

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

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

APPLICATION OF TITUS OIL & GAS PRODUCTION, LLC
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO. Case No. 21621

APPLICATION OF COG OPERATING, LLC
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO. Case Nos. 21734-21737

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS
EXAMINER HEARING
DECEMBER 16 2021
SANTA FE, NEW MEXICO

This matter came on for virtual hearing before
the New Mexico Oil Conservation Division, HEARING OFFICER
WILLIAM BRANCARD and TECHNICAL EXAMINER KATHLEEN MURPHY on
Thursday, December 16, 2021, through the Webex Platform.

Reported by: PAUL BACA
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A P P E A R A N C E S

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For Titus Oil & Gas:

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I N D E X

CASE CALLED

STATUS CONFERENCE 03

REPORTER CERTIFICATE 07

1 HEARING EXAMINER BRANCARD: So let's move to
2 Items 11 through 15, keeping a theme of Titus here. So we
3 will start with Cases 21734, 735, 736 and 737 and 21621, COG
4 Operating.

5 MS. RYAN: Good morning, Mr. Examiner. Beth Ryan
6 on behalf of COG Operating.

7 HEARING EXAMINER BRANCARD: Thank you, Titus Oil
8 & Gas?

9 MS. SHAHEEN: Good morning, everyone, Sharon
10 Shaheen of Montgomery and Andrews on behalf of Titus Oil &
11 Gas.

12 HEARING EXAMINER BRANCARD: All right. Then I
13 have an entry of appearance from Colgate Operating.

14 MR. PADILLA: Mr. Examiner, Ernest L. Padilla on
15 behalf of Colgate Operating. I'm trying to confirm whether
16 or not we should be in these hearings. I know the last
17 case, 21621, we were supposed to withdraw an appearance. I
18 believe that Colgate is -- I haven't received confirmation
19 about that, but nonetheless I'm making an appearance for
20 Colgate.

21 HEARING EXAMINER BRANCARD: Thank you. I have an
22 appearance from Foran Oil Company.

23 MR. BRUCE: Yes, Mr. Examiner, Jim Bruce.

24 HEARING EXAMINER BRANCARD: Are there any other
25 appearances for Cases 21734, 735, 736, 737 and 21621?

1 (No audible response.)

2 HEARING EXAMINER BRANCARD: Hearing none, I will
3 start with you, Ms. Ryan. Where are we?

4 MS. RYAN: We are here for a status conference to
5 set a contested hearing on this matter, and I think,
6 interested in Ms. Shaheen's schedule on whether a February
7 or March date would work best. The parties are continuing
8 to negotiate in this matter, so there is a chance that they
9 may come to an agreement by then, but we do need to get a
10 hearing date on the calendar.

11 HEARING EXAMINER BRANCARD: Thank you. Ms.
12 Shaheen?

13 MS. SHAHEEN: Yes, I agree with Ms. Ryan. One
14 thing I do want to note is that Titus is planning to refile
15 applications for the same well, but we will be getting out
16 well proposals for the same wells this month, so Titus would
17 be ready to go as early as March 3rd. I understand that's
18 not on the table, so March 17 would be our preference, again
19 with the hope that the parties would negotiate a little more
20 quickly and hopefully get to a resolution before there is a
21 contested hearing.

22 HEARING EXAMINER BRANCARD: Okay. So you are --
23 so you won't be refiling those cases for another month then?

24 MS. SHAHEEN: That's right. But I have
25 calculated that we can be ready by March 3rd, but I know you

1 need the new case numbers before you can issue a prehearing
2 order. I can get those to you -- as soon as the well
3 proposals go out, then I will be ready to file the
4 applications 30 days thereafter and I can get you the case
5 numbers at that time.

6 HEARING EXAMINER BRANCARD: All right. Just a
7 word on that. Last hearing I delayed issuing prehearing
8 orders on a number of cases because a number of parties said
9 they were going to file new cases, et cetera, and after
10 about a week I just stopped waiting.

11 So I'm not going to wait anymore unless somebody
12 files something right away. I can always amend the
13 prehearing order to add the cases in as long as you let me
14 know you filed the new cases file something saying please
15 amend the prehearing order. That would be best because
16 Marlene and I struggling to keep up with how many prehearing
17 orders, scheduling orders we have to issue after every
18 hearing, and the sooner we get them out, the easier it is to
19 keep track of all of this. So I'm not waiting any longer
20 for the prehearing order in this case.

21 Mr. Padilla, any comments?

22 MR. PADILLA: No comments.

23 HEARING EXAMINER BRANCARD: Mr. Bruce?

24 MR. BRUCE: No comments.

25 HEARING EXAMINER BRANCARD: All right. Why don't

1 we also set this one for March 17.

2 MR. BRUCE: Fine with me.

3 MS. RYAN: Sounds great. Thank you.

4 MS. SHAHEEN: Thank you very much.

5 HEARING EXAMINER BRANCARD: And I would note, Ms.
6 Shaheen, to be a little careful on your prehearing
7 statements in this case, you referenced the wrong case
8 number for your client in the prehearing statement.

9 MS. SHAHEEN: Oh, thank you. I appreciate that
10 heads-up.

11 HEARING EXAMINER BRANCARD: In the body of the
12 document.

13 MS. SHAHEEN: Okay.

14 (Concluded.)

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1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

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4 REPORTER'S CERTIFICATE

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6 I, PAUL BACA, New Mexico Certified Court
7 Reporter, do hereby certify that I reported the foregoing
8 virtual proceedings in stenographic shorthand and that the
9 foregoing pages are a true and correct transcript of those
10 proceedings to the best of my ability.

11 I FURTHER CERTIFY that I am neither employed by
12 nor related to any of the parties or attorneys in this case
13 and that I have no interest in the final disposition of this
14 case.

15 I FURTHER CERTIFY that the Virtual Proceeding was
16 of reasonable quality.

17 Dated this 16th day of December 2021.

18

/s/ Paul Baca

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Paul Baca
License Expires: 12-31-22

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