be fine, so if we could
15 at least keep it in November, that fits my expressed time
16 frame for my client.

17 EXAMINER BRANCARD: Mr. Padilla.

18 MR. PADILLA: I agree with that. I think if we
19 could have something in November it would be better than
20 December.

21 EXAMINER BRANCARD: So, Marlene, what do you
22 have for November?

23 I'm sorry, somebody is not muted.

24 Mr. Phillips?

25 MR. PHILLIPS: Sorry.

1 MS. SALVIDREZ: We are pretty full for November
2 4th, so maybe a special hearing on Friday, November 5th.

3 EXAMINER BRANCARD: Are we just doing one docket
4 in November?

5 MR. SALVIDREZ: There's only one docket in
6 November.

7 EXAMINER BRANCARD: Okay. How about a special
8 docket for November 5th?

9 MR. FELDEWERT: That works for Apache.

10 MR. PADILLA: Works for Colgate.

11 EXAMINER BRANCARD: Any objections from any of
12 the other parties?

13 MR. CLOUTIER: None.

14 EXAMINER BRANCARD: Hearing none, these 12
15 cases, 21727, 21728, 21729, 21730, 21851, 21852, 21853,
16 21854, 21825, -26 -27 and 21878 are scheduled for a
17 special docket on November 5th. I will issue a Prehearing
18 Order. Thank you everyone.

19 So with that we are 25 percent done with
20 our docket for the day.

21 (Time noted **).

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1 STATE OF NEW MEXICO).

2) SS

3 COUNTY OF TAOS)

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5 REPORTER'S CERTIFICATE

6 I, MARY THERESE MACFARLANE, New Mexico Reporter
7 CCR No. 122, DO HEREBY CERTIFY that on Thursday, August
8 19, 2021, the proceedings in the above-captioned matter
9 were taken before me; that I did report in stenographic
10 shorthand the proceedings set forth herein, and the
11 foregoing pages are a true and correct transcription to
12 the best of my ability and control.

13 I FURTHER CERTIFY that I am neither employed by
14 nor related to nor contracted with (unless excepted by the
15 rules) any of the parties or attorneys in this case, and
16 that I have no interest whatsoever in the final
17 disposition of this case in any court.

18

/s/ Mary Macfarlane

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MARY THERESE MACFARLANE, CCR
NM Certified Court Reporter No. 122
License Expires: 12/31/2021

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