

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

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

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

**OCC Case No. 21744
OCD Case No. 21629
OCD Order No. R-21575
OCC Order No. R-21679
OCC Order No. R-21679-A
OCC Order No. R-21679-B
OCC Order No. R-21679-C**

**CIMAREX ENERGY CO.'S APPLICATION FOR REHEARING
OF THE DECISION IN ORDER NO. R-21679-C**

Cimarex Energy Co., and its affiliate Magnum Hunter Production Inc. (collectively “Cimarex”), respectfully submits their Application for Rehearing of the Decision in Order No. R-21679-C (“Application to Rehear”) pursuant to NMSA 1978 § 70-2-25(A) and 19.15.4.25 NMAC. In support thereof, Cimarex states the following:

I. History of Procedure and Facts:

1. On or about December 8, 2020, Colgate Operating, LLC (“Colgate”) filed an application in Case No. 21629 for compulsory pooling with the New Mexico Oil Conservation Division (“Division” or “OCD”) pooling a 320-acre horizontal spacing unit in the Bone Spring formation comprised of the N/2 N/2 of Section 3 and the N/2 N/2 of Section 2, Township 20 South, Range 29 East, NMPM, Eddy County, New Mexico. The OCD issued Order No. R-21575 in Case No. 21629 pooling the mineral interests.
2. On January 19, 2021, Cimarex entered an appearance in Case No. 21629.

3. On January 20, 2021, before Colgate had submitted its final exhibits in Case No. 21269, the Division issued Order No. R-21575, granting Colgate's application for compulsory pooling.

4. Colgate did not submit its final exhibits to complete its application until January 27, 2021, at which point its application was complete.

5. On February 17, 2021, Cimarex filed a timely Application for a Hearing *De Novo*.

6. On March 3, 2021, Colgate filed a motion requesting that the New Mexico Oil Conservation Commission ("Commission" or "OCC") dismiss Cimarex's Application for a *De Novo* Hearing.

7. On March 25, 2021, both parties made oral arguments on Cimarex's Application for a Hearing *De Novo* and on Colgate's Motion to Dismiss. The parties continued their oral arguments on the motions on April 15, 2021. At that hearing, the Commission voted to deny Colgate's motion to dismiss, grant Cimarex's request for a *de novo* hearing as well as Cimarex's request to stay the OCD's Order R-21575 that granted Colgate's application for compulsory pooling.

8. On April 30, 2021, the Commission issued a written Order denying Colgate's motion to dismiss. In its Order, the Commission held that Cimarex was a "party of record" in Case No. 21629 based on its finding that it had met all of the criteria under to NMSA 1978 §§70-2-13 and 70-2-25, Rule 19.15.4.10 and case law. *See* Order No. R-21679, § II, (k).

9. Concurrently, by Order No. R-21679-A, the Commission granted Cimarex's request for a stay of Colgate's Pooling Order No. R-21575. *See* also Transcript of the April 15, 2021, Hearing at 39:18-22 (stating its justification for the stay: "Chair Sandoval: I think the stay,

I think it's the right decision considering that we are granting a *de novo* appeal.") A copy of the pertinent pages of the April 15, 2021, Hearing is attached hereto as Ex. 1.

10. After the vesting of Cimarex's right to a *de novo* hearing on the merits, Cimarex informed the Commission on April 15, 2021, that it would be filing competing applications for the *de novo* hearing to allow the Commission to consider Cimarex's development plan to ensure that the Commission's pooling order for the subject lands would optimize production, minimize waste, and best protect correlative rights, as required by the Commission under the Oil and Gas Act ("Act").

11. Cimarex filed its applications on June 3, 2021, in Case Nos. 22018 and 22019. Relying on the Commission's policy for hearing competing applications in a *de novo* appeal, Cimarex incurred the not insignificant costs of serving notice to all interest owners by both letter and publication, which it accomplished in a timely manner. Copies of proof of notice in Case Nos. 22018 and 22019 are attached as Ex. 4.

12. The OCD continued the cases until the Commission determined the proper forum for hearing the applications as part of Cimarex's vested right to the *de novo* hearing. *See* Transcript on the OCD Hearing for Case Nos. 22018 and 22019, held on July 1, 2021, at 6:10-14. A copy of the Transcript of the July 1, 2021, Hearing is attached hereto as Ex. 2. *See also:* OCD emails approving the filing of the applications and pre-hearing statements, copies of which are attached hereto as Ex. 3.

13. On June 2, 2022, Cimarex filed a Motion to Invalidate and Vacate Colgate's Order No. R-21575 based on the argument that Colgate did not meet the good faith negotiation requirement that is a statutory predicate to filings an application for compulsory pooling. Colgate filed a motion defending its position.

14. After these motions were fully briefed, the Commission held a hearing on both motions on July 8, 2021. At that hearing, the Commission agreed to bifurcate the proceeding and scheduled a hearing date of September 16, 2021, for an evidentiary hearing on whether Colgate engaged in good faith negotiations with Cimarex before it filed its compulsory pooling applications. The Commission then set the *de novo* hearing on the merits of the competing applications, subject to the Commission's determination after the evidentiary hearing of the proper forum for the competing applications. *See* Transcript of the July 8, 2021, Hearing at 45. A copy of the pertinent pages of the July 8, 2021, Transcript are attached hereto as Ex. 5.

15. This bifurcation ensures that the procedural posture adopted by the Commission would be as secure as possible from a successful appeal. As the Commission counsel noted:

MR. MOANDER: So I wanted to just address some of the concerns here, because I think Mr. Savage brought up a good point, and that is it's – he was attempting to clarify whether the Commission sought to effectively rule that the merits hearing would encompass potentially two avenues of victory for his client, one of them being the attack on the underlying Order and invalidating it, and the other being the actual merits of the matter.

See Ex. 5 at 37:16-24 (July 8, 2021, Hearing Tr.), attached hereto.

16. On or about February 22, 2022, the Commission held the evidentiary hearing, and afterwards, the Commission ruled that Colgate satisfied good-faith negotiations. *See* Order No. R-21679, ¶¶ 102 and 103. The Commission made no rulings in the evidentiary hearing on Colgate's application in Case No. 21629 that decided the merits of whether the application prevented waste or protected correlative rights, neither on the basis of Colgate's application itself nor in relation to Cimarex's competing applications. Such rulings had been reserved for the hearing *de novo* on the merits.

17. At the post-evidentiary hearing status conference on April 14, 2021, the Commission Chair confirmed the procedural posture described herein of Case No. 21744 that had been adopted by the Commission:

COMMISSIONER BLOOM: Yeah. My understanding, in Paragraph 111 [of Order No. R-21679-C] we say that Cimarex's application in this matter for a hearing *de novo* before the OCC is denied....Related back to the question of whether proper Notice was given, but that this was a bifurcation of the case, and that there is still a *de novo* hearing potentially pending on the other side.

COMMISSION CHAIR SANDOVAL: Yes. So there's two pieces to this case. We bifurcated it back, six, eight months ago. So there was the case for the good faith Notice effort that we decided on, which is this Order, and then there's this additional *de novo* case. So there are two separate issues.

See Transcript of the April 14, 2022, Hearing at 13:22-23 and 14:1-6. Copies of the pertinent pages of this Transcript are attached hereto as Ex. 6.

18. This discussion regarding the bifurcation of the issues is consistent with how the Commission envisioned the procedural posture during the July 8, 2021, Hearing when Commissioner Bloom summed up the process with his conception that the *de novo* hearing on the merits should be held after any issues regarding misrepresentations and negotiations had been addressed:

Madam Chair, I think as I can see the *de novo* hearing, I would picture both parties making fresh presentations, essentially a fresh presentation of their best plans at that point, and we wouldn't be going back and looking at what Colgate presented in the previous OCD hearing.

Ex. 5 at 33:25 and 34:1-5.

19. At the April 14, 2022, status conference, the Commission directed the parties to submit motions, responses, and replies, to address any remaining matters prior to the scheduled *de novo* hearing, the motions to be submitted on May 5, 2022, with final replies on May 27, 2022. Ex. 6 at 14:15-19 (April 14 Hearing Tr.), attached hereto. However, after Cimarex

received Order No. R-21679-C by email on April 18, 2022, and reviewed Paragraph 111, Cimarex realized that Commissioner Ampomah was correct in being the first to point out the legal implications of Paragraph 111, that it purportedly nullified what Commission Chair Sandoval referred to as the second piece of the case, that being the “additional *de novo* case,” and, in effect, overturned the procedural posture adopted by the Commission to hold a *de novo* hearing on the merits after the evidentiary hearing. *Id. at* 13: 3-25 and 14:1-6, attached as Ex. 6. Based on the bifurcation, the *de novo* hearing on the merits would materialize if Colgate’s Order was found to be valid. Instead, Order No. R-21679-C, P 111, purports to terminate the present case and bar the Commission from hearing the second and most important part of the Case which was scheduled to be heard on the OCC’s June docket. *See* April 14, Hearing Tr., at 5:2-3.

20. On April 18, 2022, counsel for Cimarex sent an email to the OCC counsel, copying Colgate’s counsel, that sought a clarification of the Order, explaining that under Paragraph 111, the motions requested would not allow consideration for holding a *de novo* hearing on the merits as the second part of the Case, which was inconsistent with the bifurcation procedure that the Commission had established. *See* Email dated April 18, 2022, attached hereto as Ex. 7. Cimarex did not receive a response to the email.

21. Consequently, given the inherent contradiction between the bifurcation procedure established by the Commission in this case and Paragraph 111 that abrogates Cimarex’s legal right to a *de novo* hearing on the merits, Cimarex’s only option is filing this Application to Rehear.

II. As a party of record, Cimarex satisfied the application requirements for a *de novo* hearing which vested its right to a *de novo* hearing on the merits as a matter of fact and law.

22. Rule 19.15.4.23(A) and NMSA 1978 §70-2-13 state that when the Division enters an order pursuant to a hearing held, a “party of record” whom the order adversely affects “has the right to have the matter heard *de novo*” before the Commission, provided that the party files a written application within 30 days from the date the Division rendered the decision. Cimarex, as a party of record, satisfied the regulatory and statutory requirements which vested its legal right to a *de novo* hearing. The Commission acknowledged this legal right and granted Cimarex its *de novo* hearing on April 30, 2021. *See* Order No. R-21679, § II (l). Cimarex’s satisfying §70-2-13 and Rule 19.15.4.23, and the Commission’s denying Colgate’s Motion to Dismiss Cimarex’s application, requires the Commission to proceed with the *de novo* hearing on the merits and complete the second half of the case still pending.

23. In all *de novo* hearings before the Commission, the Commission presumes the Division has issued valid orders to be heard *de novo* upon timely application. A party does not have to prove that an order is invalid to exercise its legal right to a hearing *de novo* on the merits, and the evidentiary hearing was not designed to deny Cimarex’s legal right which had vested. The evidentiary hearing was designed to satisfy the first part of the case by addressing any existing prejudice against Colgate prior to the presentation of the competing applications in their proper forum, thereby, providing both parties with a forum that was fundamentally fair.

24. After the Commission ruled Cimarex to be a party of record, granted its *de novo* hearing, and denied Colgate’s Motion to Dismiss Cimarex’s Application, Colgate immediately raised the specter of appealing the Commission’s legitimate rulings, *see* Ex. 1 (April 15, 2021, Hearing Tr.) at 38:13-17, and made subsequent inferences during the proceedings. *See, i.e.,* Ex. 5 (July 8, 2021, Hearing Transcript) at 28:1-7. Cimarex took these comments seriously and made substantial efforts to propose a proper procedural pathway that accounted for all potential

contingencies to protect the integrity of the proceedings, addressing in good faith both Cimarex's and Colgate's interests in the proceedings so the Commission could issue a secure and valid final order at the conclusion of the bifurcated Case. Ex. 5 at 23:12-25 through 25:1-25.

25. In doing so, Cimarex made efforts to avoid the complicated *res judicata* issue should the Commission decide to remand the competing cases to the Division for hearing as the Commission did in Case Nos. 21277 and 21278. *See id.* By proposing a valid procedure forward, Cimarex even advocated in good faith that the "stain" and "tarnish" on Colgate from Order No. R-21575 should be addressed so that the Commission could have a clean and unclouded *de novo* hearing on the merits that would allow the Commission to focus on waste and correlative rights without additional concern. *Id.* at 23:12-24. In effect, Cimarex's efforts led to the adoption of a procedural posture for the Commission to hear the case *de novo* should the Commission find Colgate's Order to be valid, as it did, by bifurcating the evidentiary hearing from the final hearing *de novo* on the merits. If the evidentiary hearing found Colgate's order to be valid, the Commission would proceed with the *de novo* hearing before the Commission, and if Colgate's pooling order were found to be invalid, the competing applications could be heard by the Division as a fresh start for both parties. It was Cimarex's good-faith understanding that if the Division decided to hear the cases, only then would there be no need for a *de novo* hearing.

26. However, Paragraph 111 in Order No. R-21679-C appears to strip Cimarex of its legal right to a *de novo* hearing on the merits and terminates the Case. Cimarex submits that Order No. R-21679-C improperly classifies the evidentiary hearing, designed to address the first issue in the bifurcated case, as the final *de novo* hearing on the merits, thus improperly nullifying the most critical part of the proceedings that allows the Commission to complete its obligation to prevent waste and protect correlative rights. Left standing, Paragraph 111 arbitrarily and

capriciously denies Cimarex's right to a *de novo* hearing on the merits of the parties' competing applications.

27. Consequently, Cimarex respectfully requests that the Commission address this oversight by rehearing the legal implications of Paragraph 111 in Order No. R-21679-C and revising Paragraph 111 to restore the present case to the proper procedural posture agreed upon.

III. The Commission has an obligation to prevent waste and protect correlative rights pursuant to the Act by hearing the competing applications.

28. It was Cimarex's preference, after Colgate's Order was stayed, to have been granted the benefit of having the competing applications returned to the Division for a technical review and determination of the prevention of waste and protection of correlative rights. In OCC Case Nos. 21277 and 21278, the Commission had granted this benefit to Mewbourne Oil Company ("Mewbourne") and Apache Corp. ("Apache"), allowing their newly submitted applications to be heard by the Division, after the Commission stayed Order No. R-21258, a valid pooling order issued to Ascent Energy, LLC ("Ascent"). *See* Order No. R-21454-A. In those cases, Mewbourne and Apache had secured their legal right to challenge Ascent's valid order by timely filing their applications for a hearing *de novo*, which is the same procedural position that Cimarex inhabits in this case. However, the remand of Mewbourne's and Apache's applications to the OCD raised complicated issues of *res judicata* and collateral attack, which could have provided Colgate a basis for its potential appeal to district court if the Commission granted Cimarex the same unqualified benefit. Therefore, Cimarex made good-faith efforts to avoid any such controversy in the present case by proposing the cleaner procedural posture adopted by the Commission.

29. OCC Case Nos. 21277 and 21278 confirm OCC's requirement to hear newly filed competing applications in a *de novo* hearing. In these cases, the Commission and OCD

authorized Mewbourne to file two new competing applications directly challenging Ascent's valid pooling order when Mewbourne, as a party of record, had submitted no competing applications at the underlying hearing. In addition, the Commission authorized Mewbourne to submit two new applications, also not submitted at the underlying hearing, that challenged the development area at issue in the *de novo* proceeding, for a total of four new applications to be heard *de novo* in the proceedings that were not part of the underlying cases, as required by the the Commission to ensure that waste is prevented, and correlative rights protected. *See* OCC Order No. R-21454 (finding "that in order to prevent waste and protect correlative rights, it is in the best interest of the *public and the parties* that all of the related applications be heard in conjunction with one another, or be entirely consolidated for the purpose of hearing") (emphasis added).

30. Furthermore, in Case Nos. 21277 and 21278, the Commission authorized Apache, who lost at the underlying hearing, to submit three new competing applications, not previously submitted in the underlying hearing, to be heard *de novo* that challenged Ascent's valid pooling order. *See id.* (applications included to prevent waste and protect correlative rights).

31. Thus, it is clear from the Commission's established policy that the prevention of waste and protection of correlative rights are paramount and necessitate the hearing of competing applications when they have been submitted to and approved by the OCD. Cimarex's applications in Case Nos. 22018 and 22019 had been submitted and approved months prior in reliance on the Commission's stated policy.

32. At the April 14, 2022, status conference, Colgate claimed that there were no competing applications because "[w]e certainly haven't been Noticed on that." *See* Tr. dated April 14, 2022, 5:11-12 (emphasis added). Colgate further argued that "[t]he competing

application that was filed by Cimarex was withdrawn for lack of Notice. Our contention is going to be that the *de novo* hearing was simply based on the record before the Oil Division, therefore competing applications are not applicable simply because they were inappropriately filed...without Notice.” *Id.*

33. Cimarex finds Colgate’s line of argumentation puzzling given the facts of Case Nos. 22018-19. Here is what the record before the Oil Division shows: (1) Cimarex’s competing applications were filed with the OCD on June 3, 2021, and the filings were approved. *See* Ex. 3, attached hereto. (2) Letter Notice and Publication Notice for the applications were timely served. *See* Ex. 4, attached hereto. (3) Colgate received proper notice as evidenced by its timely entry of appearance in Case Nos. 22018-19 on June 21, 2021. *See* Ex. 8, attached hereto. (4) Colgate filed its Prehearing Statement on June 28, 2021, in which it acknowledged Cimarex’s applications in Case Nos. 22018-19 as competing applications before the Commission in *de novo* Case No. 21744, stating as follows:

“The Cimarex cases are competing cases with the Colgate Operating, LLC cases now before the Oil Conservation Commission in Case 21744 in a *de novo* proceeding. In that case the Commission stayed Order R-21575 which was issued in Case 21629 by the Division. Presently, the parties are on a motions schedule imposed by the Commission before a *de novo* hearing set by the Commission for September 16, 2021. Both Colgate and Cimarex have filed dispositive motions which affect these cases.” *See* Ex. 9, attached hereto.

At the OCD hearing on July 1, 2021, to determine the posture of Case Nos. 22018-19, Colgate stated: “I think that the competing applications should be heard between – before the Commission. That was my understanding of where we were going.” Ex. 2 at 5:8-12 (Tr. Case Nos. 22018-19, July 1, 2021) attached hereto. EOG Resources, Inc., in these cases did not object or request that the cases be dismissed but entered an appearance to preserve its rights. *Id.* at 6:7-9, attached as Ex. 2. In the end, the OCD ruled that it “will continue [Case Nos. 22018-19]

indefinitely in hopes that the Commission gives us clear direction as to how to handle this matter.” *Id.* at 6:10-14, attached as Ex. 2

34. Thus, both the OCD and Colgate have acknowledged that they are waiting for a decision by the Commission to determine the forum in which the competing applications should be heard to prevent waste and protect correlative rights. The evidentiary hearing, as a procedural event, was designed and adopted by the Commission to make this determination. Since Colgate’s Order was determined to be valid, the procedural scheme in place should require that the competing applications be heard at the Commission, where all valid orders are heard *de novo* by legal right when a party of record adversely affected by an order has timely applied for a hearing *de novo* pursuant to §70-2-13 and Rule 19.15.4.23.

35. The basis of the policy established in the Commission’s prior cases, such as Case Nos. 21277 and 21278 that confirm its obligation to hear competing applications at a *de novo* hearing, is the Commission’s interpretation of its broad authority under the Act to do whatever is reasonably necessary to carry out the purpose of the Act, the primary purpose being to prevent waste and protect correlative rights. *See* §§ 70-2-6 and 70-2-11; *see also* Cont’l Oil Co. v. OCC, 1962-NMSC-062, ¶ 11, 70 N.M. 310 (concluding that “the prevention of waste is the paramount power [of the Commission]....”) It is clear from established policy that the prevention of waste and protection of correlative rights is paramount to the proceedings before the Commission and takes precedence over any risk to the security of a valid order issued by the OCD until the OCD and Commission have had the opportunity to complete their two-tiered review of all applications submitted by the parties and until the Commission makes its final decision in a hearing on the merits regarding waste and correlative rights. In the present case, under the terms of Order No. R-21679, ¶ 111, the Commission is now barred from completing its review of the remaining

issues of waste and correlative rights, which were specifically bifurcated and reserved for the second part of the Case.

36. In Case Nos. 22018 and 22019, Cimarex has proposed a 3-mile development plan for its Crest wells that promises superior production, prevention of waste and protection of correlative rights compared to Colgate's 2-mile development plan for its Meridian well. After Cimarex's application for a *de novo* hearing had been granted, and after the proper forum for hearing the competing applications had been determined, the Commission should complete its obligations to prevent waste and protect correlative rights, the primary purpose of the Act and mission of the OCC, by holding a hearing *de novo* on the merits. Under the Act, a *de novo* hearing on the merits would consist of comparing the merits of Cimarex's development plan to prevent waste and protect correlative rights to the merits of Colgate's development plan to prevent waste and protect correlative rights.

37. In a *de novo* hearing on the merits that reviews an applicant's ability to prevent waste and protect correlative rights, the Commission considers the following factors: (1) a comparison of geologic evidence presented by each party as it relates to the potential of each proposed prospect to efficiently recover the oil and gas reserves underlying the property; (2) a comparison of the risks associated with the parties' respective proposal for the exploration and development of property [not only the risk of waste but all risk including environmental risk]; (3) the ability of each party to prudently operate the property and, thereby, prevent waste; (4) a comparison of the differences in AFEs and operational costs; (5) An evaluation of the mineral interest ownership held by each party [which informs the amount of financial responsibility and obligation the applicants will commit to their plans]; and (6) a comparison of the applicants'

ability to timely locate well sites and operate the surface. *See, i.e.*, OCC Order No. R-20223, ¶ 28; *see also* OCC Order No. R-21416-A, ¶ 9.

38. At the evidentiary hearing, the Commission did not consider factors (1) through (6) for preventing waste, protecting correlative rights, and addressing potential risk of operations, and therefore, the hearing did not constitute, nor was it designed to constitute, the *de novo* hearing on the merits to which Cimarex has a legal right. Thus, the assertion in Order No. R-21679-C that the evidentiary hearing was a hearing on the merits is misplaced. *See* Order No. R-21679-C, ¶ 9 (improperly asserting that the evidentiary hearing was the final hearing on the merits, thus, mis-construing the purpose of a *de novo* hearing on the merits pursuant to the Act). The core factors that determine whether the merits of an applicant's plan prevent waste and protect correlative rights are separate and more encompassing than the single factor reviewed at the evidentiary hearing to rule on Colgate's good-faith negotiations.

39. Therefore, Cimarex respectfully requests that the Commission complete its obligation to review the competing applications on the merits in the second stage of proceedings.

IV. Additional considerations that necessitate rehearing of the record from the evidentiary hearing:

40. Because Cimarex timely filed its application for its *de novo* hearing, Cimarex's right to the *de novo* hearing vested as a matter of fact and law pursuant to §70-2-13; therefore, the language of Paragraph 111 in Order No. R-21679-C is void under the Act. Furthermore, Mr. Moander's review of Cimarex's prior application to re-open the case as a basis for canceling the *de novo* hearing on the merits is misplaced. *See* Ex. 5 at 38:23-25 and 39:1-7 (July 8, 2021, Hearing Tr.) attached hereto. The Application to Reopen was denied by the OCD, and therefore, it is inapplicable in the proceedings before the OCC for purposes of denying Cimarex's application for a *de novo* hearing on the merits after it was duly granted. The vesting by statute

of Cimarex's right to a *de novo* hearing on the merits upon the timely filing of its application supersedes and bars any consideration, at this stage of the proceedings, that Cimarex's application for *de novo* hearing could be denied after the evidentiary hearing but before the completion of the Case.

41. Case No. 21744 has provided important precedent and tools for the Commission and Division to address more fully issues of prevention of waste and protection of correlative rights. The Act does not provide a definition of "party of record," and the Commission pursuant to the present Case has had the opportunity to define the scope of what constitutes a "party of record," thereby establishing its authority to determine who may rightly be a party of record in proceedings before the OCD and Commission, particularly, in those circumstances when the Commission needs a mechanism to review serious questions or concerns that may arise in future cases.¹ Cimarex's efforts have provided this procedural roadmap, giving the Commission broader authority for making such determinations to ensure the prevention of waste and protection of correlative rights to the full extent available under the Act.

42. Cimarex has done everything in its powers to maintain the accuracy and integrity of these proceedings and candor to the Commission. Cimarex has made substantive efforts to provide the Commission with vital procedural input and analysis that has facilitated the Commission's ability to navigate the complex issues in the present case. Cimarex has advocated, at all times, for high standards under the Act and its rules for promoting substantive negotiations as parties attempt to craft complex agreements according to the letter and spirit of the Act, and

¹ The Division has already made use of the policies established by Case No. 21744 to allow a party who entered an appearance after the original hearing to be deemed a "party of record" and propose competing applications for the prevention of waste and protection of correlative rights. *See* Order on Motion to Reopen in Case Nos. 22191-02 and 22257-58, ¶¶ 3-10, for discussion referencing the present case.

Cimarex's witnesses have maintained their professional decorum before the Commission, responding at all times to questions from parties with utmost candor.

43. In the Procedural Matters' section of its Prehearing Statement, the administrative equivalent of a pre-trial brief, Cimarex raised a rebuttable presumption, requesting that the Commission recognize a presumption in favor of Cimarex, that Colgate did not negotiate in good faith, based on the Commission's legal conclusions in prior Order No. R-21679. Presumptions are allowed under Rule 11-301, and the "[C]ommission may use such rules as guidance in conducting adjudicatory hearings." 19.15.4.17(A) NMAC; *see also Chapman v. Valera*, 2009-NMSC-041, ¶12, 146 N.M. 680, 213 P.3d 1109 (noting that for "sufficiency of the evidence review on appeal, under Rule 11-301, a presumption once raised in both jury and non-jury trials continues to have evidentiary force, regardless of the contradictory evidence presented by the party against whom it is employed"). Counsel for the OCC advised the Commission that "when it renders its final decision[,] to address the rebuttable presumption," and the Commission adopted that advice as a ruling. Ex. 10 at 13:16-25 (February 22, 2022, Hearing Tr.), attached hereto. As a result, Cimarex anticipated a ruling on the presumption at the conclusion of the evidentiary hearing, which was never forthcoming, an oversight that may have affected the outcome of the evidentiary hearing. *See* February 22, 2022, Hearing Tr., Pages 180-202 (concluding the evidentiary hearing without ruling on the presumption raised by Cimarex).

44. The Commission received and reviewed new evidence in Cimarex's Response to Colgate's Motion to Dismiss Cimarex's Application, which consisted of the single email exchange between the parties. *See* Order No. R-21679, § II, (e) and (f) (finding that Cimarex did provide new evidence to qualify as a party of record). In fact, the review of the email exchange raised such serious concern that Colgate failed to make attempts to obtain voluntary agreement

pursuant to 19.15.4.12(A)(1)(b)(vi) NMAC, that the Commission found “Cimarex’s accusations of material misrepresentations by Colgate to be not only *compelling* but also concerning given that misrepresentations in pleadings undermine both the administrative and judicial legal systems, specifically as to the integrity of any particular case.”) *Id.* at ¶ II, (i) (emphasis added). Further, the Commission found that “Cimarex supported its misrepresentation allegation with documentary evidence,” that being primarily the email exchange. *Id.*

45. Black’s Law Dictionary defines “compelling” as “convincing.” *See* Black’s Law Dictionary, 7th Ed. (“*compel*, vb....2. (Of a legislative mandate or *judicial precedent*) to convince (a court) that there is *only one possible resolution* of a legal dispute.”) (emphasis added). Therefore, under the standard by which it first reviewed the content of the email exchange, the Commission presumably was convinced that Colgate’s conduct likely did not conform to regulatory and statutory requirements, establishing, as a threshold matter, Cimarex as a party of record and vesting its legal right to a *de novo* hearing on the merits. *See* Order No. R-21679, §II (l) (“the Commission finds, that Cimarex for exclusive purposes of its Application *de novo*, is a party-of-record as a matter of fact and law.”)

46. Once a *de novo* hearing on the merits has been granted, the focus of the Commission under the Act shifts to the prevention of waste and protection of correlative rights as the primary consideration, which the Commission has yet to adjudicate in these proceedings. *See* §§70-2-6 and 70-2-11; *see also* *Cont’l Oil Co. v. OCC*, 1962-NMSC-062, ¶ 11, 70 N.M. 310 (confirming that “[t]he commission has jurisdiction over matters related to the conservation of oil and gas in New Mexico, but *the basis of its power is founded on the duty to prevent waste and to protect correlative rights.*”) (emphasis added). In effect, Cimarex’s legal right to a *de novo* hearing vested, invoking the Commission’s duty to prevent waste and protect correlative rights

through a *de novo* review of the competing development plans, because Colgate failed to make prima facie showing that it negotiated in good faith and had not made material misrepresentations that undermined the adjudicatory process.

47. Depending on the standard for good-faith negotiations adopted at the conclusion of the evidentiary hearing, the Commission's decision could have favored either Cimarex or Colgate during its second review of the email exchange as the primary focus. Cimarex advocated for the standard of review at the evidentiary hearing that formed the basis of its request for a rebuttable presumption. Cimarex argued that the language of Rule 19.15.4.12 required a higher standard to satisfy good-faith negotiations than that proposed by Colgate, requiring the applicant, Colgate, to have made clear, affirmative attempts "to gain voluntary agreement." *See, i.e.,* Ex. 10 at 5:11-25 and 6:1-5 (February 22, 2022, Hearing Tr.) attached hereto (Cimarex's opening statement proposing that the Division's rules require an applicant to make affirmative attempts to gain voluntary agreement).

48. As the record shows, Cimarex receives numerous well proposals, many of which are not serious but sent to induce a trade. Ex. 10 at 33:2-5 (February 22, 2022, Hearing Tr.), attached hereto. In this case, Cimarex did not believe that a well proposal without a JOA should constitute a serious attempt at negotiations and that a generic two-sentence response to an email initiated by Cimarex should not constitute an attempt at the kind of negotiations required under the Rules and Act to assess the merits of complex oil and gas agreement that impact waste, correlative rights, and liabilities that would be incurred from botched operations or harm to the environment and public health. *See, i.e., id.* at 46:2-5 (Cimarex determining that Colgate's well proposal "was mostly not a serious proposal because it didn't contain a JOA, didn't define the contract area, and there was no real follow-up to the emails that had been exchanged).

49. Colgate itself admitted that it did not make any such affirmative attempts in the single email exchange. *See* Ex. 11 at 121:4-22 and 122:19-22 (March 10, 2022, Hearing Tr.), attached hereto (Colgate recognized that the first sentence of its email response was descriptive, which did not directly seek to obtain a voluntary agreement, and when asked if there is “any attempt in your second sentence to ask or request Cimarex to enter an agreement for the [N/2 N/2] unit to be pooled,” Colgate said: “It does not appear that way.”) Colgate further admitted that it is not uncommon for working interest owners to not take a well proposal seriously until they become aware that the proposal will go to a pooling hearing. *See* Ex. 10 at 84:14-16 (February 22, 2022, Hearing Tr.) attached hereto. Under the facts, Cimarex -- regardless of any fault for missing the notice letter on Christmas Eve under Covid lockdown conditions during which staff were confined to their homes and away from their office -- was not aware of the pooling hearing. *See* Ex. 10 at 35:6-17 (February 22, 2022, Hearing Tr.) attached hereto (describing the chaotic and difficult conditions under which Cimarex received the letter notice). Had clear, affirmative attempts been made by Colgate to obtain a voluntary agreement, Cimarex would have been made aware by the email exchange that Colgate was serious about its well proposal despite misplacing the notice letter.

50. However, the Commission did not adopt the standard for negotiations proposed by Cimarex but concluded that the well proposal without a JOA combined with the single email exchange constitutes a proper standard for good-faith negotiations when parties attempt to assess the merits of complex oil and gas agreements that have significant ramifications for both the parties and the public. *See* Order No. R-21679-C, ¶103. In doing so, the Commission only addressed whether Colgate’s pooling order was valid or invalid based on good-faith negotiations, and therefore, whether the competing applications should be heard at the Division or the

Commission. The Commission's findings and conclusions confirm that the competing applications should be heard by the Commission to prevent waste and protect correlative rights, and §70-2-13 vested Cimarex with the right to challenge Colgate's valid Order in a hearing *de novo* before the Commission, same as any other challenge to a valid order in a *de novo* hearing granted as a right by statute.

V. Conclusion:

At the April 14, 2022, status conference, the Commissioners and Commission Chair raised critical issues concerning Paragraph 111 in Order No. R-21679-C as drafted. In effect the Order purports to terminate the Case, requiring Cimarex to file, in lieu of the motion requested, this Application to Rehear in order to provide the OCC an overview of the proceedings with respect to the Order's legal implications. Pursuant to 19.15.4.25 NMAC, the "Commission shall grant or refuse the application in whole or in part within 10 business days after the party files it." Based on the 10-day deadline, the Commission would need to grant the Application to Rehear prior to the May 27, 2022, deadline for submission of the final pleadings to preserve the issues it raised at the April 14, 2022, status conference if they are to be considered further at the motion hearing. The nature of the Commission's comments at the status conference indicated an intent to preserve the issues for further consideration. Given the seriousness of the Order, Cimarex respectfully requests that the Commission grant Cimarex's Application for Rehearing of the Decision in Order No. R-21679-C to address these issues and restore to Cimarex its legal rights, allowing the Commission to proceed with the second part of the case, the *de novo* hearing on the merits, as planned.

Respectfully Submitted,

ABADIE & SCHILL, PC

/s/ Darin C. Savage

Darin C. Savage

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**Attorneys for Cimarex Energy Co., and
Magnum Hunter Production, Inc., an affiliate of
Cimarex Energy Co.**

Application of Cimarex Energy Co. and affiliate Magnum Hunter Production, Inc., for Rehearing of the Decision in Order No. R-21679-C in De Novo Case No. 21744.

Applicant: Applicant Cimarex Energy Co., and its affiliate Magnum Hunter Production, Inc., (collectively “Cimarex”) requests a Rehearing of the Decision in Order No. R-21679-C in De Novo Case No. 21744 to address issues raised in the April 14, 2022, status conference held before the New Mexico Oil Conservation Commission.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed with the New Mexico Oil Conservation Commission and was served on counsel of record, via electronic mail on May 3, 2022:

Ernest L. Padilla
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Santa Fe, NM 87504
Telephone: (505) 988-7577
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*Attorney for Colgate Operating, LLC
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Attorneys for EOG Resources, Inc.

/s/ Darin C. Savage

Darin C. Savage

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

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

CASE NOS: 21744, 21629

APPLICATION OF CIMAREX ENERGY COMPANY
FOR HEARING DE NOVO OF CASE 21629,
EDDY COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS
Agenda Item 5
April 15, 2021
Via Webex Platform
Santa Fe, New Mexico

BEFORE: ADRIENNE SANDOVAL, CHAIRWOMAN
GREG BLOOM, COMMISSIONER
CHRIS MOANDER, ESQ.

This matter came on for hearing before the New Mexico Oil Conservation Commission on April 15, 2021, via Webex Virtual Platform, hosted by New Mexico Energy, Minerals, and Natural Resources Department.

Reported by: Irene Delgado, NMCCR 253
PAUL BACA PROFESSIONAL COURT REPORTERS
500 Fourth Street, NW, Suite 105
Albuquerque, NM 87102
505-843-9241

1 point. I would recommend soliciting the parties for
2 anything beyond their motion because I think the motion
3 response and reply were pretty straightforward. There isn't
4 a lot of complexity in any of those, at least from my
5 perspective.

6 I would solicit getting brief comments the
7 parties might have about the motion for a stay before
8 rendering a ruling and/or rendering a final decision.

9 CHAIR SANDOVAL: Okay. Mr. Padilla, given the
10 motion that Commission just made to grant Cimarex their de
11 novo application, do you have any comments on Cimarex's
12 request to stay the Division's compulsory pooling order?

13 MR. PADILLA: Well, I don't know what my client
14 wants or Colgate wants to do once an order is issued,
15 whether they want to ask me to do a motion for a rehearing
16 that I have to necessarily do if they want to proceed to the
17 district court.

18 I think it's fairly clear that if you -- and I
19 am not going to argue any more, you have made your ruling.
20 On the motion to stay, I just defer that to the Commission
21 because I know that Colgate is already moving down the line.

22 It's already sent well proposals under the order,
23 and I don't know where they are in terms of actually
24 preparing drilling, but theoretically that order is still
25 valid unless you stay it.

1 CHAIR SANDOVAL: Thank you, Mr. Padilla.

2 Mr. Savage, do you have any comments?

3 MR. SAVAGE: Just briefly. I mean, there is
4 mention that the order -- acknowledgement the order
5 shouldn't have been issued under the circumstances. I think
6 there is a risk here without the stay to act upon a
7 questionable order.

8 Commissioner Bloom brought up the question of
9 waste and correlative rights. There is still outstanding --
10 to me it's a safe route to, to exercise a precaution to
11 avoid any, you know, decisions that would undermine any
12 issues at issue right now.

13 CHAIR SANDOVAL: Thank you. I don't have any
14 questions. Commissioner Bloom, do you have any questions?

15 COMMISSIONER BLOOM: No questions. I just think
16 the stay pass should be (unclear) which would make our
17 previous votes meaningless.

18 CHAIR SANDOVAL: I think the stay, I think it's
19 the right decision considering that we are granting a de
20 novo appeal. It doesn't makes sense to me to allow the
21 Division order to stand, so I think having a stay is the
22 natural decision. Should we remake that motion?

23 COMMISSIONER BLOOM: Yes, Madam Chair. I would
24 like to move to grant the motion for a stay in this case.

25 CHAIR SANDOVAL: I second that. Mr. Moander,

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 Cimarex Energy Co.
for a Horizontal Spacing Unit and
Compulsory Pooling,
Eddy County, New Mexico Case Nos. 22018, 22019

Application of Colgate
Operating, LLC for Compulsory
Pooling, Eddy County, New Mexico Case No. 21629

REPORTER'S TRANSCRIPT OF PROCEEDINGS

STATUS CONFERENCE

JULY 1, 2021

This matter came on for hearing before the New Mexico Oil Conservation Division, William Brancard, Esq. Hearing Examiner, and John Garcia, Technical Examiner, on July 1, 2021, via the Webex Virtual Conferencing Platform hosted by the New Mexico Department of Energy, Minerals and Natural Resources.

Reported by: Mary Therese Macfarlane
New Mexico CCR #122
PAUL BACA COURT REPORTERS
500 Fourth Street NW, Suite 105
Albuquerque, New Mexico 87187
(505) 843-9241

A P P E A R A N C E S

FOR CIMAREX ENERGY COMPANY:

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FOR COLGATE OPERATING, LLC:

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(505) 988.7577
padillalawnm.outlook.com.

FOR EOG RESOURCES:

Kaitlyn A. Luck, Esq.
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kaluck@hollandhart.com.

C O N T E N T S

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1 week. If the Commission decides, I hope not, to send it
2 back to the Division, you-all could file hopefully some
3 sort of motion requesting a particular hearing date. And
4 As I mentioned, we're looking at, you know, October now,
5 so...

6 MR. SAVAGE: Right.

7 EXAMINER BRANCARD: Mr. Padilla, any concerns?

8 MR. PADILLA: I agree with you, Mr. Examiner, I
9 don't think that this case should go back to the Division
10 at all. I think that the competing applications should be
11 heard between -- before the Commission. That was my
12 understanding of where we were going.

13 Now, there's Motions to Dismiss by both
14 parties for different reasons, but you're correct, there
15 is already a September hearing to hear these cases in the
16 event that the dispositive motions are not approved. So I
17 think it makes sense that they all proceed to the
18 Commission level and be heard there, and not bifurcate
19 these cases between the Division and the Commission.

20 So that's my take on it, but I think a lot
21 can be resolved next week since we have hearings on the
22 respective motions that have been filed by both sides.

23 But, again, I think that this application
24 should be heard by the Commission at this point, because
25 we are in a de novo situation with the Commission, so that

1 would be heard there.

2 EXAMINER BRANCARD: Correct. You would have to
3 start all over anyway before the Commission.

4 MR. PADILLA: Yeah.

5 EXAMINER BRANCARD: Ms. Luck, any comments,
6 concerns?

7 MS. LUCK: No additional comments. EOG has
8 entered an appearance to preserve its rights in this case.
9 That is the only position it's taking at this point.

10 EXAMINER BRANCARD: Okay. We will -- I don't
11 know what we will do. We will continue this indefinitely
12 in hopes that the Commission gives us clear direction as
13 to how to handle this matter. So we will leave this next
14 week in the Commission hearing.

15 MR. SAVAGE: Thank you.

16 (Time noted 9:34 a.m.)

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From: <OCDOnline@state.nm.us>
Subject: The Oil Conservation Division (OCD) has approved the application,
Application ID: 30235
Date: June 3, 2021 at 1:29:15 PM MDT
To: <darin@abadieschill.com>

To whom it may concern (c/o Darin Savage),

The OCD has approved the submitted *Application for an administrative hearing, re-hearing or de novo hearing before the division or commission*

The case number is 22018 and the hearing date has provisionally been set for Thursday, July 1, 2021.

The Application for an administrative hearing, re-hearing or de novo hearing before the division or commission can be found in the OCD Online: Imaging under the case number (#).

If you have any questions regarding this application, please contact me.

Thank you,
Marlene Salvidrez
marlene.salvidrez@state.nm.us

New Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

EXHIBIT

3

From: <OCDOnline@state.nm.us>
Subject: The Oil Conservation Division (OCD) has approved the application,
Application ID: 30245
Date: June 3, 2021 at 1:32:42 PM MDT
To: <darin@abadieschill.com>

To whom it may concern (c/o Darin Savage),

The OCD has approved the submitted *Application for an administrative hearing, re-hearing or de novo hearing before the division or commission*

The case number is 22019 and the hearing date has provisionally been set for Thursday, July 1, 2021.

The Application for an administrative hearing, re-hearing or de novo hearing before the division or commission can be found in the OCD Online: Imaging under the case number (#).

If you have any questions regarding this application, please contact me.

Thank you,
Marlene Salvidrez
marlene.salvidrez@state.nm.us

New Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

From: <OCDOnline@state.nm.us>

Subject: The Oil Conservation Division (OCD) has approved the application,
Application ID: 33504

Date: June 24, 2021 at 9:28:52 AM MDT

To: <darin@abadieschill.com>

To whom it may concern (c/o Darin Savage for CIMAREX ENERGY CO. OF
COLORADO),

The OCD has approved the submitted *Prehearing Statement* for:

- Case: Horizontal Spacing and Proration Unit and Compulsory Pooling,
Crest 2-1-6 State Fed Com 2H [22018]
- Party: CIMAREX ENERGY CO. OF COLORADO
- Representing Law Firm: Abadie & Schill, PC
- Representing Attorney: Darin Savage
- Witnesses: 4
- Total Testimony Time: 120

The Prehearing Statement can be found in the OCD Online: Imaging under the
case number (#).

If you have any questions regarding this application, please contact me.

Thank you,
Marlene Salvidrez
marlene.salvidrez@state.nm.us

New Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

From: <OCDOOnline@state.nm.us>
Subject: The Oil Conservation Division (OCD) has approved the application,
Application ID: 33505
Date: June 24, 2021 at 9:29:41 AM MDT
To: <darin@abadieschill.com>

To whom it may concern (c/o Darin Savage for CIMAREX ENERGY CO. OF COLORADO),

The OCD has approved the submitted *Prehearing Statement* for:

- Case: Compulsory pooling, Crest 2-1-6 State Fed Com 1H [22019]
- Party: CIMAREX ENERGY CO. OF COLORADO
- Representing Law Firm: Abadie & Schill, PC
- Representing Attorney: Darin Savage
- Witnesses: 4
- Total Testimony Time: 120

The Prehearing Statement can be found in the OCD Online: Imaging under the case number (#).

If you have any questions regarding this application, please contact me.

Thank you,
Marlene Salvidrez
marlene.salvidrez@state.nm.us

New Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

Mailing Report

Interest	Owner	Address	CITY	State	ZIP	USPS #		Date Mailed	Status	Date Delivered	Green Card Returned?
WI	Cimarex Energy Co./Magnum Hunter Production, Inc.	600 N. Marienfeld St., Ste. 600	Midland	TX	79701	70200640000212348803	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	EOG Resources, Inc.	5505 Champions Dr.	Midland	TX	79706	70200640000212348834	Certified Mail	6.10.21	Delivered	6/15/21	YES
WI	OXY Y-1 Company	5 Greenway Plaza, Suite 110	Houston	TX	77045	70200640000212348636	Certified Mail	6.10.21	Delivered	6/16/21	YES
WI	David Petroleum Corporation	116 West First Street	Roswell	NM	88203	70200640000212348827	Certified Mail	6.10.21	Delivered per USPS.com	6/14/21	NO
WI	Slash Exploration Limited Partnership	P.O. Box 1973	Roswell	NM	88202	70200640000212348742	Certified Mail	6.10.21	Delivered	6/16/21	YES
WI	Breckenridge Partnership, Ltd.	500 N. Main Street, Ste. 1000	Roswell	NM	88201	70200640000212348360	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Edsel B. Neff, Jr.	403 Tierra Berrenda	Roswell	NM	88201	70200640000212348346	Certified Mail	6.10.21	Delivered	6/14/21	YES
ORRI	Thomas R. Nicholoff	P.O. Box 392	Roswell	NM	88202	70200640000212348476	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	Cantera Resources Partners, Ltd.	100 Crescent Court, Suite 1800	Dallas	TX	75201	70200640000212348810	Certified Mail	6.10.21	Delivered	6/17/21	YES
WI	Ann E. Creamer, Trustee of the Dean Family Trust Established Under the Will of Hal Stone Dean, Deceased	205 Boyd Avenue	Midland	TX	79705	70200640000212348841	Certified Mail	6.10.21	Delivered	N/A	YES; Unsigned
WI	Isramco Energy, LLC	1001 West Loop South #750	Houston	TX	77027	70200640000212348858	Certified Mail	6.10.21	Delivered	6/16/21	YES
WI	WPX Energy Permian, LLC <i>now Devon</i>	3500 One Williams Center	Tulsa	OK	74122	70200640000212348711	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	Bivins Energy Corporation	4925 Greenville Avenue #814	Dallas	TX	75206	70200640000212348797	Certified Mail	6.10.21	Delivered per USPS.com	6/17/21	NO
WI	Stroube Energy Corporation	4925 Greenville Avenue #915	Dallas	TX	75206	70200640000212348629	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	Glenrock Capital, LLC	208 N. Market Street, Suite 200	Dallas	TX	75202	70200640000212348865	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Spence Ranch, LLC	4736 East Highway 190	Eldorado	TX	76936	70200640000212348315	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Cal Farley's Boys Ranch	600 SW 11th Avenue	Amarillo	TX	79101	70200640000212348384	Certified Mail	6.10.21	Delivered per USPS.com	6/14/21	NO
ORRI	Gates Properties, Ltd.	P.O. Box 81119	Midland	TX	79708	70200640000212348377	Certified Mail	6.10.21	Delivered	6/15/21	YES
ORRI	Margaret Jean Gates	706 West Grand	Artesia	NM	88210	70200640000212348513	Certified Mail	6.10.21	Delivered	6/16/21	YES
ORRI	John Andrew Gates	5280 Bainbridge Drive	Boise	ID	83703	70200640000212348506	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Debra L. Gates, Trustee of the Isaiah L. Gates Trust U/T/A dated October 16, 1997	2531 9th Avenue	Twin Falls	ID	83301	70200640000212348322	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Debra L. Gates, Trustee of the Testamentary Trust FBO Amanda Jean Gates UWO James Rex Gates	2531 9th Avenue	Twin Falls	ID	83301	70200640000212348537	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	John McLendon Nail Revocable Trust, Doris King, Trustee	1520 Mesquite St.	Wichita Falls	TX	76302	70200640000212348339	Certified Mail	6.10.21	Delivered	6/15/21	YES
ORRI	First National Bank, Artesia, Trustee of the Rex and Florence Wheatley Trust U/T/A dated July 23, 1979, Agent for Sarah E. Wheatley, Trustee of the Wheatley Family Trust U/T/A dated February 12, 1990	2001 West Main Street	Artesia	NM	88210	70200640000212348421	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	CRM 2018, LP	P.O. Box 51933	Midland	TX	79710	70200640000212348520	Certified Mail	6.10.21	Delivered	6/15/21	YES
ORRI	First National Bank, Artesia, Trustee of the Rex and Florence Wheatley Trust U/T/A dated July 23, 1979, Agent for the heirs or devisees of Joanne E. Kanner, who apparently is Abbe Kanner	2001 West Main Street	Artesia	NM	88210	70200640000212348452	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	First National Bank, Artesia, Trustee of the Rex and Florence Wheatley Trust U/T/A dated July 23, 1979, Agent for Claire Jean Carter, Trustee of the Claire Jean Carter Trust U/T/A dated December 20, 1983	2001 West Main Street	Artesia	NM	88210	70200640000212348469	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	First National Bank, Artesia, Trustee of the Rex and Florence Wheatley Trust U/T/A dated July 23, 1979, Agent for Richard W. Bentwood and Jean T. Bentwood, Co-Trustees of the Bentwood Revocable Living Trust U/T/A dated September 10, 1996	2001 West Main Street	Artesia	NM	88210	70200640000212348445	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	First National Bank, Artesia, Trustee of the Rex and Florence Wheatley Trust U/T/A dated July 23, 1979, Agent for Dr. John N. Bentwood	2001 West Main Street	Artesia	NM	88210	70200640000212348438	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	First National Bank, Artesia, Trustee of the Rex and Florence Wheatley Trust U/T/A dated July 23, 1979, Agent for Barbara Bentwood McCahan	2001 West Main Street	Artesia	NM	88210	70200640000212348483	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Michele J. Gresett	4958 Mill Run Rd.	Dallas	TX	75244	70200640000212348575	Certified Mail	6.10.21	Delivered	N/A	YES; Unsigned
ORRI	Stipp Family, LP	P.O. Box 2613	Midland	TX	79702	70200640000212348551	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Caddo Minerals, Inc.	2714 Bee Cave Rd #202	Austin	TX	78746	70200640000212348544	Certified Mail	6.10.21	Delivered per USPS.com	6/14/21	NO
WI	Colgate Production, LLC	300 N Marienfeld St, Suite 1000	Midland	TX	79701	70200640000212348919	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Marshall & Winston, Inc.	P.O. Box 50880	Midland	TX	79710	70200909000034200359	Certified Mail	6.10.21	Delivered	6/15/21	YES
WI	Challenger Crude, Ltd.	3525 Andrews Highway	Midland	TX	79703	70210350000153171330	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Tierra Media Resources, LP	P.O. Box 9758	Midland	TX	79708	70210350000153171279	Certified Mail	6.10.21	Delivered	6/15/21	YES
WI	Jerlyn Investments, LLC	1607 Country Club Drive	Midland	TX	79701	70210350000153171248	Certified Mail	6.10.21	Delivered	N/A	YES
WI	Joe R. Henderson	4473 Hackberry Ct	Midland	TX	79707	70200909000034200342	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	YES
WI	Jeanne R. Hendrick <i>[Possible successor to Joe R. Hemerson]</i>	1215 Bomar Street	Houston	TX	77006	70210350000153171293	Certified Mail	6.10.21	Delivered	6/16/21	YES
WI	H-S Minerals and Realty, Ltd.	P.O. Box 27284	Austin	TX	78755	70200640000212348230	Certified Mail	6.10.21	Delivered	6/21/21	YES
WI	Hill Investments, Ltd.	P.O. Box 27284	Austin	TX	78755	70200640000212348896	Certified Mail	6.10.21	Delivered	6/21/21	YES
WI	Hill Revocable Trusts <i>No Trustee(s) Named</i>	3343 Locke Ave #103	Fort Worth	TX	76107	70200640000212348902	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	MSWRT Michael Scott Waltrip, Trustee <i>[Possible successor to Hill Revocable Trusts]</i>	550 Bailey Avenue, Suite 302	Fort Worth	TX	76107	70200640000212348650	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO

EXHIBIT

4

WI	MLH Trust Properties Margery Linn Hanna, Trustee [Possible successor to Hill Revocable Trusts]	550 Bailey Avenue, Suite 302	Fort Worth	TX	76107	70200090000034200311	Certified Mail	6.10.21	RETURNED UNDELIVERABLE		
WI	Waltrip Energy, LLC	3343 Locke Ave #103	Fort Worth	TX	76107	70200640000212348704	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	Gasco Energy, Ltd.	421 NW 13th St, Suite 210	OKC	OK	73103	702000900000034200243	Certified Mail	6.10.21	Delivered	N/A	YES
WI	Thomas Hill Puff Trust Dorothy Jean Keenom, Trustee	P.O. Box 470605	Fort Worth	TX	76147	702000900000034200281	Certified Mail	6.10.21	Delivered	6/15/21	YES
WI	Nancy Puff Jones Trust Dorothy Jean Keenom, Trustee	P.O. Box 470605	Fort Worth	TX	76147	702000900000034200236	Certified Mail	6.10.21	Delivered	6/15/21	YES
WI	Dorothy Jean Keenom, Individually	P.O. Box 470605	Fort Worth	TX	76147	702000900000034200304	Certified Mail	6.10.21	Delivered	6/15/21	YES
WI	McCrea Trust No. 1	P.O. Box 1715	Midland	TX	79702	70200640000212348773	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	Horseshoe Oil & Gas Corporation [Possible successor to McCrea Trust No. 1]	P.O. Box 1715	Midland	TX	79702	70200640000212348926	Certified Mail	6.10.21	RETURNED UNDELIVERABLE		
WI	Enoch Energy, Inc. [Possible successor to McCrea Trust No. 1]	P.O. Box 601533	Dallas	TX	75360	70200640000212348889	Certified Mail	6.10.21	Delivered	6/17/21	YES
WI	Castlerock Energy Exploration [Possible successor to McCrea Trust No. 1]	P.O. Box 592137	San Antonio	TX	78259	70200640000212348872	Certified Mail	6.10.21	Delivered	N/A	YES
WI	McCrea Energy, LLC [Possible successor to McCrea Trust No. 1]	P.O. Box 2626	Fredericksburg	TX	78624	70200640000212348780	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Geraldine L. Zoller	P.O. Box 1446	Marble Falls	TX	78654	702000900000034200533	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	J.M. Wellborn Trust u/a/d October 23, 1992, J.M. Wellborn, Trustee	602 Indiana Ave	Lubbock	TX	79415	70210350000153171262	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Ernest Angelo, Jr.	410 N Main	Midland	TX	79701	702000900000034200267	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Jane B. Ramsland Oil & Gas Partnership, Ltd.	1004 N. Big Spring St., Suite 500	Midland	TX	79701	70210350000153171309	Certified Mail	6.10.21	Delivered per USPS.com	6/14/21	NO
WI	J. Barnes Ramsland, aka Jane Barnes Ramsland	P.O. Box 10505	Midland	TX	79702	70210350000153171316	Certified Mail	6.10.21	Delivered	N/A	YES
WI	C.R. Burch, aka Claudia Jane Ramsland	P.O. Box 10505	Midland	TX	79702	702000900000034200540	Certified Mail	6.10.21	Delivered	N/A	YES
WI	Bahnhof Holdings, LP	P.O. Box 10505	Midland	TX	79702	70210350000153171354	Certified Mail	6.10.21	Delivered	N/A	YES
WI	Elizabeth A. Ramsland, aka Elizabeth Ann Ramsland	P.O. Box 10505	Midland	TX	79702	702000900000034200274	Certified Mail	6.10.21	Delivered	N/A	YES
WI	V. Elaine Barnes, aka V. Elaine Murphy	P.O. Box 505	Midland	TX	79702	70200640000212348612	Certified Mail	6.10.21	Delivered	N/A	YES; Unsigned
WI	Christine Ray, aka Christine Barnes, aka Christine Barnes Mallams, aka Christine Barnes Motycka	400 W Illinois, Suite 1100	Midland	TX	79701	70210350000153171217	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	TTCZ Properties LLC	P.O. Box 40909	Austin	TX	40909	70200640000212348667	Certified Mail	6.10.21	Delivered	6/15/21	YES
WI	Craig W. Barr	1031 NW 43rd Ave	Carnas	WA	98607	70210350000153171323	Certified Mail	6.10.21	Delivered	6/17/21	YES
WI	Thomas R. Barr	P.O. Box 39225	Charlotte	NC	28278	70210350000153171361	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	Taylor Barr Moliterno, aka Taylor R. Barr	P.O. Box 78694	Charlotte	NC	28271	70210350000153171224	Certified Mail	6.10.21	Delivered	6/17/21	YES
WI	Zachariah J. Reid	P.O. Box 505	Midland	TX	79702	70200640000212348698	Certified Mail	6.10.21	Delivered	6/15/21	YES
WI	Steve C. Barnes, aka Steven Clement Barnes	P.O. Box 10505	Midland	TX	79702	70200640000212348728	Certified Mail	6.10.21	Delivered	N/A	YES
WI	Julie Ellen Barnes	P.O. Box 10505	Midland	TX	79702	702000900000034200335	Certified Mail	6.10.21	Delivered	N/A	YES
WI	Sleepy Wynn, aka Forest Sleepy Wynn, aka W. Forrest Wynn	4925 Greenville Ave, Suite 900	Dallas	TX	75206	702000900000034200298	Certified Mail	6.10.21	Delivered	7/22/21	YES
WI	Forrest Jacob Wynn	PO Box 601659	Dallas	TX	75360	702000900000034200250	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	Taylor Mays Wynn	PO Box 601659	Dallas	TX	75360	70210350000153171255	Certified Mail	6.10.21	Delivered	6/24/21	YES
WI	Adrienne Suzanne Wynn Beauchamp Charitable Remainder Unitrust John J. Klein and G. Todd Bright, Co-Trustees	4925 Greenville Ave, Suite 900	Dallas	TX	75206	702000900000034200328	Certified Mail	6.10.21	"IN TRANSIT"		NO
WI	C. F. Wynn, aka Claude Forest Wynn, aka Claude F. Wynn	P.O. Box 6832	Houston	TX	77265	70210350000153171347	Certified Mail	6.10.21	Delivered	6/15/21	YES
WI	WFW Family Limited Partnership	4925 Greenville Ave, Suite 900	Dallas	TX	75206	70200640000212348681	Certified Mail	6.10.21	Delivered per USPS.com	6/18/21	NO
WI	Tocor Investments, Inc.	P.O. Box 293	Midland	TX	79702	70200640000212348674	Certified Mail	6.10.21	Delivered	N/A	YES
WI	Patrick K. Monaghan Trust under Trust Agreement dated November 24, 2010	2610 W. Sunnyside Ave.	Chicago	IL	60625	70200640000212348599	Certified Mail	6.10.21	Delivered per USPS.com	6/14/21	NO
WI	Patrick K. Monaghan, Trustee										
WI	Solar Flare Investments, LLC	1801 Red Bud Lane, Suite B-248	Round Rock	TX	78664	70210350000153171286	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Cal-Mon Oil Company	500 West Texas Ave, Suite 1200	Midland	TX	79701	702000900000034200380	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Estate of A.T. Carleton Carolyn Elaine Carleton, Personal Representative	2471 Alton Street	Denver	CO	80238	70200640000212348407	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	Estate of Corinne Phillips Carleton Carolyn Elaine Carleton, Personal Representative	2471 Alton Street	Denver	CO	80238	702000900000034200373	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	[Possible successor to the Estate of A.T. Carleton]										
WI	Cathryn Carleton Martin Generation-Skipping Trust Cathryn Carleton Martin, Trustee	2471 Alton Street	Denver	CO	80238	702000900000034200366	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	[Possible successor to the Estate of A.T. Carleton]										
WI	Carolyn Carleton Martin Generation-Skipping Trust Carolyn Carleton Martin, Trustee	2471 Alton Street	Denver	CO	80238	702000900000034200526	Certified Mail	6.10.21	"IN TRANSIT"		
WI	[Possible successor to the Estate of A.T. Carleton]										
WI	Phillips Townes Carleton Generation-Skipping Trust Phillips Townes Carleton, Trustee	2471 Alton Street	Denver	CO	80238	70200640000212348605	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
WI	[Possible successor to the Estate of A.T. Carleton]										
ORRI	J Bar Cane Royalty, LLC	P.O Box 3660	Roswell	NM	88202	70200640000212348490	Certified Mail	6.10.21	Delivered	6/15/21	YES

ORRI	David Cagle	215 E 58th St 5th Floor	NYC	NY	10022	70200640000212348414	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Estate of Tom C. Wanty	1042 Lakeside Drive S.E.	Grand Rapids	MI	49506	70200640000212348568	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	N/A	NO
ORRI	Forrest Dunlap III	PO Box 4111	Horseshoe Bay	TX	78657	70200640000212348353	Certified Mail	6.10.21	Delivered	6/15/21	YES
ORRI	Manada Resources, LP	415 W Wall St., Suite 1200	Midland	TX	79701	70200640000212348582	Certified Mail	6.10.21	RETURNED UNDELIVERABLE	6/14/21	YES; Unsigned
ORRI	Canyon Properties, LLC	1500 Broadway, Suite 1212	Lubbock	TX	79401	70200640000212348391	Certified Mail	6.10.21	Delivered	6/14/21	YES; Unsigned
WI	BXP Partners V, LP	3890 W Northwest Hwy, Suite 670	Dallas	TX	75220	70200640000212348957	Certified Mail	6.10.21	Delivered	N/A	YES
WI	Ronald R. Collins	205 San Marin Drive, Suite 3	Novato	CA	94945	70200640000212348766	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Ronald R. Collins Trust	205 San Marin Drive, Suite 3	Novato	CA	94945	70200640000212348759	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Stacie J. May Administrative Trust	64001 E Highway 36	Byers	CO	80103	70200640000212348735	Certified Mail	6.10.21	Delivered	N/A	YES; Unsigned
WI	Cherokee Legacy Minerals, Ltd.	P.O. Box 3217	Albany	TX	76430	70200640000212348940	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Kenebrew Minerals, LP	P.O. Box 917	Idalou	TX	79329	70200640000212348971	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Charles J. Kinsolving	HC 65 Box 209	Crossroads	NM	88114	70200090000034200212	Certified Mail	6.10.21	Delivered	6/17/21	YES
WI	3SD Holdings, LLC	221 Doran Road	Lovington	NM	88260	70200090000034200229	Certified Mail	6.10.21	Delivered	6/14/21	YES
WI	Ashley Dean Crow	P.O. Box 97	Quanah	TX	79252	70200640000212348964	Certified Mail	6.10.21	Delivered	6/22/21	YES
WI	State of New Mexico c/o Commissioner of Public Lands	310 Old Santa Fe Trail	Santa Fe	NM	87501	70200640000212348643	Certified Mail	6.10.21	Delivered	N/A	YES
WI	United States of America c/o Bureau of Land Management	301 Dinosaur Trail	Santa Fe	NM	87508	70200640000212348933	Certified Mail	6.10.21	Delivered	6/14/21	YES

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

4207.1
Sleepy Wynn Forrest
4925 Greenville Ave, Suite 900
Dallas, Texas 75206



9590 9402 6586 1028 2879 73

2. Article Number (Transfer from service label)

7020 0090 0000 3420 0298

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Lauren Roberts*

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

Lauren Roberts

C. Date of Delivery

*7/12*D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐
- Adult Signature
-
- ☐
- Adult Signature Restricted Delivery
-
- ☒
- Certified Mail®
-
- ☐
- Certified Mail Restricted Delivery
-
- ☐
- Collect on Delivery
-
- ☐
- Collect on Delivery Restricted Delivery

- ☐
- Priority Mail Express®
-
- ☐
- Registered Mail™
-
- ☐
- Registered Mail Restricted Delivery
-
- ☐
- Signature Confirmation™
-
- ☐
- Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Castlerock Energy Exploration
P.O. Box 592137
San Antonio, Texas 78259



9590 9402 4008 8079 4667 63

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8872

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Jamie Bynum

☐ Agent

☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail
- ☐ Registered Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

4207.1
Michele J. Gressett
4958 Mill Run Rd.
Dallas, TX 75244



9590 9402 6114 0209 5775 34

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8575

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent
☐ AddresseeB. Received by (*Printed Name*)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail
- ☐ Registered Mail Restricted Delivery (500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Taylor Barr Moliterno
P.O. Box 78694
Charlotte, North Carolina
28271



9590 9402 6586 1028 2876 38

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1224

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Taylor Barr Moliterno*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Taylor Barr Moliterno

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below.

- ☐ Yes
☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Mail | |
| <input type="checkbox"/> Mail Restricted Delivery (500) | |



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BXP Partners V, LP
3890 W Northwest Hwy, Suite 670
Dallas, Texas 75220



9590 9402 6586 1028 2879 11

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8957

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

- ☐
- Agent
-
- ☐
- Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(00)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Craig W. Barr
1031 NW 43rd Ave
Camas, Washington 98607



9590 9402 6586 1028 2877 13

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1323

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X JSRR13

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

COITD13

C. Date of Delivery

10-17-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Stacie J. May Administrative Trust
64001 E Highway 36
Byers, Colorado 80103



9590 9402 6586 1028 2881 09

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8735

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
(00)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Camterra Resources Partners, Ltd.
100 Crescent Court, Suite 1800
Dallas, Texas 75201



9590 9402 6586 1028 2880 48

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8810

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Covd-19

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

LA Rk-120

C. Date of Delivery

6-17-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Isramco Energy, LLC
1001 West Loop South #750
Houston, Texas 77027



9590 9402 6586 1028 2879 80

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8858

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Cord 19

☒ Agent☐ Addressee

B. Received by (Printed Name)

SC 27W

C. Date of Delivery

10/16/21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

ail
ail Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John McLendon Nail Revocable Trust, Doris
King, Trustee
1520 Mesquite St.
Wichita Falls, Texas 76302



9590 9402 6114 0209 5778 00

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8339

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X** Doris F. King

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Doris F. King

C. Date of Delivery

- D. Is delivery address different from item 1?** ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
(500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OXY Y-1 Company
5 Greenway Plaza, Suite 110
Houston, Texas 77046



9590 9402 6586 1028 2881 92

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8636

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

CV19

☒ Agent
☐ Addressee

B. Received by (Printed Name)

the carrier

C. Date of Delivery

6-16-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
(00)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Charles J. Kinsolving
HC 65 Box 209
Crossroads, New Mexico 88114



9590 9402 6586 1028 2879 42

7020 0090 0000 3420 0212

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X*Charles J. Kinsolving*☐ Agent☒ Addressee

B. Received by (Printed Name)

Charles J. Kinsolving

C. Date of Delivery

6-17-21

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

il
il Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jeanne R. Hendrick
1215 Bomar Street
Houston, Texas 77006



9590 9402 6586 1028 2875 53

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1293

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
[Handwritten Signature]

B. Received by (Printed Name) ☒ Yes ☐ No
[Handwritten Name]

C. Date of Delivery ☒ Yes ☐ No
[Handwritten Date]

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	

Mail
Mail Restricted Delivery
(0)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Ernest Angelo, Jr.
410 N Main
Midland, Texas 79701



9590 9402 6586 1028 2878 81

Article Number (Transfer from service label)

7020 0090 0000 3420 0267

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X E Angelo

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

COVID-19 - F.L.

C. Date of Delivery

6/19/21

- D. Is delivery address different from item 1?** ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

1 Mail

1 Mail Restricted Delivery
500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jerlyn Investments, LLC
1607 Country Club Drive
Midland, Texas 79701



9590 9402 6586 1028 2875 84

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1248

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

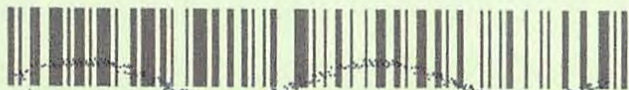
Registered Mail
Registered Mail Restricted Delivery
(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Challenger Crude, Ltd.
3525 Andrews Highway
Midland, Texas 79703



9590 9402 6586 1028 2878 36

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1330

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**

JAMES HENRY

☐ Agent☐ Addressee**B. Received by (Printed Name)**

J 367 C19

C. Date of Delivery

06-19-21

D. Is delivery address different from item 1?☐ Yes

If YES, enter delivery address below:

☐ No**3. Service Type**

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

- ☐ Collect on Delivery Restricted Delivery

ired Mail

ired Mail Restricted Delivery
(or \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to:

Manada Resources, LP
415 W Wall St., Suite 1200
Midland, Texas 79701



9590 9402 6114 0209 5775 27

7020 0640 0002 1234 8582

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail
- ☐ Mail Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kenebrew Minerals, LP
P.O. Box 917
Idalou, Texas 79329



9590 9402 6586 1028 2879 35

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8971

COMPLETE THIS SECTION ON DELIVERY

A. Signature  **UNITED STATES POSTAL SERVICE**
POSTMASTER ☒ Agent
☐ Addressee

B. Received by (Printed Name) **PO BOX 9998** C. Date of Delivery **6-14-21**
IDALOU TX 79329-9998

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Mail | |
| <input type="checkbox"/> Mail Restricted Delivery | |
| (over \$500) | |

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Canyon Properties, LLC
1500 Broadway, Suite 1212
Lubbock, Texas 79401



9590 9402 6114 0209 5777 32

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8391

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Mail | |
| <input type="checkbox"/> Mail Restricted Delivery (500) | |

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Colgate Production, LLC
300 N Marienfeld St, Suite 1000
Midland, Texas 79701



9590 9402 4008 8079 4668 00

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8919

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X*M Horton*☐ Agent☐ Addressee

B. Received by (Printed Name)

COVID-19 - FA

C. Date of Delivery

6/14/21

D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

Registered Mail

Registered Mail Restricted Delivery
(\$500)

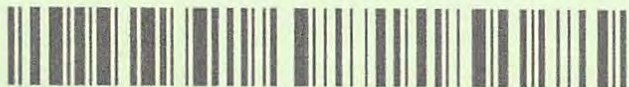
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

3SD Holdings, LLC
221 Doran Road
Lovington, New Mexico 88260



9590 9402 6586 1028 2879 59

2. Article Number (Transfer from service label)

7020 0090 0000 3420 0229

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Decker

☐ Agent☐ Addressee

B. Received by (Printed Name)

COVID-19 EA

C. Date of Delivery

6/14/21

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured MailMail Restricted Delivery
(00)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted
Delivery☐ Signature Confirmation™☐ Signature Confirmation
Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Edsel B. Neff Jr.
403 Tierra Berrenda Dr.
Roswell NM 88201



9590 9402 6114 0209 5779 30

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8346

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* 6-32 6-19

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

6/14/21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☒ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Margaret Jean Gates
706 West Grand
Artesia, New Mexico 88210



9590 9402 6114 0209 5776 19

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8513

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Margaret Jean Gates ☐ Agent ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

MARGARET JEAN GATES 6/16/21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
00)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Slash Exploration Limited Partnership
P.O. Box 1973
Roswell, New Mexico 88202



9590 9402 6586 1028 2880 93

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8742

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X*Vanessa Sexton*☐ Agent☐ Addressee

B. Received by (Printed Name)

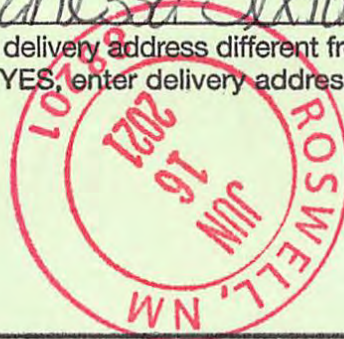
Vanessa Sexton

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Registered Mail

Registered Mail Restricted Delivery

(over \$500)

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Forrest Dunlap III
PO Box 4111
Horseshoe Bay, TX 78657



9590 9402 6114 0209 5777 63

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8353

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Forrest Dunlap III☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail
- ☐ Registered Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cherokee Legacy Minerals, Ltd.
P.O. Box 3217
Albany, Texas 76430



9590 9402 6586 1028 2879 04

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8940

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

KEN LAWRENCE

6-14-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
(0)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

J Bar Cane Royalty, LLC
P.O. Box 3660
Roswell, New Mexico 88202



9590 9402 6114 0209 5776 33

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8490

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

J Bar Cane Royalty

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail
- ☐ Mail Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cimarex Energy Co./Magnum Hunter
Production, Inc.
600 N. Marienfeld St., Ste. 600
Midland, Texas 79701



9590 9402 6586 1028 2880 31

7020 0640 0002 1234 8803

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

Sadie Garcia

C. Date of Delivery

6-14-2021

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

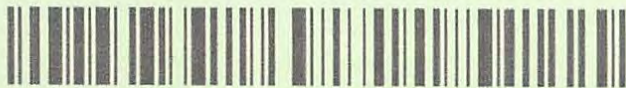
(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

V. Elaine Barnes
P.O. Box 505
Midland, Texas 79702



9590 9402 6586 1028 2882 15

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8612

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
00)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EOG Resources, Inc.
5505 Champions Dr.
Midland, Texas 79706



9590 9402 6586 1028 2880 00

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8834

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

Char Perry

C. Date of Delivery

6-15-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(J0)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tierra Media Resources, LP
P.O. Box 9758
Midland, Texas 79708



9590 9402 6586 1028 2876 69

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1279

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Priority Mail Express®☐ Adult Signature Restricted Delivery☐ Registered Mail™☒ Certified Mail®☐ Registered Mail Restricted Delivery☐ Certified Mail Restricted Delivery☐ Signature Confirmation™☐ Collect on Delivery☐ Signature Confirmation Restricted Delivery☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

(over 500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CRM 2018, LP
P.O. Box 51933
Midland, TX 79710



9590 9402 6114 0209 5776 02

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8520

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *agmellky*

☐ Agent

B. Received by (Printed Name)

Mason Shelby

☐ Adult Signature

☐ Restricted Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

00)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation

Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Marshall & Winston, Inc.
P.O. Box 50880
Midland, Texas 79710



9590 9402 6586 1028 2877 68

2. Article Number (Transfer from service label)

7020 0090 0000 3420 0359

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gates Properties, Ltd.
P.O. Box 81119
Midland, Texas 79708



9590 9402 6114 0209 5779 23

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8377

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Ramon Gates

C. Date of Delivery

6-19-74

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

Registered Mail Restricted Delivery
(\$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ronald R. Collins
205 San Marin Drive, Suite 3
Novato, California 94945



9590 9402 6586 1028 2880 79

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8766

Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

C-19

☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

6-14-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TTCZ Properties LLC
P.O. Box 40909
Austin, Texas 40909



9590 9402 6586 1028 2881 78

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8667

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

DAN LIZ

C. Date of Delivery

6/15/21

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

(00)

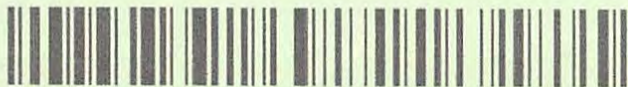
☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dorothy Jean Keenom, Individually
P.O. Box 470605
Fort Worth, Texas 76147



9590 9402 6586 1028 2875 22

2. Article Number (Transfer from service label)

7020 0090 0000 3420 0304

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**

Nancy Jones

☐ Agent☐ Addressee**B. Received by (Printed Name)**

Nancy Jones

C. Date of Delivery

6-15-21

- D. Is delivery address different from item 1?** ☐ Yes
If YES, enter delivery address below: ☐ No

*PO Box 470605
Ft Worth TX 76147*

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Mail Restricted Delivery (00)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nancy Puff Jones Trust Dorothy Jean
Keenom, Trustee
P.O. Box 470605
Fort Worth, Texas 76147



9590 9402 6586 1028 2878 50

2. Article Number (Transfer from service label)

7020 0090 0000 3420 0236

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Nancy Jones*☐ Agent☐ Addressee

B. Received by (Printed Name)

Nancy Jones

C. Date of Delivery

*6-15-21*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No*PO Box 470605**Ft Worth TX 76147*

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail
- ☐ Registered Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Solar Flare Investments, LLC
1801 Red Bud Lane, Suite B-248
Round Rock, Texas 78664



9590 9402 6586 1028 2876 21

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1286

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Bm RT 71 Col 9

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Solar Flare Investments

C. Date of Delivery

6-14-21

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Registered Mail
☐ Registered Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas Hill Puff Trust Dorothy Jean
Keenom, Trustee
P.O. Box 470605
Fort Worth, Texas 76147



9590 9402 6586 1028 2875 39

2. Article Number (Transfer from service label)

7020 0090 0000 3420 0281

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Nancy Jones*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Nancy Jones

C. Date of Delivery

6-15-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

*PO Box 470605
Ft Worth TX 76147*

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

ail

ail Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bureau of Land Management
301 Dinosaur Trail
Santa Fe, New Mexico 87508



9590 9402 6586 1028 2878 98

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8933

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X R Duran

☐ Agent☒ Addressee

B. Received by (Printed Name)

Regina Duran

C. Date of Delivery

6-14-21

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

J0)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ronald R. Collins Trust
205 San Marin Drive, Suite 3
Novato, California 94945



9590 9402 6586 1028 2880 86

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8759

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

C-19

☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

6-14-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Registered Mail
Registered Mail Restricted Delivery
(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

McCrea Energy LLC
PO Box 2626
Fredericksburg, TX
78624



9590 9402 6586 1028 2880 55

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8780

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

10)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tocor Investments, Inc.
P.O. Box 293
Midland, Texas 79702



9590 9402 6586 1028 2881 61

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8674

stricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

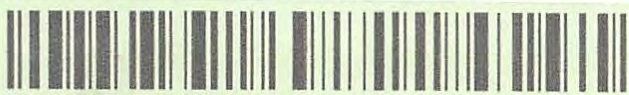
☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Zachariah J. Reid
P.O. Box 505
Midland, Texas 79702



9590 9402 6586 1028 2881 47

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8698

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]*

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

[Handwritten: Dana Sipes]

C. Date of Delivery

[Handwritten: 6-15-21]

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
00)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

State of New Mexico c/o Commissioner of
Public Lands
310 Old Santa Fe Trail
Santa Fe, New Mexico 87501



9590 9402 6586 1028 2882 08

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8643

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Luai fan

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
(00)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. *Delivered to addressee*
J.M. Wellborn Trust u/a/d October 23,
1992, J.M. Welborn, Trustee
602 Indiana Ave
Lubbock, Texas 79415



9590 9402 6586 1028 2875 60

2. Article Number (Transfer from service label)
7021 0350 0001 5317 1262

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] ☐ Agent
☒ Addressee

B. Received by (Printed Name)
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No



3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

J. Barnes Ramsland, aka Jane Barnes
Ramsland
P.O. Box 10505
Midland, Texas 79702



9590 9402 4008 8079 4667 56

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1316

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**

Matthew

☐ Agent☐ Addressee**B. Received by (Printed Name)****C. Date of Delivery****D. Is delivery address different from item 1? ☐ Yes**If YES, enter delivery address below: ☐ No**3. Service Type**

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail
- ☐ Registered Mail Restricted Delivery (over \$500)

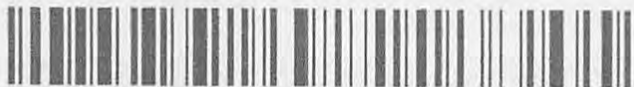
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gasco Energy, Ltd.
421 NW 13th St, Suite 210
Oklahoma City, Oklahoma 73103



9590 9402 6586 1028 2878 67

2. Article Number (Transfer from service label)

7020 0090 0000 3420 0243

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Elizabeth A. Ramsland
P.O. Box 10505
Midland, Texas 79702



9590 9402 6586 1028 2879 66

2. Article Number (Transfer from service label)

7020 0090 0000 3420 0274

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Matthew

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Julie Ellen Barnes
P.O. Box 10505
Midland, Texas 79702



9590 9402 6586 1028 2877 44

2. Article Number (Transfer from service label)

7020 0090 0000 3420 0335

COMPLETE THIS SECTION ON DELIVERY

A. Signature X <i>[Signature]</i>		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bahnhof Holdings, LP
P.O. Box 10505
Midland, Texas 79702



9590 9402 4008 8079 4668 24

Article Number (Transfer from service label)

7021 0350 0001 5317 1354

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Steve C. Barnes
P.O. Box 10505
Midland, Texas 79702



9590 9402 6586 1028 2881 23

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8728

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

1 Mail

1 Mail Restricted Delivery
(500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Taylor Mays Wynn
PO Box 601659
Dallas, Texas 75360



9590 9402 6586 1028 2875 77

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1255

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Lauren Barnes

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Lauren Barnes

C. Date of Delivery

6-24-21

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

C.R. Burch, aka Claudia Jane Ramsland
P.O. Box 10505
Midland, Texas 79702



9590 9402 6586 1028 2876 45

2 Article Number (Transfer from service label)

7020 0090 0000 3420 0540

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
M. Matthews

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Mail Restricted Delivery (500)	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ashley Dean Crow
P.O. Box 97
Quanah, Texas 79252



9590 9402 6586 1028 2879 28

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8964

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Brenda Jones*

- ☒ Agent
☒ Addressee

B. Received by (Printed Name)

Brenda Jones

C. Date of Delivery

6-22-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below. ☒ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

il
il Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ann E. Creamer, Trustee of the Dean
Family Trust Established Under the Will of
Hal Stone Dean
205 Boyd Avenue
Midland, Texas 79705



9590 9402 6586 1028 2879 97

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8841

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

) Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

H-S Minerals and Realty, Ltd.
P.O. Box 27284
Austin, Texas 78755



9590 9402 6586 1028 2878 12

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8230

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

I Mail

I Mail Restricted Delivery

(over \$500)

SENDER: COM

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

- Complete it
- Print your name so that we can
- Attach this card or on the front

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Address

1. Article Addressed to:

Hill Investments, Ltd.
P.O. Box 27284
Austin, Texas 78755



9590 94



9590 9402 4008 8079 4667 70

2 Article Number

702

2 Article Number (Transfer from service label)

7020 0640 0002 1234 8896

A. Signature

X

B. Received by (Printed Name),

C/D

D. Is delivery address different from item 1?
If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery for
☐ Collect on Delivery
☐ Collect on Delivery Restricted Confirmation™
☐ Insured Mail
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation®
☐ Signature Confirmation Restricted Delivery
☐ Signature Confirmation Restricted Delivery (over \$500)

PS Form 3811

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

C. F. Wynn
P.O. Box 6832
Houston, Texas 77265



9590 9402 6586 1028 2878 43

2. Article Number (Transfer from service label)

7021 0350 0001 5317 1347

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

(over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Enoch Energy, Inc.
P.O. Box 601533
Dallas, Texas 75360



9590 9402 4008 8079 4667 87

2. Article Number (Transfer from service label)

7020 0640 0002 1234 8889

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☒ Addressee

B. Received by (Printed Name)

GRACE H. WILKINSON

C. Date of Delivery

6-17-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
(over \$500)



For the Pursuit of Energy

ABADIE | SCHILL PC

Colorado	New Mexico
Louisiana	Texas
Kansas	Utah
Nebraska	Wyoming
Montana	California
Oklahoma	North Dakota

June 10, 2021

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO: ALL INTEREST OWNERS SUBJECT TO POOLING PROCEEDINGS

Re: Application of Cimarex Energy Co. for horizontal spacing and compulsory pooling, Eddy County, New Mexico
Crest 2-1-6 State Fed Com 1H Well

Case No. 22019

Dear Interest Owners:

This letter is to advise you that Cimarex Energy Co. has filed the enclosed application, Case No. 22019, with the New Mexico Oil Conservation Division for creating a standard 484.63-acres, more or less, horizontal spacing unit to cover the N/2 N/2 of Sections 2 and 1-20S-29E; and the N/2 N/2 of Section 6-20S-30E, NMPM, Eddy County, New Mexico, and to pool all uncommitted mineral owners in the Bone Spring formation underlying said unit, as described in the enclosed application.

A hearing has been requested before a Division Examiner on July 1, 2021, and the status of the hearing can be monitored through the Division's website. Division hearings will commence at 8:15 a.m., traditionally in Porter Hall at the Oil Conservation Division's Santa Fe Offices located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. However, under the COVID-19 Public Health Emergency, the hearing will be conducted remotely at the same scheduled time. For information about remote access, you can visit the Division's website at: <http://www.emnrd.state.nm.us/OCD/hearings.html>, or call (505) 476-3441.

abadieschill.com

214 McKenzie Street, Santa Fe, New Mexico, 87501

O : 970.385.4401 • F : 970.385.4901

You are being notified as an interest owner and are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 19.15.4.13.B NMAC to file a Pre-hearing Statement four business days in advance of a scheduled hearing. This statement must be filed at the Division's Santa Fe office at the above specified address and should include: The names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

If you have any questions about this matter, please contact Riley Morris at (432) 620-1966 or at rmorris@cimarex.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darin C. Savage', written over a horizontal line.

Darin C. Savage

Attorney for Cimarex Energy Co.



For the Pursuit of Energy

ABADIE | SCHILL PC

Colorado	New Mexico
Louisiana	Texas
Kansas	Utah
Nebraska	Wyoming
Montana	California
Oklahoma	North Dakota

June 10, 2021

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO: ALL INTEREST OWNERS SUBJECT TO POOLING PROCEEDINGS

Re: Application of Cimarex Energy Co. for horizontal spacing and compulsory pooling, Eddy County, New Mexico
Crest 2-1-6 State Fed Com 2H Well

Case No. 22018

Dear Interest Owners:

This letter is to advise you that Cimarex Energy Co. has filed the enclosed application, Case No. 22018, with the New Mexico Oil Conservation Division for creating a standard 479.39-acre, more or less, horizontal spacing unit to cover the S/2 N/2 of Sections 2 and 1-20S-29E; and the S/2 N/2 of Section 6-20S-30E, NMPM, Eddy County, New Mexico, and to pool all uncommitted mineral owners in the Bone Spring formation underlying said unit, as described in the enclosed application.

A hearing has been requested before a Division Examiner on July 1, 2021, and the status of the hearing can be monitored through the Division's website. Division hearings will commence at 8:15 a.m., traditionally in Porter Hall at the Oil Conservation Division's Santa Fe Offices located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. However, under the COVID-19 Public Health Emergency, the hearing will be conducted remotely at the same scheduled time. For information about remote access, you can visit the Division's website at: <http://www.emnrd.state.nm.us/OCD/hearings.html>, or call (505) 476-3441.

abadieschill.com

214 McKenzie Street, Santa Fe, New Mexico, 87501

O : 970.385.4401 • F : 970.385.4901

You are being notified as an interest owner and are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 19.15.4.13.B NMAC to file a Pre-hearing Statement four business days in advance of a scheduled hearing. This statement must be filed at the Division's Santa Fe office at the above specified address and should include: The names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

If you have any questions about this matter, please contact Riley Morris at (432) 620-1966 or at rmorris@cimarex.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darin C. Savage', written over a horizontal line.

Darin C. Savage

Attorney for Cimarex Energy Co.

Affidavit of Publication

Ad # 0004777883

This is not an invoice

ABADIE SCHILL P.C.
555 RIVERGATE LANE SUITE B4-18

DURANGO, CO 81301

I, a legal clerk of the **Carlsbad Current Argus**, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

06/12/2021



Legal Clerk

Subscribed and sworn before me this June 12, 2021:



State of WI, County of Brown
—NOTARY PUBLIC

1-7-25

My commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Ad # 0004777883
PO #: CASE No. 22018
of Affidavits 1

This is not an invoice

CASE No. 22018: Notice to all affected parties and persons having any right, title, interest or claim to this case, including overriding royalty interest owners, as well as the known and unknown heirs, devisees, assigns and successors of EOG RESOURCES, INC., OXY Y-1 COMPANY, DAVID PETROLEUM CORPORATION, SLASH EXPLORATION LIMITED PARTNERSHIP, BRECKENRIDGE PARTNERSHIP LTD., EDESL B. NEFF, JR., THOMAS R. NICHOLOFF, CAMTERRA RESOURCES PARTNERS LTD., ANN E. CREAMER TRUSTEE OF THE DEAN FAMILY TRUST ESTABLISHED UNDER THE WILL OF HAL STONE DEAN, DECEASED, ISRAMCO ENERGY LLC, WPX ENERGY PERMIAN LLC, BIVINS ENERGY CORPORATION, STROUBE ENERGY CORPORATION, GLENROCK CAPITAL LLC, SPENCE RANCH LLC, CAL FARLEY'S BOYS RANCH, GATES PROPERTIES LTD., MARGARET JEAN GATES, JOHN ANDREW GATES, DEBRA L. GATES TRUSTEE OF THE ISAIAH L. GATES TRUST U/T/A DATED OCTOBER 16, 1997, DEBRA L. GATES TRUSTEE OF THE TESTAMENTARY TRUST FBO AMANDA JEAN GATES UWO JAMES REX GATES, JOHN MCLENDON NAIL REVOCABLE TRUST, DORIS KING TRUSTEE, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR SARAH E. WHEATLEY TRUSTEE OF THE WHEATLEY FAMILY TRUST U/T/A DATED FEBRUARY 12, 1990, CRM 2018 LP, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR THE HEIRS OR DEVISEES OF JOANNE E. KANNER, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR CLAIRE JEAN CARTER TRUSTEE OF THE CLAIRE JEAN CARTER TRUST U/T/A DATED DECEMBER 20, 1983, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR RICHARD W. BENTWOOD AND JEAN T. BENTWOOD, CO-TRUSTEES OF THE BENTWOOD REVOCABLE LIVING TRUST U/T/A DATED SEPTEMBER 10, 1996, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR DR. JOHN N. BENTWOOD, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR BARBARA BENTWOOD MCCAHAH, MICHELE J. GRESSETT, STIPP FAMILY LP, CADDO MINERALS, INC., COLGATE PRODUCTION LLC, MARSHALL & WINSTON INC., CHALLENGER CRUDE LTD., TIERRA MEDIA RESOURCES LP, JERLYN INVESTMENTS LLC, JOE R. HENDERSON, JEANNE R. HENDRICK [POSSIBLE SUCCESSOR TO JOE R. HENDERSON], H-S MINERALS AND REALTY LTD., HILL INVESTMENTS LTD., HILL REVOCABLE TRUSTS, MSWRT MICHAEL SCOTT WALTRIP TRUSTEE [POSSIBLE SUCCESSOR TO HILL REVOCABLE TRUSTS], MLH TRUST PROPERTIES, MARGERY LINN HANNA TRUSTEE [POSSIBLE SUCCESSOR TO HILL REVOCABLE TRUSTS], WALTRIP ENERGY LLC, GASCO ENERGY LTD., THOMAS HILL PUFF TRUST DOROTHY JEAN KEENOM TRUSTEE, NANCY PUFF JONES TRUST DOROTHY JEAN KEENOM TRUSTEE, DOROTHY JEAN KEENOM, INDIVIDUALLY, MCCREA TRUST NO. 1, HORSESHOE OIL & GAS CORPORATION [POSSIBLE SUCCESSOR TO MCCREA TRUST NO. 1], ENOC ENERGY, INC. [POSSIBLE SUCCESSOR TO MCCREA TRUST NO. 1], CASTLEROCK ENERGY EXPLORATION POSSIBLE SUCCESSOR TO MCCREA TRUST NO. 1], MCCREA ENERGY LLC [POSSIBLE SUCCESSOR TO MCCREA TRUST NO. 1], GERALDINE L. ZOLLER, J.M. WELBORN TRUST U/A/D OCTOBER 23, 1992, J.M. WELBORN TRUSTEE, ERNEST ANGELO, JR., JANE B. RAMSLAND OIL & GAS PARTNERSHIP LTD., J. BARNES RAMSLAND AKA JANE BARNES RAMSLAND, C.R. BURCH AKA CLAUDIA JANE RAMSLAND, BAHNHOF HOLDINGS LP, ELIZABETH A. RAMSLAND AKA ELIZABETH ANN RAMSLAND, V. ELAINE BARNES AKA V. ELAINE MURPHY, CHRISTINE RAY AKA CHRISTINE BARNES AKA CHRISTINE BARNES MALLAMS AKA CHRISTINE BARNES MOTYCKA, TTCZ PROPERTIES LLC, CRAIG W. BARR, THOMAS R. BARR, TAYLOR BARR MOLITIERNO AKA TAYLOR R. BARR, ZACHARIAH J. REID, STEVE C. BARNES AKA STEVEN CLEMENT BARNES, JULIE ELLEN BARNES, SLEEPY WYNN AKA FOREST SLEEPY WYNN AKA W. FORREST WYNN, FORREST JACOB WYNN, TAYLOR MAYS WYNN, ADRIENNE SUZANNE WYNN BEAUCHAMP CHARITABLE REMAINDER UNITRUST JOHN J. KLEIN AND G. TODD BRIGHT CO-TRUSTEES, C. F. WYNN AKA CLAUDE FOREST WYNN AKA CLAUDE F. WYNN, WFW FAMILY LIMITED PARTNERSHIP, TOCOR INVESTMENTS, INC., PATRICK K. MONAGHAN TRUST UNDER TRUST AGREEMENT DATED NOVEMBER 24, 2010 PATRICK K. MONAGHAN TRUSTEE, SOLAR FLARE INVESTMENTS LLC, CAL-MON OIL COMPANY, ESTATE OF A.T. CARLETON CAROLYN ELAINE CARLETON, PERSONAL REPRESENTATIVE, ESTATE OF CORINNE PHILLIPS CARLETON CAROLYN ELAINE CARLETON, PERSONAL REPRESENTATIVE [POSSIBLE SUCCESSOR TO THE ESTATE OF A.T. CARLETON], CATHRYN CARLETON MARTIN GENERATION-SKIPPING TRUST CATHRYN CARLETON MARTIN TRUSTEE [POSSIBLE SUCCESSOR TO THE ESTATE OF A.T. CARLETON], CAROLYN CARLETON MARTIN GENERATION-SKIPPING TRUST CAROLYN CARLETON MARTIN TRUSTEE [POSSIBLE SUCCESSOR TO THE ESTATE OF A.T. CARLETON], PHILLIPS TOWNES CARLETON GENERATION-SKIPPING TRUST PHILLIPS TOWNES CARLETON TRUSTEE

SHIFFING TRUST, PHILLIPS TOWNE CARLETON TRUSTEE [POSSIBLE SUCCESSOR TO THE ESTATE OF A.T. CARLETON], J BAR CANE ROYALTY LLC, DAVID CAGLE, ESTATE OF TOM C. WANTY, FORREST DUNLAP III, MANADA RESOURCES LP, CANYON PROPERTIES LLC, BXP PARTNERS V LP, RONALD R. COLLINS, RONALD R. COLLINS TRUST, STACIE J. MAY ADMINISTRATIVE TRUST, CHEROKEE LEGACY MINERALS LTD., KENEBREW MINERALS LP, CHARLES J. KINSOLVING, 3SD HOLDINGS LLC, ASHLEY DEAN CROW, of Cimarex Energy Co.'s application for approval of a spacing unit and compulsory pooling, Lea County, New Mexico. The State of New Mexico, through its Oil Conservation Division, hereby gives notice that the Division Examiner will conduct a public hearing at 8:15 a.m. on July 1, 2021, at 1220 S. St. Francis, Santa Fe, New Mexico, 87505. However, under the COVID-19 Public Health Emergency, the hearing will be conducted remotely. For information about remote access, you can visit the Division's website at: <http://www.emnrd.state.nm.us/OC/D/hearings.html>, or call (505) 476-3441. Cimarex Energy Co., at 600 N. Marienfeld St., Suite 600, Midland, TX, 79701, seeks an order from the Division: (1) creating a standard 479.39-acre, more or less, horizontal spacing and proration unit comprised of the S/2 N/2 of Sections 2 and 1, Township 20 South, Range 29 East; and the S/2 N/2 of Section 6, Township 20 South, Range 30 East; NMPM, Eddy County, New Mexico, and (2) pooling all uncommitted mineral interests in the Bone Spring formation underlying said unit. Cimarex proposes to dedicate the HSU to its Crest 2-1-6 State Fed Com 2H Well, an oil well, proposed to be horizontally drilled from a surface location in the SW/4 NW/4 (Unit E) of Section 2 to a bottom hole location in the SE/4 NE/4 (Unit H) of Section 6. The completed interval and first take and last take point for the well proposed in the unit, meet the Division's statewide setback requirements for horizontal oil wells. Also to be considered will be the cost of drilling and completing the well and the allocation of the costs thereof; actual operating costs and charges for supervision; the designation of the Applicant as Operator of the well and unit; and a 200% charge for the risk involved in drilling and completing the well. The well and lands are located approximately 12 miles northeast of Carlsbad, New Mexico. #4777883, Current Argus, Jun 12, 2021

Affidavit of Publication

Ad # 0004777899

This is not an invoice

ABADIE SCHILL P.C.
555 RIVERGATE LANE SUITE B4-18

DURANGO, CO 81301

I, a legal clerk of the **Carlsbad Current Argus**, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

06/12/2021



Legal Clerk

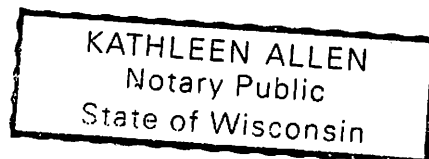
Subscribed and sworn before me this June 12, 2021:



State of WI, County of Brown
NOTARY PUBLIC

1-7-25

My commission expires



Ad # 0004777899
PO #: CASE No. 22019
of Affidavits 1

This is not an invoice

CASE No. 22019: Notice to all affected parties and persons having any right, title, interest or claim to this case, including overriding royalty interest owners, as well as the known and unknown heirs, devisees, assigns and successors of EOG RESOURCES, INC., OXY Y-1 COMPANY, DAVID PETROLEUM CORPORATION, SLASH EXPLORATION LIMITED PARTNERSHIP, BRECKENRIDGE PARTNERSHIP LTD., EDESL B. NEFF, JR., THOMAS R. NICHOLOFF, CAMTERRA RESOURCES PARTNERS LTD., ANN E. CREAMER TRUSTEE OF THE DEAN FAMILY TRUST ESTABLISHED UNDER THE WILL OF HAL STONE DEAN, DECEASED, ISRAMCO ENERGY LLC, WPX ENERGY PERMIAN LLC, BIVINS ENERGY CORPORATION, STROUBE ENERGY CORPORATION, GLENROCK CAPITAL LLC, SPENCE RANCH LLC, CAL FARLEY'S BOYS RANCH, GATES PROPERTIES LTD., MARGARET JEAN GATES, JOHN ANDREW GATES, DEBRA L. GATES TRUSTEE OF THE ISAIAH L. GATES TRUST U/T/A DATED OCTOBER 16, 1997, DEBRA L. GATES TRUSTEE OF THE TESTAMENTARY TRUST FBO AMANDA JEAN GATES UWO JAMES REX GATES, JOHN MCLENDON NAIL REVOCABLE TRUST, DORIS KING TRUSTEE, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR SARAH E. WHEATLEY TRUSTEE OF THE WHEATLEY FAMILY TRUST U/T/A DATED FEBRUARY 12, 1990, CRM 2018 LP, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR THE HEIRS OR DEVISEES OF JOANNE E. KANNER, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR CLAIRE JEAN CARTER TRUSTEE OF THE CLAIRE JEAN CARTER TRUST U/T/A DATED DECEMBER 20, 1983, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR RICHARD W. BENTWOOD AND JEAN T. BENTWOOD, CO-TRUSTEES OF THE BENTWOOD REVOCABLE LIVING TRUST U/T/A DATED SEPTEMBER 10, 1996, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR DR. JOHN N. BENTWOOD, FIRST NATIONAL BANK, ARTESIA TRUSTEE OF THE REX AND FLORENCE WHEATLEY TRUST U/T/A DATED JULY 23, 1979, AGENT FOR BARBARA BENTWOOD MCCAHAN, MICHELE J. GRESSETT, STIPP FAMILY LP, CADDO MINERALS, INC., COLGATE PRODUCTION LLC, MARSHALL & WINSTON INC., CHALLENGER CRUDE LTD., TIERRA MEDIA RESOURCES LP, JERLYN INVESTMENTS LLC, JOE R. HENDERSON, JEANNE R. HENDRICK [POSSIBLE SUCCESSOR TO JOE R. HENDERSON], H-S MINERALS AND REALTY LTD., HILL INVESTMENTS LTD., HILL REVOCABLE TRUSTS, MSWRT MICHAEL SCOTT WALTRIP TRUSTEE [POSSIBLE SUCCESSOR TO HILL REVOCABLE TRUSTS], MLH TRUST PROPERTIES, MARGERY LINN HANNA TRUSTEE [POSSIBLE SUCCESSOR TO HILL REVOCABLE TRUSTS], WALTRIP ENERGY LLC, GASCO ENERGY LTD., THOMAS HILL PUFF TRUST DOROTHY JEAN KEENOM TRUSTEE, NANCY PUFF JONES TRUST DOROTHY JEAN KEENOM TRUSTEE, DOROTHY JEAN KEENOM, INDIVIDUALLY, MCCREA TRUST NO. 1, HORSESHOE OIL & GAS CORPORATION [POSSIBLE SUCCESSOR TO MCCREA TRUST NO. 1], ENOC ENERGY, INC. [POSSIBLE SUCCESSOR TO MCCREA TRUST NO. 1], CASTLEROCK ENERGY EXPLORATION POSSIBLE SUCCESSOR TO MCCREA TRUST NO. 1], MCCREA ENERGY LLC [POSSIBLE SUCCESSOR TO MCCREA TRUST NO. 1], GERALDINE L. ZOLLER, J.M. WELBORN TRUST U/A/D OCTOBER 23, 1992, J.M. WELBORN TRUSTEE, ERNEST ANGELO, JR., JANE B. RAMSLAND OIL & GAS PARTNERSHIP LTD., J. BARNES RAMSLAND AKA JANE BARNES RAMSLAND, C.R. BURCH AKA CLAUDIA JANE RAMSLAND, BAHNHOF HOLDINGS LP, ELIZABETH A. RAMSLAND AKA ELIZABETH ANN RAMSLAND, V. ELAINE BARNES AKA V. ELAINE MURPHY, CHRISTINE RAY AKA CHRISTINE BARNES AKA CHRISTINE BARNES MALLAMS AKA CHRISTINE BARNES MOTYCKA, TTCZ PROPERTIES LLC, CRAIG W. BARR, THOMAS R. BARR, TAYLOR BARR MOLITIERNO AKA TAYLOR R. BARR, ZACHARIAH J. REID, STEVE C. BARNES AKA STEVEN CLEMENT BARNES, JULIE ELLEN BARNES, SLEEPY WYNN AKA FOREST SLEEPY WYNN AKA W. FORREST WYNN, FORREST JACOB WYNN, TAYLOR MAYS WYNN, ADRIENNE SUZANNE WYNN BEAUCHAMP CHARITABLE REMAINDER UNITRUST JOHN J. KLEIN AND G. TODD BRIGHT CO-TRUSTEES, C. F. WYNN AKA CLAUDE FOREST WYNN AKA CLAUDE F. WYNN, WFW FAMILY LIMITED PARTNERSHIP, TOCOR INVESTMENTS, INC., PATRICK K. MONAGHAN TRUST UNDER TRUST AGREEMENT DATED NOVEMBER 24, 2010 PATRICK K. MONAGHAN TRUSTEE, SOLAR FLARE INVESTMENTS LLC, CAL-MON OIL COMPANY, ESTATE OF A.T. CARLETON CAROLYN ELAINE CARLETON, PERSONAL REPRESENTATIVE, ESTATE OF CORINNE PHILLIPS CARLETON CAROLYN ELAINE CARLETON, PERSONAL REPRESENTATIVE [POSSIBLE SUCCESSOR TO THE ESTATE OF A.T. CARLETON], CATHRYN CARLETON MARTIN GENERATION-SKIPPING TRUST CATHRYN CARLETON MARTIN TRUSTEE [POSSIBLE SUCCESSOR TO THE ESTATE OF A.T. CARLETON], CAROLYN CARLETON MARTIN GENERATION-SKIPPING TRUST CAROLYN CARLETON MARTIN TRUSTEE [POSSIBLE SUCCESSOR TO THE ESTATE OF A.T. CARLETON], PHILLIPS TOWNES CARLETON GENERATION-SKIPPING TRUST PHILLIPS TOWNES CARLETON TRUSTEE

SHIPPING TRUST, PHILLIPS TOWINES CARLETON TRUSTEE [POSSIBLE SUCCESSOR TO THE ESTATE OF A.T. CARLETON], J BAR CANE ROYALTY LLC, DAVID CAGLE, ESTATE OF TOM C. WANTY, FORREST DUNLAP III, MANADA RESOURCES LP, CANYON PROPERTIES LLC, BXP PARTNERS V LP, RONALD R. COLLINS, RONALD R. COLLINS TRUST, STACIE J. MAY ADMINISTRATIVE TRUST, CHEROKEE LEGACY MINERALS LTD., KENEBREW MINERALS LP, CHARLES J. KINSOLVING, 3SD HOLDINGS LLC, ASHLEY DEAN CROW, of Cimarex Energy Co.'s application for approval of a spacing unit and compulsory pooling, Lea County, New Mexico. The State of New Mexico, through its Oil Conservation Division, hereby gives notice that the Division Examiner will conduct a public hearing at 8:15 a.m. on July 1, 2021, at 1220 S. St. Francis, Santa Fe, New Mexico, 87505. However, under the COVID-19 Public Health Emergency, the hearing will be conducted remotely. For information about remote access, you can visit the Division's website at: <http://www.emnrd.state.nm.us/OC/D/hearings.html>, or call (505) 476-3441. Cimarex Energy Co., at 600 N. Marienfeld St., Suite 600, Midland, TX, 79701, seeks an order from the Division: (1) creating a standard 484.63-acre, more or less, horizontal spacing and proration unit comprised of the N/2 N/2 of Sections 2 and 1, Township 20 South, Range 29 East; and the N/2 N/2 of Section 6, Township 20 South, Range 30 East; NMPM, Eddy County, New Mexico, and (2) pooling all uncommitted mineral interests in the Bone Spring formation underlying said unit. Cimarex proposes to dedicate the unit to its Crest 2-1-6 State Fed Com 1H Well, an oil well, proposed to be horizontally drilled from a surface location in SW/4 NW/4 (Unit E) of Section 2 to a bottom hole location in Lot 1 (aka NE/4 NE/4) of Section 6. The completed interval and first take and last take points for the well proposed in the unit, meet the Division's statewide setback requirements for horizontal oil wells. Also to be considered will be the cost of drilling and completing the well and the allocation of the costs thereof; actual operating costs and charges for supervision; the designation of the Applicant as Operator of the well and unit; and a 200% charge for the risk involved in drilling and completing the well. The well and lands are located approximately 12 miles northeast of Carlsbad, New Mexico.
#4777899, Current Argus, Jun 12, 2021

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

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

Application of Cimarex Energy Company
for Hearing De Novo of Case 21429
Eddy County, New Mexico

Case No. 21744

REPORTER'S TRANSCRIPT OF PROCEEDINGS
COMMISSION HEARING
THURSDAY, JULY 8, 2021
AGENDA ITEM NO. 5

BEFORE: ADRIENNE SANDOVAL, COMMISSION CHAIR
GREG BLOOM, COMMISSIONER
TERRY WARNELL, COMMISSIONER

This matter came on for hearing before the
New Mexico Oil Conservation Commission on
Thursday, July 8, 2021, Via the Webex Virtual
Conferencing Platform, hosted by the New Mexico
Energy, Minerals and Natural Resources Department

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1 COMMISSION CHAIR SANDOVAL: Well, so --

2 MR. SAVAGE: I hope that was clear. I kind of
3 meandered a little bit on that, but...

4 COMMISSION CHAIR SANDOVAL: I guess I have a
5 follow-up question.

6 So I mean I think the Commission, in
7 granting the de novo hearing, you know, did have concerns
8 about whether or not the requirements, the good faith
9 effort to -- I can't remember the exact language, but to
10 contact the parties, et cetera, all of that, whether or
11 not that was followed, but I don't think we've gone
12 through -- I mean, at this point we haven't...

13 Sorry, I'm like --

14 MR. SAVAGE: I think it's one of those mornings.

15 COMMISSION CHAIR SANDOVAL: We haven't, like,
16 considered, you know, a lot of evidence or testimony or
17 any of those components in that. But what you're asking
18 the Commission is to make a decision today that there's
19 enough evidence that there was not a good faith effort,
20 and that the Order should be invalidated and it should be
21 sent back to the Division.

22 MR. SAVAGE: Madam Chair, I believe that's
23 correct. I believe that the Commission went up to the
24 point to confirm as a factual matter that the arguments
25 that Colgate made about the misconduct/misrepresentations,

1 that the argument was compelling. So the Commission has
2 acknowledged at this point that the argument is
3 compelling.

4 I believe that we -- the evidence, all the
5 evidence for a final determination on that question is of
6 record before the Commission. I believe that you're
7 correct that Colgate is asking for a final determination
8 on that assessment.

9 So I believe technically the Commission has
10 not made -- has not tipped the scale in that manner, but
11 it has gone up to the precipice, and what is remaining is
12 a final determination.

13 COMMISSION CHAIR SANDOVAL. Okay. I guess what
14 I'm initially thinking, Mr. Moander, is give, you know,
15 the Commissioners the opportunity to, you know, ask as
16 many questions here as we need, and then go into executive
17 section to discuss that.

18 Is that an option?

19 MR. MOANDER: No, --

20 COMMISSION CHAIR SANDOVAL: No.

21 MR. MOANDER: -- Madam Chair. No, this is -- so
22 there are a couple of options, because I will admit that
23 the parties in this case have really brought some very
24 fine-tuned issues that are not typical, nor are they
25 easily cut-and-dry items, I think.

1 So the Commission can decide whether or not
2 to grant or deny the motion today, it's allowed to do
3 that.

4 Besides that the Commission has had success
5 requesting some additional briefing, but we also have a
6 deadline line of about, what, two months from now to have
7 the final determination hearing.

8 So the Commission could solicit some
9 additional argument, some proffers of evidence, that's
10 always permissible, and hold a decision in abeyance until
11 the next meeting. That is also an option, I think.

12 Again these are not -- these are pretty
13 complicated issues with some case law that I have
14 certainly not seen before, but the -- so, yes, the
15 Commission has some options here. Really there is only
16 two I see. I'm always open to alternatives to that.. But,
17 yeah, I mean I will acknowledge from a legal standpoint
18 there's some complexity here and it's not the norm for
19 this Commission.

20 COMMISSION CHAIR SANDOVAL: But at the end of
21 the day the Commission has the choice on any case, if we
22 so choose, to pull it from the Division to the Commission.

23 MR. MOANDER: Yes, that's correct.

24 I think that -- see, the concern that I see
25 with this, and this is sort of speaking to the parties,

1 too, is that really one of benefits of de novo, whether
2 it's de novo on the record or I guess we will call it
3 pure de novo, is that the parties get to provide evidence
4 about all of claims that have been made in both motions.
5 And argument of parties, even though they may have
6 documents, is still -- it's not quite the level of
7 evidence that will be solicited and provided in a de novo
8 hearing where there is witnesses that can be cross
9 examined, documents that can be discussed, or challenged,
10 even. And the whole idea of de novo, regardless of its
11 flavor, is to actually flesh out almost everything the
12 parties are concerned about in these motions, and at that
13 point in time the Commission would have the ability to
14 dismiss certain claims or relief sought, then issue
15 Findings of Fact.

16 My concern is if even though there may be
17 procedural flaws below, those issues were -- if the
18 parties don't bring those up in the hearing I would be
19 completely floored, because that would be something I
20 would almost expect as a matter of course here. And so
21 the issue of like Procedurally Defective Order could be
22 discussed at some length, and like why this Order is no
23 good and why the Commission should ultimately reject it.

24 I'm not seeing the prejudice here that the
25 parties are arguing for, but I mean I'm more than happy to

1 hear some fine-tuned arguments on that.

2 COMMISSION CHAIR SANDOVAL: Commissioners Bloom,
3 or Warnell, do you have any questions for the parties?

4 COMMISSIONER BLOOM: Yes. Let me think here
5 which one I want to go with first.

6 I guess we'll stick with -- let's keep
7 talking about the Motion to Invalidate and Vacate.

8 Mr. Savage, how do you feel -- how would
9 you feel if Cimarex went into the de novo hearing with the
10 current Order R-21575 in place? How do you see that
11 impacting Cimarex's case at the de novo hearing?

12 MR. SAVAGE: Well, there's several issues there
13 that I'd like to point out.

14 First of all, and this will really not
15 affect Cimarex's interest, but there is a question about
16 whether or not that stain or tarnish from the Commission's
17 Order about the status of and description of Colgate's
18 conduct. To me there's a question about whether or not
19 that would prejudice Colgate. It seems like a return to
20 the Division with Colgate being allowed to fully satisfy
21 and fulfill the statutory requirements would provide a
22 clear playing field and level playing field for both
23 parties that would sequester and eradicate whatever
24 controversy surrounding Colgate's conduct.

25 So it seems like a very clean way to

1 proceed.

2 COMMISSIONER BLOOM: So you're saying,
3 Mr. Savage, that's what would happen if the existing Order
4 was invalidated and vacated.

5 MR. SAVAGE: If the existing Order was
6 invalidated, yes, the parties would return to the Division
7 and there would be a clean slate, basically, both
8 procedurally and any other way. Colgate could cure
9 whatever issues they had with their proceedings by doing
10 it anew and Cimarex would be returned, restored to the
11 position prior to the harm committed upon Cimarex and the
12 harm committed upon the proceedings.

13 And so there would be an erad- -- you know,
14 a clean slate and there would be no question of prejudice.

15 I think with the alternative you have
16 prejudice that continues to haunt these proceedings and
17 affect both Colgate negatively and affect Cimarex
18 negatively.

19 The other question I have, and, you know,
20 and this is something is that the Commission would have to
21 consider and, you know, address would be -- what would be
22 appropriate and the reasoning for what is appropriate.

23 So that we have current cases, and they're
24 referenced in Cimarex's motion, in which the Commission
25 did return the cases and applications to the Division for

1 rehearing of the units.

2 So there is precedent, there is a
3 precedent. I'm not sure if the reasoning has been fully
4 provided, but there is a precedent for returning to the
5 Division.

6 So in some ways, you know, Cimarex looks at
7 that treatment of those parties and wonders which -- is
8 it -- it is an advantage to have that opportunity to go
9 back to the Division and have your case, you know,
10 reconsidered or reheard.

11 So Cimarex looks at that and wonders should
12 the same treatment be afforded to Cimarex, and what is --
13 and if it is, or if it's not, what is the reasoning and
14 basis for that treatment of one party versus another
15 party.

16 That's -- that's -- that's kind of the
17 large overriding issue. And I agree with Mr. Moander,
18 it's very complicated and very complex and there's nuances
19 in there, and I don't have a full answer for that.

20 But Cimarex looking at how other parties
21 are allowed to go back to the Division, we would like to
22 be afforded that, unless there is a very substantial
23 reason that that should not be allowed.

24 And I think Cimarex has provided a
25 procedural pathway for allowing that and still have a

1 secure Order at the end.

2 COMMISSIONER BLOOM: Mr. Padilla, would you like
3 to respond?

4 MR. PADILLA: Mr. Savage is arguing that
5 essentially the Commission cannot make a decision from a
6 brand new case. To go to the Division doesn't make any
7 sense, because we are never going to finish this case.
8 For one, the Commission already granted a de novo hearing,
9 and I don't see any reason to go back.

10 Now, in terms of prejudice, we cited
11 authority that a stayed Order has no -- should have no
12 effect. And, you know, the Division granted the Order,
13 but I think that the main thing is that the Commission now
14 has an opportunity to assess whether or not Colgate did
15 not provide sufficient dialogue in terms of trying to get
16 joinder in this case.

17 We're obviously going to go back and bring
18 all that forward to see whether or not Cimarex addressed
19 the proposals that were made by Colgate, and that has to
20 be considered by the Division. And certainly in terms of
21 we already made an argument that they simply messed up the
22 Notice requirement.

23 Now, that's an issue that's not before the
24 Commission now, but all of that has to be decided by the
25 Commission, the totality of circumstances of why, you

1 know, Cimarex completely dropped the ball here.

2 And so now they are trying to get back in
3 the game and we are starting all over again. I don't see
4 the reason to go back, and I don't know what the procedure
5 is. I know that Mr. Savage is addressing, because he's
6 been a lawyer in the Ascent/Mewbourne/Apache -- I'm in
7 that monitoring for EOG, but those cases have been bounced
8 up and down from the Commission to the Division and
9 arguments back and forth. We simply would like to avoid
10 all that of and go back and not argue about collateral
11 attack on the State Order.

12 I don't see any reason why that would have
13 any prejudicial effect on the Commission. The Commission
14 is supposed to be looking at this all over again, and we
15 start -- and they conceded that they had the opportunity
16 to present their case to the Commission.

17 But to say that the Commission cannot -- by
18 implication cannot make the decision I think is entirely
19 wrong, that the Commission can decide whether or not --
20 uh, which application to approve.

21 COMMISSIONER BLOOM: Mr. Padilla, how would --
22 I'm sorry. How would Colgate be harmed by vacating the --
23 in effect, as you said, the State Order should have no
24 effect on the de novo hearing.

25 MR. PADILLA: Well, one of the reasons is that

1 if this goes beyond, I would like to exhaust
2 administrative remedies. We can go back to argue 7-2-13
3 and whether or not it's appropriate to grant a de novo
4 hearing in the first place under the circumstances that
5 the Commission did. So going back to consider factual
6 allegations would just simply delay Colgate's ability to
7 exhaust administrative remedies if we decide to go there.

8 COMMISSIONER BLOOM: Okay. Thank you. I don't
9 have any further questions on this point. At some point I
10 might like to return to the issue of the Motion to Dismiss
11 and issues with BLM and the Potash raised by Colgate.

12 COMMISSION CHAIR SANDOVAL: Mr. Warnell, do you
13 have any additional questions of the parties?

14 COMMISSIONER WARNELL: Madam Chair, I appreciate
15 both Mr. Padilla and Mr. Savage's comments, and I have
16 nothing at this time.

17 COMMISSION CHAIR SANDOVAL: Okay. Well, we now
18 have to figure out what to do.

19 I guess I'm sort of -- I'm struggling with
20 sending it back down to the Division. And why I say that
21 is because I think, you know, the Commission has heard
22 enough information and enough on the record from the
23 previous hearings that there is a question as to whether
24 or not that good faith effort was -- you know, was gone
25 through on Colgate's side. But I would want additional,

1 like, testimony, evidence, et cetera, to make that -- you
2 know, make like a sort of official ruling on that, or, you
3 know, to invalidate the Order.

4 I'm not in a place where I feel like
5 there's enough, we've heard enough evidence and
6 testimony -- well, we haven't heard any testimony -- to
7 invalidate that Order, which leaves us, I think, at the
8 place where we have the Order stayed, the Order was stayed
9 at the last hearing, and I do think that de novo appeal is
10 the place where all of that comes out, where the evidence
11 and testimony should be made and the Commission would then
12 make that decision.

13 So I don't think the Order at this point
14 should be invalidated. Now, that may be something that we
15 come to at the de novo hearing, but I'm not there today.

16 MR. MOANDER: And I just want to note for the
17 benefit of the parties and the Commission, in the second
18 paragraph of Order 21679-A that the effect of the Order
19 has Colgate ceasing operations pursuant to the underlying
20 Division Order, and then in the third paragraph, the
21 matter -- that this stays in effect either until the
22 Commission reaches a resolution or the parties settle out.

23 So the impact of the Order is
24 long-reaching, essentially through the end of this de novo
25 appeal, or if the parties come to some mutual agreement.

1 So it's lengthy and it's, I read, strongly.
2 It was crafted that way based on the Commission's
3 decision.

4 So just put that out there.

5 MR. SAVAGE: Madam Chair, if I may comment based
6 on the comments that you made.

7 It sounds to me like if that's how we would
8 proceed at the de novo level, that there would be a
9 consideration of whether the Order is invalid along with
10 the consideration of the merits of the Development Plans.
11 It sound to me like Cimarex could approach -- could
12 prevail based on two bases. One basis would be that
13 Cimarex submits a superior plan, and that would show the
14 superior prevention of waste, protection of correlative
15 rights, et cetera; but the other means of prevailing at
16 the de novo hearing would be severed from the merits of
17 the superior plan, and that would be a showing that the
18 Order on its face, based on the evidence, is invalid.

19 So the Commission could rule that the Order
20 is invalid and that would allow Cimarex to prevail, and
21 it's possible it could allow Cimarex to prevail without
22 having a superior plan.

23 So, for example, let's say Cimarex submits
24 a plan, Colgate submits plan. Colgate's plan is actually
25 superior in terms of prevention of waste and optimal

1 development. Cimarex could argue that levied in the case
2 that we show definitively that the Order is invalid. So
3 once that Order is invalidated Colgate has no Order to go
4 forward if it shows it has a superior plan, and therefore
5 Cimarex wins, prevails with what would be an inferior
6 plan.

7 And that seems to be a logical
8 inconsistency that kind of contradicts the policy of
9 completing applications, and that's the prevention of
10 waste, protection of correlative rights.

11 So, you know -- so that -- you know, that
12 just seems like an inconsistency in the de novo hearing.
13 I don't know what your opinion might be on that.

14 COMMISSION CHAIR SANDOVAL: I think, Mr. Moander
15 (sic), the intent of a de novo hearing is to hear all of
16 the pieces. We have each of these competing applications.
17 One of the criteria for compulsory pooling is, again, the
18 good faith effort, so that's inherent in either of your --
19 that would be inherent in sort of either of your showings,
20 but I don't think that that representation there is
21 accurate. I think it's just inherent in both of your
22 cases, you need to both -- well, you can show whatever you
23 want to, you can bring whatever you want to at the
24 hearing, but typically the core pieces of Compulsory
25 Pooling Applications is that good faith effort. And, you

1 know, whatever representations that you bring to the
2 Commission.

3 So I don't think the representation you
4 made just now was accurate, but inherent in both of the
5 representations I think should be --

6 MR. SAVAGE: So --

7 COMMISSION CHAIR SANDOVAL: (inaudible) as that.

8 MR. SAVAGE: Right. Yes.

9 So if I understand this correctly, the
10 Commission would issue an Order that would override the
11 Division Order based on hearing both applications.

12 COMMISSION CHAIR SANDOVAL: Mr. Moander, do you
13 want to go into the procedure of it? We haven't made a
14 decision yet here, either yet. We are just having a
15 discussion, and that was my initial discussion.

16 So I might -- then Mr. Moander, if you have
17 any pieces on procedure or whatever, jump in, but then I
18 would like to hear from the other commissioners and know
19 where you guys are.

20 MR. MOANDER: So ultimately the Commission is
21 going to issue -- there would be a Final Order issued in
22 this matter, which by its very nature is -- although
23 likely, I mean I am not a prognosticator and I don't
24 pretend to be, but will likely have elements in some
25 capacity that would override any lower, like the Division

1 Order.

2 It may not. It may also change the Order.

3 As I say, the evidence isn't in.

4 But whatever Order would come out of the
5 Commission would presumably, under the procedure -- and
6 I'll try to pull these up now -- would supersede the
7 Division Order. I don't think I have seen an adjudication
8 where that's not the case, but I certainly could be wrong.

9 Let me check on this real quick and I will
10 opine a little further here in just a moment.

11 MR. SAVAGE: Mr. Moander, if I could point out,
12 so then the determination of whether or not --

13 COMMISSION CHAIR SANDOVAL: Mr. Savage, can the
14 commissioners --

15 MR. SAVAGE: Oh, I'm sorry. Yes, please.

16 COMMISSION CHAIR SANDOVAL: Hold for a minute.
17 I would like to hear from the commissioners.

18 Commissioner Bloom or Warnell?

19 COMMISSIONER BLOOM: Commissioner Warnell,
20 please go ahead.

21 COMMISSIONER WARNELL: I have some band width
22 issues here.

23 I would like to see what Mr. Moander has to
24 say here before I comment any further.

25 COMMISSIONER BLOOM: Madam Chair, I think as I

1 can see the de novo hearing, I would picture both parties
2 making fresh presentations, essentially a fresh
3 presentation of their best plans at that point, and we
4 wouldn't be going back and looking at what Colgate
5 presented in the previous OCD hearing.

6 We spent a decent amount of time in
7 previous meetings, of course, looking at this, and, you
8 know, I look at the Order and I think it's point then says
9 "Finally Cimarex argues that Colgate effectively engaged
10 in fraud by filing the original pooling application that
11 contained material misrepresentations of fact," end quote.

12 And that material misrepresentation was
13 about the good faith effort to negotiate with other
14 parties, and we never saw Colgate come back and prove that
15 that wasn't the case, that they had negotiated. So I'm
16 not -- I don't know that I need to -- I don't know that
17 the Commission needs to take action today to invalidate
18 and vacate the previous Order, but I could see that being
19 part of what would happen at some point in the de novo
20 hearing if this were to arise again.

21 And maybe Mr. Moander has more to add. Or
22 we can take a 10-minute break and give him some time to
23 review.

24 MR. MOANDER: I would be appreciative of that.

25 The alternative is the Commission could --

1 I mean the Commission could continue this matter till
2 after we here the other items on the agenda and we can
3 resume. Because it did occur to me that the status
4 conference should not take very long and we could probably
5 release those attorneys so they don't have to sit
6 necessarily and listen to this. That's also an option.

7 COMMISSION CHAIR SANDOVAL: That would be fine,
8 continuing this to the end of the agenda today, unless you
9 guys want a break.

10 COMMISSIONER BLOOM: Madam Chair, I would be
11 fine with going to the status hearing, Permian Oil Field
12 Partners, and continuing this hearing shortly after that.

13 COMMISSION CHAIR SANDOVAL: Mr. Moander, do we
14 need like a formal motion?

15 MR. MOANDER: That's a good question. It's
16 still on the agenda, so I don't think it needs to be --
17 like, no motion to table or anything like that is
18 required.

19 An abundance of caution it never hurts to
20 do a quick vote, especially with a composition this small
21 so it would be nice and formal. So I think there would be
22 some value in maybe considering that.

23 COMMISSION CHAIR SANDOVAL: Is there a motion to
24 continue Agenda Item No. 6 until after we have heard the
25 status conference for agenda Items No. 6, 7, 8 and 9?

1 COMMISSIONER BLOOM: Yes, Madam Chair. I move
2 to continue Agenda Item No. 6 until after we have heard
3 Agenda Items 7, 8 and 9.

4 COMMISSION CHAIR SANDOVAL: Just to be clear do
5 you mean continue Agenda Item No. 5?

6 COMMISSIONER BLOOM: Oh, I'm sorry, Madam Chair.
7 Yes, continue Item No. 5 until after we've heard Agenda
8 Items Nos. 6, 7, 8 and 9.

9 COMMISSION CHAIR SANDOVAL: Is there a second?

10 COMMISSIONER WARNELL: Madam Chair, I second
11 that.

12 COMMISSION CHAIR SANDOVAL: Thank you.
13 Mr. Moander, would you do a roll call vote, please.

14 MR. MOANDER: Yes, Madam Chair.

15 Commissioner Warnell.

16 COMMISSIONER WARNELL: Approved.

17 MR. MOANDER: Commissioner Bloom.

18 COMMISSIONER BLOOM: Approved.

19 MR. MOANDER: Madam Chair.

20 COMMISSION CHAIR SANDOVAL: Approved.

21 MR. MOANDER: Motion carries.

22 COMMISSION CHAIR SANDOVAL: All right. Mr.
23 Savage and Mr. Padilla, hang tight. We will finish up
24 after we conclude Agenda Items 6, 7, 8 and 9.

25 (Time noted 10:23 a.m.)

1 (Note: Agenda items 6, 7, 8, 9 heard.)

2 (Note: A recess was taken.)

3 (Time noted 10:45 a.m.)

4 COMMISSION CHAIR SANDOVAL: Well, I think it's
5 now time to go back.

6 MR. MOANDER: Yes.

7 COMMISSION CHAIR SANDOVAL: Commissioner Bloom?

8 COMMISSIONER BLOOM: I'm back now.

9 COMMISSION CHAIR SANDOVAL: Okay. All right. I
10 think we have the gang all back together.

11 So we are back on Agenda Item No. 5, Case
12 No. 21744.

13 Mr. Moander, I believe you were looking
14 into a couple of things.

15 Would you, like to open it up, please.

16 MR. MOANDER: Yes. So I wanted to just address
17 some of the concerns here, because I think Mr. Savage
18 brought up a good point, and that is it's -- he was
19 attempting to clarify whether the Commission sought to
20 effectively rule that the merits hearing would encompass
21 potentially two avenues of victory for his client, one of
22 them being the attack on the underlying Order and
23 invalidating it, and the other being the actual merits of
24 the matter.

25 In taking a look at the various statutes

1 like 70-2-13, as well as some of the language in 19.15.4
2 NMAC, too, but taking a look at 19.15.4.16C, which
3 concerns a hearing on motions, or those motions here, my
4 suggestion is at this point -- because one of the problems
5 I'm struggling with is I think the parties, that's why
6 they are in front of the Commission. I think that an
7 evidentiary hearing at the August setting on the issue of
8 whether or not -- I hope I don't get this wrong, whether
9 or not Colgate met the requirements of conference before
10 filing its original application at the Division level
11 would be appropriate, because we would get actually
12 substantive evidence on the record for everybody involved,
13 the parties would have the opportunity to demonstrate
14 either the deficiency or lack of deficiency in the
15 original Division's application, and it would be
16 consistent with 19.5.4.16C to have that resolved prior to
17 a merits hearing, because it is, I suppose, possible that
18 at this point that a merits hearing be determined as being
19 not necessary.

20 So a motions hearing on -- sorry, an
21 evidentiary hearing specifically concerning the Notice
22 requirements that have been complained about.

23 Give me just a second, because if we take a
24 look at the application to re-open the case by Cimarex I
25 note here that the legal arguments about having a de novo

1 hearing Cimarex focuses on -- it's first argument is that
2 Colgate failed to negotiate, contrary to the agreement to
3 engage in good faith negotiations. And that I think
4 stands out, as well, because it's clearly the focal point
5 of the application, and to resolve whether it actually
6 happened or not would determine the future of this case as
7 a de novo matter.

8 So again to distill this down, I would
9 recommend or I do recommend an evidentiary hearing for the
10 July -- sorry, August docket for OCC. The Commission can
11 enforce subpoenas, although customarily that is not an
12 issue, but if the Commission proceeds with that, the
13 parties can bring in whoever they needed to testify one
14 way or the other.

15 COMMISSION CHAIR SANDOVAL: Thank you Mr.
16 Moander.

17 To add, just to clarify. In your proposal,
18 in the August OCC we would hear evidence and testimony on
19 first the issue of whether or not the Order from the
20 Division should be invalidated because Colgate didn't
21 follow the good faith negotiation requirement. Is that
22 correct?

23 MR. MOANDER: Yes. Add to that, or maybe
24 clarify it, I think I would suggest the Commission hold in
25 abeyance its rulings on the two pending motions until the

1 conclusion of the evidentiary hearing in August.

2 COMMISSION CHAIR SANDOVAL: And then depending
3 upon the outcome of the August hearing would dictate
4 whether or not we move forward with the September hearing.

5 MR. MOANDER: That's correct. Any
6 determinations made at the conclusion of the evidentiary
7 hearing would essentially determine the future of the
8 remainder of the case, if any.

9 And I do want to comment just to the
10 parties that, you know, I realize this has been a rather
11 tedious process, but I also recognize that both parties
12 are bringing issues before the Commission that don't --
13 they don't have a lot of history, so the Commission is
14 trying here, if I may speak for them as their counsel,
15 very diligently to get this right so that whatever comes
16 out at the end is reliable and viable for the parties.

17 So at least from my perspective I
18 appreciate your tolerance of this, because I want to get
19 it right for you, as well. (Note: Pause.)

20 COMMISSION CHAIR SANDOVAL: Okay. Commissioners,
21 do you have any questions for Mr. Moander or additional
22 thoughts?

23 COMMISSIONER BLOOM: Madam Chair, Mr. Moander,
24 are we then holding in abeyance both the -- I think it was
25 the Motion to Invalidate and Vacate and also the Motion to

1 Dismiss until that point?

2 MR. MOANDER: That would be correct. I think
3 there is an order for these to be evaluated, and the
4 primary motion to be dealt with is the one concerning
5 vacating the underlying Division Order.

6 COMMISSIONER BLOOM: I guess as I consider it at
7 this point, I wouldn't -- I think I'm going to leave it
8 there.

9 Thank you, Mr. Moander.

10 COMMISSIONER WARNELL: Madam Chair, Commissioner
11 Warnell here. I see no harm to either party if we were to
12 put this on the OCC August docket.

13 COMMISSION CHAIR SANDOVAL: Thank you, Mr.
14 Warnell.

15 I agree. I think -- you know, there's
16 been -- you know in the previous hearings conversations
17 surrounding whether or not the good faith effort was
18 undergone, but I would like to hear testimony and
19 witnesses to that effect so that the Commission, you know,
20 has enough information to make a decision on that issue
21 itself.

22 So is there a motion to hold the motion --
23 is there a motion to hold the motions in abeyance until
24 the next regularly scheduled OCC hearing on August 12th,
25 and have the parties provide testimony and witnesses?

1 MR. PADILLA: Madam Chair, if I may, this is
2 Ernest Padilla.

3 I know that I have vacated or continued
4 cases because Mark Hajdik, who would be my main witness,
5 is unavailable in August, and I think we had Division
6 hearings somewhere around August 15th and we continued
7 those.

8 So if you want to hear additional testimony
9 as the Commission considering, can I ask for witness
10 availability on August 12th? Other than that, I should
11 add that --

12 COMMISSION CHAIR SANDOVAL: Mr. Moander, how do
13 we take that into consideration?

14 MR. MOANDER: It's fair if a party has witness
15 unavailability. I mean, that's understandable.

16 But, Mr. Padilla, what's the likelihood --
17 and I missed his name and apologize, but that your witness
18 might be able to appear by video.

19 MR. PADILLA: I --

20 MR. MOANDER: No idea?

21 MR. PADILLA: I have no idea, and I particularly
22 wouldn't want to do that. But that's neither here nor
23 there. I'm just -- I know that I continued cases on a
24 number of Colgate into September because of that
25 unavailability.

1 MR. MOANDER: Okay. So then I think the next
2 question is, we obviously want to -- we don't want to kick
3 the can down the road any further than absolutely
4 necessary.

5 Mr. Savage, would you voice an objection if
6 we need to reschedule the merits hearing to ensure that
7 both parties can bring their witnesses to address the
8 Commission for purposes of the evidentiary hearing?

9 Mr. Savage, if you are speaking, I can't
10 hear you.

11 MR. SAVAGE: How's that?

12 MR. MOANDER: That's better.

13 MR. Savage: I guess I'm not sure if I
14 understand. Were we going to change that evidentiary
15 hearing to August 12th? Was that --

16 MR. MOANDER: So the original proposal was to
17 have the evidentiary hearing on August 12th. Mr. Padilla
18 voiced concern about the availability of the witness and
19 that he had continued other cases, based on that witness'
20 unavailability in August, which would mean that we would
21 probably -- unfortunately, I know the OCC has some
22 difficulty with special meetings so we really try to keep
23 everything on scheduled meetings dates.

24 So based on all of that, whether you would
25 object or have a concern about rescheduling the merits

1 hearing, so that way all parties can provide all their
2 necessary witnesses in an evidentiary hearing that I would
3 suspect that's probably looking into September.

4 MR. SAVAGE: So the merits hearing, would be --

5 MR. MOANDER: Switched back. It would need to
6 be under the circumstances.

7 MR. SAVAGE: That would be -- as long as we are
8 pushing it back, that would be okay. I have to check with
9 my client to see what's available for them, but, you
10 know -- yeah, if -- you know, fortunately setting dates so
11 they are in sequence and allow witnesses, that would be
12 great.

13 MR. MOANDER: How does --

14 COMMISSION CHAIR SANDOVAL: Mr. Moander. What
15 about -- I mean, we already have -- well, we of course
16 have the de novo hearing on the docket for September,
17 which means that likely all the parties are available.

18 What if we do the evidentiary hearing in
19 September and move the de novo hearing to October?

20 MR. MOANDER: I think that's a great proposal,
21 Madam Chair. And that gives the parties enough time to
22 ensure availability for a merits hearing as well as the
23 evidentiary hearing.

24 COMMISSION CHAIR SANDOVAL: Okay. That would
25 be -- yeah, that makes sense. Okay.

1 Is there a motion to hold the motions that
2 we considered today in abeyance until an evidentiary
3 hearing on the regularly scheduled September OCC hearing
4 date, and then move the subsequent de novo hearing date
5 into the regularly scheduled October OCC hearings date?

6 COMMISSIONER BLOOM: Yes. I am just looking --
7 one second here.

8 Okay. Uhm, Madam Chair I would move to
9 move the Motions to Invalidate and Vacate and the Motion
10 to Dismiss until the regularly scheduled September meeting
11 of the OCC and move the de novo hearing for Case 21744 to
12 our regularly scheduled OCC October meeting.

13 COMMISSIONER WARNELL: Madam Chair, Commissioner
14 Warnell. I would second that motion.

15 COMMISSION CHAIR SANDOVAL: Thank you.

16 Mr. Moander, will you do a roll call.

17 MR. MOANDER: Yes, Madam Chair.

18 Commissioner Warnell?

19 COMMISSIONER WARNELL: Approved.

20 MR. MOANDER: Commissioner Bloom.

21 COMMISSIONER BLOOM: Approved.

22 MR. MOANDER: And Madam Chair.

23 COMMISSION CHAIR SANDOVAL: Approved.

24 MR. MOANDER: The motion carries.

25 COMMISSION CHAIR SANDOVAL: Well, Mr. Savage and

1 STATE OF NEW MEXICO
2 ENERGY, MINERALS, AND NATURAL RESOURCES DEPARTMENT
3 OIL CONSERVATION COMMISSION.

4 THE MATTER OF THE HEARING CALLED
5 BY THE OIL CONSERVATION DIVISION FOR
6 THE PURPOSE OF CONSIDERING:

7 Application of Colgate
8 Operating, LLC for
9 Compulsory Pooling,
10 Eddy County, New Mexico
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OCD Case No. 21629
Commission Case No. 21744

11 REPORTER'S TRANSCRIPT OF PROCEEDINGS
12 THURSDAY, APRIL 14, 2022

13 REGULAR MEETING
14 AGENDA ITEM NO. 5
15 RULING AND STATUS CONFERENCE

16 This matter came on for hearing before the
17 New Mexico Oil Conservation Commission on Thursday,
18 April 14, 2022, via Webex Virtual Conferencing
19 Platform hosted by the New Mexico Energy, Minerals
20 and Natural Resources Department.

21 PRESENT:

22 COMMISSION CHAIR: Adrienne Sandoval
23 COMMISSIONER: Greg Bloom (State Land Office)
24 COMMISSIONER: William Ampomah (ENMRD)
25 COMMISSION COUNSEL: John Kreienkamp, Esq.
COMMISSION SECRETARY: Florene Davidson

26 Reported by: Mary Therese Macfarlane.
27 New Mexico CCR #122
28 PAUL BACA COURT REPORTERS
29 500 Fourth Street NW, Suite 105
30 Albuquerque, New Mexico 87102
31 (505) 843-9241

A P P E A R A N C E S

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C O N T E N T S

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MOTION TO APPROVE ORDER IN CASE NO. 21621:	9
ORDER APPROVED:	10
APPROVAL OF MOTIONS/REPLIES/RESPONSES SCHEDULE:	15

1 responses and replies a maximum of seven pages, not
2 including any attachments or exhibits.

3 COMMISSIONER AMPOMAH: Madam Chair, a quick
4 question.

5 So in the Final Order I think we made a
6 decision on the Cimarex application for hearing de novo,
7 so is that the same thing that we are going to talk about,
8 or the same number?

9 COMMISSION CHAIR SANDOVAL: We did. Hold on.
10 Let me pull up the Final Order.

11 COMMISSIONER AMPOMAH: Okay. (Note: Pause.)

12 COMMISSION CHAIR SANDOVAL: So I believe that
13 the -- we --

14 I've got an old copy up. (Note: Pause.)

15 COMMISSIONER BLOOM: Madam Chair, if you will
16 permit me.

17 COMMISSION CHAIR SANDOVAL: The -- oh, go ahead.

18 COMMISSIONER BLOOM: Yeah. My understanding, in
19 paragraph 111 we say that Cimarex's application in this
20 matter for a hearing de novo before OCC is denied.

21 COMMISSIONER AMPOMAH: Is denied.

22 COMMISSIONER BLOOM: Related back to the
23 question of whether proper Notice was given, but that this
24 was a bifurcation of the case, and that there is still a
25 de novo hearing potentially pending on the other side.

1 COMMISSION CHAIR SANDOVAL: Yes. So there's two
2 pieces to this case. We bifurcated it back six, eight
3 months ago. So there was the case for the good faith
4 Notice effort that we decided on, which is this Order, and
5 then there's this additional de novo case. So there are
6 two separate issues.

7 COMMISSIONER AMPOMAH: Thank you, Madam Chair.

8 COMMISSION CHAIR SANDOVAL: Just for clarity's
9 sake I'll remake the motion.

10 Okay. For de novo Case No. 21744 -- I
11 actually don't know if that is the right case number.

12 COMMISSIONER BLOOM: The prior case was 21629.

13 COMMISSION CHAIR SANDOVAL: Okay. We'll get
14 there.

15 De novo Case No. 21744, motions are due May
16 5th, responses are due by the 19th of May, replies are due
17 by the 27th. All of these are limited to seven pages of
18 the core response or reply or motion, and that does not
19 include attachments and/or exhibits.

20 Is there a second to that motion?

21 COMMISSIONER BLOOM: Madam Chair, I second.

22 COMMISSION CHAIR SANDOVAL: Mr. KreienKamp,
23 would you do a roll call vote, please.

24 MR. KREIENKAMP: Yes, Madam Chair.

25 On the motion. Chair Sandoval?

From: Darin - Work <darin@abadieschill.com>
Subject: OCC Case No. 21744
Date: April 18, 2022 at 2:57:30 PM MDT
To: "Moander, Christopher" <cmoander@nmag.gov>
Cc: Ernest Padilla <padillalawnm@outlook.com>, Adam Rankin <agrankin@hollandhart.com>, Andrew Schill <andrew@abadieschill.com>, "Bill Zimsky" <bill@abadieschill.com>, Luke Kittinger <luke@abadieschill.com>

Chris, good afternoon,

At the April 14 status conference, the parties were instructed to submit Motions, Responses and Replies starting May 5 to address procedural matters regarding the de novo hearing in Case No. 21744 and to determine if the de novo hearing, which had been granted to Cimarex as a party of record, in Order No. R-21679, would consist of just the Colgate application or consist of hearing the competing applications. The Chair had stated at the status conference that the de novo hearing had been bifurcated from the evidentiary hearing, which was designed to determine if the order was valid or invalid and the proper forum to hear the applications. As we read the rules, when a party of record makes application for a de novo hearing within the deadline to hear an adverse decision, the party has a right to a de novo hearing, whether the order is valid or not. At a de novo hearing on the merits, it shouldn't matter the order's status. The final status of the order is for the OCC to determine based on presentations and arguments at the de novo hearing on the merits, which have not yet occurred. But it looks like Paragraph 111 in Order No. R-21679-C has preempted that opportunity by rescinding the de novo hearing, without explanation. The Chair had mentioned, that based on the bifurcation, the OCC would reevaluate the sentence in Para. 111 and revise. However, it looks like the sentence was issued in its original form.

The parties were instructed to file Motions by May 5 to address how to proceed with the de novo hearing and whether the competing applications should be included, but Paragraph 111 would preclude such arguments and preempt the Motions, except for Colgate's Motion which would be prejudicial to Cimarex. In other words, the language in Paragraph 111 does not provide a level playing field for both parties in their Motions to consider the status of the de novo hearing.

Order No. R-21679-C Paragraph 111 looks like a final conclusion that would not allow for Cimarex's Motion, except for a request for rehearing under 19.15.4.25 NMAC as the only remaining option, which did not appear to be the intent of the OCC during discussions at the status conference.

I don't believe Cimarex can argue in a Motion to overturn a conclusion in a final order, unless you want Cimarex to file the Motion it was instructed to file pursuant to 19.15.4.25 NMAC. If Cimarex files a Motion to Rehear, it would present the legal issues involving Cimarex's right to a de novo hearing and have the hearing limited to those legal issues. If this is the preferred procedure, which without a

EXHIBIT

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revision of Paragraph 111 would be the only option, Cimarex has a 20 day deadline after the entry of the OCC order, which puts our deadline at May 4 instead of May 5. As a result, it might be preferable to move the Motion deadline for the parties to May 4.

Please advise.

Thanks, Darin

DARIN SAVAGE

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

**APPLICATION OF CIMAREX ENERGY CO.
FOR HORIZONTAL SPACING UNIT AND
COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

Case No. 22018

**APPLICATION OF CIMAREX ENERGY CO.
FOR HORIZONTAL SPACING UNIT AND
COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

Case No. 22019

ENTRY OF APPEARANCE

Padilla Law Firm, P.A. (Ernest L. Padilla) enters an appearance as counsel for Colgate Operating, LLC in the above captioned cases.

Respectfully submitted,

PADILLA LAW FIRM, P.A.

/s/ Ernest L. Padilla

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2021, I served a copy to the following counsel of record via electronic mail:

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/s/ Ernest L. Padilla

Ernest L. Padilla\

EXHIBIT

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

**APPLICATION OF CIMAREX ENERGY CO.
FOR HORIZONTAL SPACING UNIT AND
COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NO. 22018

**APPLICATION OF CIMAREX ENERGY CO.
FOR HORIZONTAL SPACING UNIT AND
COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NO. 22019

PRE-HEARING STATEMENT

This Pre-hearing Statement is submitted by COLGATE OPERATING, LLC, by and through its undersigned counsel, Ernest L. Padilla, PADILLA LAW FIRM, P.A., as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT:

CIMAREX ENERGY CO.

ATTORNEY:

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OPPOSITION OR OTHER PARTY:

COLGATE OPERATING LLC

ATTORNEY:

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EXHIBIT

9

EOG Resources, Inc

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STATEMENT OF CASE**APPLICANT:**

Applicant's applications call for compulsory pooling for its Crest 2-1-6 State Fed Com 2H well in Case 22018 and Crest 2-1-6 State Fed Com 1H Well in Case 22019.

OPPOSITION OR OTHER PARTY:

The Cimarex cases are competing cases with the Colgate Operating, LLC cases now before the Oil Conservation Commission in Case 21744 in a de novo proceeding. In that case the Commission stayed Order R-21575 which was issued in Case 21629 by the Division. Presently, the parties are on a motions schedule imposed by the Commission before a de novo hearing set by the Commission for September 16, 2021. Both Colgate and Cimarex have filed dispositive motions which affect these cases.

PROPOSED EVIDENCE**APPLICANT**

WITNESSES		EST. TIME	EXHIBITS
Name	Title	Est. time	Exhibits
Mark Hajdik	Landman	15 minutes	Approximately 6
Sergio Ojeda	Geologist	15 minutes	Approximately 10
Jordan Cox	Engineer	20 minutes	Approximately 6

OPPOSITION

WITNESSES

EST. TIME

EXHIBITS

PROCEDURAL MATTERS

A status conference should be held to determine the procedure for moving these cases to Commission Case 21744 to be heard as part of the de novo proceeding.

PADILLA LAW FIRM, P.A.

/s/ Ernest L. Padilla

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QUESTIONS

Action 33697

QUESTIONS

Operator: CIMAREX ENERGY CO. 600 N. Marienfeld Street Midland, TX 79701	OGRID: 215099
	Action Number: 33697
	Action Type: [HEAR] Prehearing Statement (PREHEARING)

QUESTIONS

Testimony	
Please assist us by provide the following information about your testimony.	
Number of witness	Not answered.
Testimony time (in minutes)	Not answered.

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

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

Application of Cimarex Energy Company
for Hearing De Novo of Case No. 21629,
Eddy County, New Mexico

Division Case No. 21629
De Novo Case No. 21744

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, FEBRUARY 22, 2022

COMMISSION HEARING

This matter came on for hearing before the
New Mexico Oil Conservation Commission on
Tuesday, February 22, 2022 via Webex Virtual
Conferencing Platform hosted by the New Mexico
Energy, Minerals and Natural Resources

IN ATTENDANCE:

ADRIENNE SANDOVAL	COMMISSION CHAIR
WILLIAM AMPOMAH	COMMISSIONER
GREG BLOOM	COMMISSIONER
CHRIS MOANDER	COMMISSION COUNSEL
FLORENE DAVIDSON	COMMISSION SECRETARY

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1 (Time noted 1:02 p.m.)

2 COMMISSIONER CHAIR SANDOVAL: It is 1:02 on
3 2-22, and we will get started again after lunch.

4 Coming in this afternoon we finished up
5 Case No. 21324, and we will start on Case No. 21744, the
6 Application of Cimarex Energy Company for De Novo Hearing
7 of Case No. 21629.

8 Mr. Savage, would you like to make a brief
9 opening statement?

10 MR. SAVAGE: I would, Madam Chair. Thank you.

11 Good morning, Madam Chair, Commissioners,
12 Mr. Moander and Counsel. In this evidentiary hearing
13 Cimarex respectfully submits that the evidence today will
14 show that Colgate Energy and affiliate Colgate Operating,
15 LLC, did not satisfy its obligation of making attempts to
16 reach a voluntary agreement with Cimarex Energy Company,
17 both under the Division's rules and the pooling statute.

18 After Colgate sent out its well proposal on
19 July 10, 2020, in Case 21629, a pooling case, they had
20 only one email exchange with Cimarex, an exchange initiate
21 by Cimarex, for which Colgate did not directly answer the
22 question posed. Nor did Colgate provide Cimarex with an
23 agreement that it could review in any meaningful way.

24 Under the OCD rules and policies an
25 application to a pooling procedure is required not only to

1 send out the initial -- uh, an applicant to a pooling
2 procedure is required not only to send out the initial
3 well proposal but it is further required to show evidence
4 of attempts to reach a voluntary agreement through a
5 record of good faith negotiations.

6 The evidence provided in this hearing will
7 not only show that Colgate did not satisfy these
8 requirements but also made matters worse by making
9 misrepresentations, or what Cimarex argues and believes
10 are misrepresentations in the exhibits and testimony
11 before the OCD.

12 An applicable analogy to the purpose behind
13 the OCD's rules and policies regarding the requirement for
14 good faith negotiations is the concept of informed consent
15 taken from the medical profession, for example. A form
16 issued to a patient requesting agreement for a procedure
17 is not valid unless the patient is provided information
18 that informs the agreement. In the same way, the record
19 of communications required by the OCD following the well
20 proposal ensures that a voluntary agreement has been
21 sought and entered into; and therefore if the owner does
22 fail or refuse to enter into the agreement then the record
23 of negotiations ensures that the owner's decision was
24 informed and therefore fully voluntary.

25 For an owner with substantial interest,

1 consideration at that time, if there is an objection or an
2 issue, because part of this hearing is to collect evidence
3 and have the Commission weigh it, and there is a
4 presumption that the Commission will take in as much
5 evidence as it needs to make its decision.

6 As to the rebuttable presumption, it
7 probably would have been helpful to have something like --
8 well, both of these issues, one of them with the evidence
9 being a motion, or subject to a Motion in Limine perhaps
10 to exclude; and then the other one, moving the Commission
11 to accept and implement the rebuttable presumption. That
12 might have been subject to motion practice. But I think
13 in this instance the Commission knows what it ruled upon
14 and it understands its own rulings, so I think you could
15 probably hold the decision in abeyance to see how the
16 evidence fleshes out, but ultimately I would advise the
17 commission when it renders its final decision to address
18 the rebuttable presumption request by Mr. Savage.

19 COMMISSIONER CHAIR SANDOVAL: It makes sense to
20 me.

21 MR. SAVAGE: Thank you, Madam Chair.

22 MR. MOANDER: So, Madam Chair, is that a ruling
23 that you're going to hold a decision in abeyance on these?

24 COMMISSIONER CHAIR SANDOVAL: I'm sorry. Yes.
25 I could have been clearer.

1 A. Applicant.

2 Q. How many Well Proposals do you receive -- do you
3 receive numerous Well Proposals? Can you give an idea of
4 the volume that you receive?

5 A. Quite a few.

6 Q. And you have a full system, in-house system
7 that's very detailed, in which you place these proposals
8 in, you tag them with the information, and then you
9 monitor them; is that correct?

10 A. That's correct.

11 Q. And is that monitoring based in large part on
12 the obligation of the applicant to provide -- to make
13 affirmative attempts under the rules of the OCD?

14 A. Correct. We can tell how pertinent and how
15 likely a well proposal -- I guess a project is going to be
16 drilled, based on the amount of correspondence we have
17 received from that operator.

18 So an operator -- they send out a well proposal,
19 and it follows up pursuant to the obligations under the
20 rules and the statute. They send you a -- they
21 affirmatively send you a JOA or Operating Agreement to try
22 to satisfy the rules of (inaudible) a voluntary agreement.
23 Those would be registered in your system as a higher
24 priority than somebody who sends out a well proposal, you
25 reach out, you try to reach out, they give one response,

1 answer questions that are not leading.

2 COMMISSIONER CHAIR SANDOVAL: I tend to agree.

3 Mr. Savage, can you reframe the questions, please.

4 MR. SAVAGE: Yes. Thank you, Madam Chair. I
5 withdraw those questions.

6 Q. Can you describe the conditions, Mr. Coffman,
7 under which you received and misplaced, or Cimarex
8 received and misplaced by accident the Notice that Colgate
9 sent?

10 A. We did receive that on Christmas Eve, and during
11 Christmas Eve obviously a lot of people take vacation
12 time. And during that time, as well, we were working from
13 home per Cimarex' safety guidelines during the pandemic.

14 MR. SAVAGE: And -- yes. And, Madam Chair, I
15 know that the Commission ruled on this question, but the
16 circumstances are certainly informative of the situation,
17 we believe.

18 Q. Mr. Padilla brought up the fact -- the question
19 about whether one additional email would have satisfied
20 the criteria for good faith negotiations, and you
21 responded that it would depend on the content and the
22 substance of that email; is that correct?

23 A. Yes.

24 Q. So do you agree that -- I mean, there could be
25 any number of emails that were exchanged, but if the

1 **right?**

2 A. (Note: No audible response.)

3 Q. I guess you didn't hear my question.

4 If you're the target of a well proposal or
5 a pooling application that's not -- it doesn't have a JOA
6 attached to it, do you disregard it?

7 A. No. If it meets the basic OCD requirements that
8 can result in a hearing being filed, and then we would not
9 disregard it.

10 Q. Well, Cimarex is saying that burden was on you
11 to follow up. What do you have to say to that argument?

12 A. I would say -- well, I answered their question,
13 and if they had further questions, I never received those.
14 Uhm, it's not uncommon to -- for working interest owners
15 go radio silent on you until Hearing Notices go out, and
16 then at that point they do realize that you're serious.

17 And I still didn't get a response. I just
18 assumed they were satisfied with seeing the hearing.

19 Q. So you think it's a two-way street, or what do
20 you have to say about negotiations back and forth?

21 A. I would assume it's a two-way street, because I
22 don't -- or I believe it's a two-way street, because I
23 don't know what they need. I don't know if they have,
24 working interest owner has accurate -- you know, I
25 don't -- I don't know what their questions are, can be all

STATE OF NEW MEXICO
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Eddy County, New Mexico DE NOVO CASE NO. 21744

COMMISSION HEARING

DAY TWO

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THURSDAY, MARCH 10, 2022

This matter came on for hearing before the New Mexico Oil and Gas Commission on Thursday, March 10, 2022, via Webex Virtual Conferencing Platform hosted by the New Mexico Energy, Minerals and Natural Resources Department

PRESENT

ADRIENNE SANDOVAL
GREG BLOOM
WILLIAM AMPOMAH
CHRISTOPHER MOANDER
FLORENE DAVIDSON

COMMISSION CHAIR
COMMISSIONER (SLO)
COMMISSIONER (ENMRD)
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1 A. (Reading) Operatorship in north half/north half,
2 which abuts the other additional operating units due
3 north.

4 **Q. So it's basically descriptive in nature.**

5 **A. I told you that, yes.** I told you that it was
6 descriptive and it's describing what we were looking to do
7 and work out here.

8 **Q. Thank you.**

9 COMMISSION CHAIR SANDOVAL: Okay. There doesn't
10 need to be any attitude. He's asking questions at this
11 point that are appropriate. Please respond
12 professionally.

13 THE WITNESS: Okay.

14 COMMISSION CHAIR SANDOVAL: This is part of an
15 evidentiary hearing.

16 All right. Go ahead, Mr. Savage.

17 MR. SAVAGE: Thank you, Madam Chair.

18 **Q. The second sentence in your response ends with,**
19 **quote, "We would be happy to talk some options for the**
20 **offsetting acreage in order to fully maximize development**
21 **of the area"; is that correct?**

22 A. Yes.

23 **Q. And would you describe the second sentence as a**
24 **statement that you were open to discussion? Is that fair?**

25 A. Correct. I put the discussion back in their

1 camp to figure out what they were wanting to do.

2 Q. It's basically that you were open to discussion.
3 You expressed that in this second sentence.

4 A. Yes.

5 Q. And more specifically, the discussion with
6 Cimarex, based on your email, would be a discussion about
7 the offsetting acreage, not a discussion about the
8 uncommitted acreage of the unit you wanted to pool, would
9 you agree? Based specifically on the expression of that
10 second sentence.

11 Would you agree with that?

12 A. I would say that I was answering Mr. Coffman's
13 questions.

14 Q. And you were expressing that you're open to
15 discuss the offset acreage; is that correct?

16 A. Correct. Because he was bringing up discussions
17 about acreage that we didn't have an interest in.

18 Q. Yeah. Thank you. I agree with that.

19 So is there any attempt in your second
20 sentence to ask or request Cimarex to enter an agreement
21 for the north half/north half unit to be pooled?

22 A. It does not appear that way.

23 Q. In your email -- in your email, in your
24 response, could you have responded, for example by writing
25 "We would be happy to talk some option for operating