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

DOCKET: OIL CONSERVATION DIVISION HEARINGS

REMOTE EXAMINER HEARING

September 1, 2022

9:15 a.m. Central

This matter came on for virtual hearing before
The New Mexico Oil Conservation Division, Hearing
Officer William Brancard and Technical Examiner Dean
McClure, on Thursday, September 1, 2022, through the
Webex Platform.

REPORTED BY: KELLEY E. ZILLES, RPR (Via Videoconference)
JOB NUMBER: 5383334

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1 HEARING OFFICER BRANCARD: Good morning.
2 It is September 1, 2022. This is the hearings of the
3 New Mexico Oil Conservation Division. My name is Bill
4 Brancard, I am the hearing examiner today. With me
5 hopefully is Mr. Dean McClure, the technical examiner.
6 Are you there, Mr. McClure?

7 MR. MCCLURE: Yes, Mr. Brancard, I am. I'm
8 still getting my camera set up, but I'm here.

9 HEARING OFFICER BRANCARD: As always,
10 today's worksheet is posted on the Website. There are
11 73 cases listed today, we will go through the first
12 two-thirds pretty quickly though.

13 Announcements. If you all are not aware, we now
14 have some new rules in place for the New Mexico Oil
15 Conservation Division. We have amendments to Parts 2
16 and 7 of our rules and they affect these proceedings and
17 they affect your clients because, No. 1, as has been the
18 practice and is now the requirement, every filing must
19 be made electronically, so don't bother showing up at
20 our door with pieces of paper. But most of you are
21 already doing this, so this should not be a big change
22 for you all, but this is now a requirement, which
23 includes any references in other rules that say thou
24 shall file with the district office, now means thou
25 shall file electronically. So please be aware of these

1 changes to Parts 2 and 7.

2 More of an immediate import to the people
3 practicing before the division is the change to Rule
4 19152.7C. There is a new definition of certified mail
5 or certified mail return receipt requested. It reads,
6 "Meanings, the United States Postal Service certified
7 mail or equivalent service that provides tracking and
8 signature receipt including Federal Express, United
9 Parcel Service or similar courier service."

10 So in providing notice for these hearings you no
11 longer are required to use the United States Postal
12 Service certified mail. You can use other services as
13 long as they provide the tracking and signature receipt.
14 In other words, you have to provide the same set of
15 documentation as you've been providing, but you can use
16 a different service. And those rules are now in effect.
17 Thank you.

18 And with that, Mr. McClure, do you have any
19 other announcements? Hearing none, we will move to our
20 cases. And we will start with items 1 through 9, these
21 are status conferences and these will be cases 21361,
22 21362, 21363, 21364, 21393, 21394, 21489, 21490, 21491.
23 And we'll start off with Mewbourne Oil Company.

24 MS. HARDY: Good morning, Mr. Examiner.
25 Dana Hardy with the Sante Fe office of Hinkle Shanor on

1 behalf of Mewbourne.

2 HEARING OFFICER BRANCARD: Thank you.
3 Ascent Energy.

4 MR. SAVAGE: Good morning, Mr. Examiner.
5 Darin Savage of Abadie & Schill's Santa Fe office on
6 behalf of Matador Production Company, successor to
7 Ascent Energy.

8 HEARING OFFICER BRANCARD: And then we have
9 Apache Corporation.

10 MS. BENNETT: Deana Bennett on behalf of
11 Apache Corporation and I'm with Modrall Sperling.

12 HEARING OFFICER BRANCARD: Thank you. We
13 have a few other entries here. Colgate Operating.

14 MS. SHAHEEN: Good morning, everyone.
15 Sharon Shaheen, Montgomery & Andrews, on behalf of
16 Colgate Operating.

17 HEARING OFFICER BRANCARD: All right. I
18 have an entry for EOG Resources.

19 MR. PADILLA: Mr. Examiner, Ernest Padilla
20 for EOG. We're only monitoring this case, so. These
21 cases I should say.

22 HEARING OFFICER BRANCARD: Oh, thank you.
23 Jalapeno Corporation. All right. Hearing none, then
24 let's start off I guess with Ms. Hardy. I think this, I
25 think I counted this is our fifth status conference this

1 year for this group of cases which was semi remanded
2 from the commission to try to work things out among
3 competing cases to make the commission's life easier I
4 guess. Where are we?

5 MS. HARDY: Mr. Examiner, the parties are
6 talking and are working on agreements in an effort to
7 get these matters resolved. So we would actually
8 request that the division set the cases for another
9 status conference. And I've talked to the parties and
10 we've talked about the October 20th docket, that's what
11 we would propose to give them some more time to, to
12 resolve these matters.

13 HEARING OFFICER BRANCARD: All right.
14 We'll go around the table then. Matador, are you okay
15 with this?

16 MR. SAVAGE: Mr. Examiner, we are, we agree
17 with that.

18 HEARING OFFICER BRANCARD: Apache?

19 MS. BENNETT: Yes, we agree. Thank you,
20 Mr. Examiner.

21 HEARING OFFICER BRANCARD: All right. Any
22 comments from Colgate?

23 MS. SHAHEEN: No, Mr. Examiner, Colgate
24 takes no position.

25 HEARING OFFICER BRANCARD: I assume you're

1 okay, Mr. Padilla?

2 MR. PADILLA: I'm fine.

3 HEARING OFFICER BRANCARD: Excellent. All
4 right. So with that, cases 21361, 362, 363, 364 and
5 393, 394, 489, 490 and 491 are set for a status
6 conference on October 20. And I will issue some sort of
7 piece of paper of the scheduling order.

8 MS. HARDY: Thank you.

9 MR. SAVAGE: Thank you.

10 MS. BENNETT: Thank you.

11 HEARING OFFICER BRANCARD: All right. With
12 that, I'm calling items 10 through 20 on our docket
13 today, these are cases 22211, 22212, 22213, 22214,
14 22215, 22216, 22217, 22218, and then 22298, 22299 and
15 22300. Matador Production Company.

16 MR. BRUCE: Mr. Examiner, Jim Bruce
17 representing Matador.

18 HEARING OFFICER BRANCARD: Okay. COG
19 Operating.

20 MS. HARDY: Mr. Examiner, Dana Hardy for
21 COG Operating.

22 HEARING OFFICER BRANCARD: All right. I
23 have some other entries here. Advanced Energy
24 Partners.

25 MS. HARDY: Dana Hardy for Advanced Energy

1 Partners as well.

2 HEARING OFFICER BRANCARD: And I think we
3 have -- well, no, I think that's it. Any other
4 interested persons then in cases 22211, 12, 13, 14, 15,
5 16, 17, 18 and 98, 99 and 300? Hearing none, I'll start
6 with you, Mr. Bruce.

7 MR. BRUCE: Mr. Examiner, these have been
8 pending quite a while. I'm not sure of the status. And
9 maybe Ms. Hardy could help me on the status of
10 discussions between the parties, and so I would defer to
11 her at this point. I imagine whether it's for another
12 status conference or a hearing, it probably will have to
13 be kicked down the road a couple months.

14 HEARING OFFICER BRANCARD: Ms. Hardy.

15 MS. HARDY: Mr. Examiner, COG and Matador
16 are in negotiations, they're still working on an
17 agreement. So I think at this point we would like to
18 set the cases for a, for a contested hearing and
19 hopefully these matters are resolved by then and the
20 cases can be uncontested or dismissed. But at this
21 point I think we'd like to do that in the interest of
22 time.

23 HEARING OFFICER BRANCARD: Okay. If you'd
24 like a contested hearing, you have to pick a date in
25 November, 3 or 17.

1 MS. HARDY: I would propose November 3.

2 HEARING OFFICER BRANCARD: Okay. Mr.
3 Bruce?

4 MR. BRUCE: Fine with me, Mr. Examiner.

5 HEARING OFFICER BRANCARD: All right. Any
6 other, again, once again, any other interested persons
7 in these cases? Hearing none, they will be set for
8 hearing on November 3 and I will issue I guess an
9 amended prehearing order. I think we did one of those,
10 a prehearing order back last year in these cases.

11 MS. HARDY: Thank you.

12 HEARING OFFICER BRANCARD: Thank you,
13 everyone. All right. With that, I am on items 21
14 through 28, and these would be cases 22423, 22424,
15 22425, 22426 and 22496, 22497, 22498 and 22499. Let's
16 start with Mewbourne Oil Company.

17 MR. BRUCE: Mr. Examiner, Jim Bruce
18 representing Mewbourne.

19 HEARING OFFICER BRANCARD: Thank you. And
20 then I have Matador Production Company.

21 MR. FELDEWERT: Good morning, Mr. Examiner
22 and Mr. McClure. Michael Feldewert from the Santa Fe
23 office of Holland & Hart.

24 HEARING OFFICER BRANCARD: Thank you. I
25 have an entry from Colgate Operating.

1 MS. BENNETT: Good morning. Deana Bennett
2 from Modrall Sperling on behalf of Colgate.

3 HEARING OFFICER BRANCARD: Thank you. And
4 I also have an entry in some of these cases from
5 Jalapeno Corporation. Hearing none, any other
6 interested persons in cases 22423, 24, 25, 26, 96, 97,
7 98, 99? Hearing none, let me start with Mr. Feldewert.

8 MR. FELDEWERT: Mr. Brancard, first I thank
9 you, if we were in a hearing room you probably would
10 have heard a round of applause with your announcement
11 that we no longer have to use the U.S. Postal Service,
12 so thank you for that.

13 HEARING OFFICER BRANCARD: Well, you can
14 thank the division's attorneys who have their own
15 frustrations and came up with the idea.

16 MR. FELDEWERT: Yep, great idea. This set
17 of cases as I understand it actually has been wrapped up
18 in some resolution discussions that include the next set
19 of cases that I think you're going to call, I'm not sure
20 we need to call them right now. But just to give you a
21 little background, the parties have been in some
22 extensive discussions. My understanding is that at
23 least my client desires to continue those discussions,
24 but I'm not sure exactly where they stand or what
25 Mewbourne's position is about, you know, expending

1 additional time or how Mewbourne wants to proceed here,
2 so I'm going to punt to Mr. Bruce.

3 MR. BRUCE: Mr. Examiner, they are in
4 discussions as Mr. Feldewert said with a number of other
5 cases and they wish to continue the discussions. I
6 think they're being relatively close, but if not, maybe
7 set them, set them all for a contested hearing in
8 November.

9 HEARING OFFICER BRANCARD: Okay. Mr.
10 Bruce, you indicated in your filings for the following
11 cases 22429 through 434 that they were connected with
12 another set of cases, which I guessed was this set of
13 cases. Do you want them all lumped together or how
14 would we --

15 MR. BRUCE: I think they're all
16 intertwined, aren't they, Mike?

17 MR. FELDEWERT: That's my understanding,
18 yes. In other words, the resolution discussions involve
19 acreage that's involved, that is at issue under this,
20 these two sets of cases. They are different areas and
21 for purposes of, you know, proceeding I think you're
22 correct, we've got them correctly aggregated on your
23 schedule so far, Mr. Brancard.

24 HEARING OFFICER BRANCARD: Okay. So
25 question is, status conference or contested hearing?

1 MR. FELDEWERT: I vote a status conference.
2 HEARING OFFICER BRANCARD: Mr. Bruce?
3 MR. BRUCE: Well, if it's a status
4 conference I'd probably prefer one in a month and a
5 half.
6 HEARING OFFICER BRANCARD: We could do
7 that.
8 MR. BRUCE: Rather than November.
9 HEARING OFFICER BRANCARD: Yes, we can do a
10 status conference sooner than a hearing.
11 MR. BRUCE: Then I would prefer that.
12 MR. FELDEWERT: That makes sense to me, Mr.
13 Brancard.
14 HEARING OFFICER BRANCARD: All right. So
15 let me just ask then, are there any other interested --
16 I will call then cases 22429, 22430, 22431, 22432, 22433
17 and 22434 because I believe there are some other parties
18 involved in those cases. Let's start with COG
19 Operating.
20 MS. MUNDS-DRY: Good morning, Mr. Examiner.
21 This is Ocean Munds-Dry with COG Operating.
22 HEARING OFFICER BRANCARD: All right. Do
23 you have any objection to these cases being continued to
24 a future status conference?
25 MS. MUNDS-DRY: No objection. Thank you.

1 HEARING OFFICER BRANCARD: EOG Resources
2 and MRC Permian.

3 MR. FELDEWERT: Mr. Examiner, that would be
4 Michael Feldewert with the Santa Fe office of Holland &
5 Hart. I'm just, I am looking, since you've jumped
6 ahead, the Simon Camamile wells are actually the ones
7 that compete with the Mimosa Ridge wells, which is the
8 cases you just announced, so those would be cases 35 to
9 40.

10 HEARING OFFICER BRANCARD: Okay. So we're
11 not combining this then with the next set of cases.

12 MR. FELDEWERT: And I may have confused
13 you, I apologize.

14 HEARING OFFICER BRANCARD: Yes, I think
15 you're right.

16 MR. FELDEWERT: The Mimosa Ridge cases
17 could be with the Simon Camamile cases, but again, all
18 of the discussions for resolution involve the acreage
19 that was at issue under what I call both sets of cases,
20 the Iron Island and then the Mimosa Ridge and the Simon
21 Camamile.

22 HEARING OFFICER BRANCARD: All right.
23 Well, let's just, first let's start off by setting cases
24 22423, 424, 425, 426, 496, 497, 498, 499 as a status
25 conference on October 20th, all right. And then now

1 let's look at the next set of cases, which I think
2 you're right, those are more connected with the 292,
3 with cases items 35 through 40, that would be cases
4 22912, 22913, 22914, 22915, 22916 and 22917. Again, we
5 have Matador Production, Mewbourne Oil Company and COG.
6 So start us out with that, Mr. Feldewert.

7 MR. FELDEWERT: It would be a repeat of
8 what I just said, and that is the parties are in
9 discussions, my understanding they are continuing
10 discussions, they involve, you know, various sets of
11 acreage. I would suggest that we match these cases with
12 the status conference for the prior set of cases on
13 October 20th.

14 HEARING OFFICER BRANCARD: Okay. Now would
15 you be okay if we issued one order for the entire set of
16 cases I just announced, 29 through 40?

17 MR. FELDEWERT: My suggestion, it's just a
18 suggestion, is to keep them separate because they do
19 involve separate acreage and I believe there may be
20 different parties, for example, involved as a result
21 since they're separate acreage.

22 HEARING OFFICER BRANCARD: Yeah, EOG is
23 involved in one set.

24 MR. FELDEWERT: Yeah. And, for example,
25 Jalapeno is involved in the prior case set. So I would

1 keep them, I would not aggregate them all under one
2 order.

3 HEARING OFFICER BRANCARD: Okay. So, Mr.
4 Bruce, the proposal then for cases 22429 through 434
5 would be a status conference on October 20th. These are
6 the Mimosa Ridge cases.

7 MR. BRUCE: The Mimosa Ridge, okay.

8 MR. FELDEWERT: Which would include, Mr.
9 Brancard, the Simon Camamile, right?

10 HEARING OFFICER BRANCARD: Well, that's
11 what I'm trying to figure out, whether we would want to
12 combine.

13 MR. FELDEWERT: Yes, yes, yes.

14 HEARING OFFICER BRANCARD: Okay. So you do
15 want to combine with the 912 et cetera cases Simon
16 Camamile?

17 MR. FELDEWERT: Yes, sir.

18 HEARING OFFICER BRANCARD: Okay. Is that
19 okay, Mr. Bruce?

20 MR. BRUCE: Yes, that's fine.

21 HEARING OFFICER BRANCARD: Ms. Munds-Dry?

22 MS. MUNDS-DRY: Yes. Thank you.

23 HEARING OFFICER BRANCARD: All right. So I
24 think I figured this out, let me just announce it.
25 22429, 430, 431, 432, 433 and 434 combined with cases

1 22912, 913, 914, 915, 916, 917 will have a status
2 conference on October 20th and I will try to figure out
3 an order that combines all of that.

4 MR. FELDEWERT: And just to be doubly
5 clear, Mr. Brancard, the Simon Camamile cases you see on
6 this docket involve what would be known as the south
7 half acreage. There's another set of Simon Camamile
8 wells that involve that north half acreage which is a
9 series of those lots that we are dealing with, those are
10 actually on the next docket. So since they're all
11 related, if you wanted to be extremely efficient you
12 could move those cases, you can combine those cases with
13 the, with these for the status conference on
14 October 20th.

15 HEARING OFFICER BRANCARD: I would suggest
16 you file a motion for continuance and include in it a
17 provision that they be added to the order.

18 MR. FELDEWERT: I will do that. Thank you.

19 HEARING OFFICER BRANCARD: All right. We
20 are now on item 41 and 42, these would be cases -- any
21 comments on these before I leave them? I don't want to
22 cut off anyone's great ideas here. Hearing none, let's
23 move to items 41 and 42, case Nos. 22971, 22972. Fae II
24 Operating.

25 MS. HARDY: Mr. Examiner, Dana Hardy with

1 Hinkle Shanor on behalf of Fae II Operating.

2 HEARING OFFICER BRANCARD: All right. And
3 you have attracted a crowd here. We have Apache
4 Corporation, I think this is all being represented by
5 the same law firm, Apache Corporation, Chevron USA, COG
6 Oil & Gas, Citation Oil & Gas, Oxy USA.

7 MR. FELDEWERT: Mr. Examiner, Michael
8 Feldewert with the Santa Fe office of Holland & Hart
9 appearing on behalf of those companies. In addition, I
10 looked at the file, we also appear for XTO Energy, Inc.

11 HEARING OFFICER BRANCARD: All right. So
12 you are, all those companies I just listed, Mr.
13 Feldewert, you are representing?

14 MR. FELDEWERT: Yes, sir.

15 HEARING OFFICER BRANCARD: Thank you. Are
16 there any other interested persons then for cases 22971,
17 22972? Okay. So we have objections to these cases
18 moving forward by affidavit, so we need to set up a
19 contested hearing, is that correct, Ms. Hardy?

20 MS. HARDY: Mr. Examiner, there's actually
21 a threshold legal issue that we feel needs to be
22 addressed. And I've talked to Mr. Feldewert about this
23 and he agrees. This is a statutory unit, at least case
24 22971 involves a statutory unit and then 22972 is the
25 injection application that relates to it.

1 And the issue is whether an operator must have
2 75 percent approval of a multiphase allocation formula
3 to obtain approval under the Statutory Unitization Act.
4 And what we would like to do if it's acceptable to the
5 division is brief that issue. We would very much like
6 to have a decision on it before having a hearing because
7 the answer will impact whether we can go forward with
8 the hearing.

9 HEARING OFFICER BRANCARD: Okay. So, Mr.
10 Feldewert, would it be fair to say that your clients
11 would look to dismiss this application for failure to
12 have 75 percent?

13 MR. FELDEWERT: I'm not sure the, the
14 dismissal, I mean, that would be, that would be a
15 potential option. I'm not sure what, and no none seems
16 to know what they mean by 75 of a, and I'll quote what I
17 believe Ms. Hardy just said, a multiphase allocation
18 formula, I'm not sure what that means.

19 My understanding is that what Fae has done here
20 is that they have asked the division to statutorily
21 unitize a geographic area, but taken the position that
22 they want to develop this in phases, I don't know if
23 there's like a phase 1, phase 2 and phase 3, and they
24 have their phase 1 area, their phase 1 development which
25 I believe is a subarea of the unitized area. And they

1 said, well, all we need is 75 percent of our phase 1
2 area, which just happens to correspond where they have
3 most of their interest.

4 As I read, as my clients and I read the statute,
5 the statute requires that they have a 75 percent
6 voluntary approval for the unitized area that they seek
7 to unitize. That as I understand it is the debate. And
8 I agree with Ms. Hardy, we did discuss this, it makes
9 sense to brief that before the division entertains all
10 of the other issues that have been raised by my clients
11 with Fae's approach, but this is a nice little juicy
12 legal issue for the division that is really a threshold
13 matter because I don't think Fae wants to go forward, or
14 is not sure if they can go forward if indeed they have
15 to obtain voluntary approval to reach the 75 percent
16 threshold for the entire unit area that they have
17 proposed.

18 MS. HARDY: I do have one clarification,
19 Mr. Examiner.

20 HEARING OFFICER BRANCARD: Please.

21 MS. HARDY: So they actually have approved,
22 they are seeking approval of one unit area. The, the
23 multiple phases relate to the allocations of cost and
24 revenues. And the BLM had required Fae to use a
25 multiphase allocation method, so that's the issue.

1 They're developing one unit area and both phases
2 involve the same area, it's just that the first phase of
3 the allocations, my understanding is that that relates
4 to remaining oil in place. And then the second phase is
5 based on I believe it's the oil that's expected to be
6 recovered, I may not have that exactly right, but the
7 two phases relate to the allocation of costs and
8 revenues of the area. So the issue is whether under the
9 Statutory Unitization Act you have to have 75 percent
10 approval of the interest for both phases of an
11 allocation formula.

12 HEARING OFFICER BRANCARD: Okay.

13 MS. HARDY: It's very simple and
14 straightforward.

15 HEARING OFFICER BRANCARD: Right. So we're
16 essentially doing this backwards, right, because under
17 the Statutory Unitization Act, the way it's structured
18 the division would issue an order for a unit, but the
19 unit would not be effective unless you get approval of
20 the 75 percent. So you're raising the issue of why go
21 forward with the old order if we don't even know, if
22 we're going to come back to argue about the 75 percent
23 later.

24 MS. HARDY: Right. And Fae has the
25 75 percent of the phase 1 approval, so that's really,

1 the issue is whether they need it also for phase 2.

2 HEARING OFFICER BRANCARD: So is the
3 statute, that section that you're looking at 70-7-8?

4 MR. FELDEWERT: Yes.

5 HEARING OFFICER BRANCARD: Where the
6 division shall become effective?

7 MS. HARDY: Yes, I believe that's right.

8 MR. FELDEWERT: That's correct, Mr.
9 Examiner.

10 MS. HARDY: And it refers to the initial
11 cost bearing interest regarding 75 percent approval.

12 HEARING OFFICER BRANCARD: 75 percent of
13 the costs of the unit operations and 75 percent of the
14 production of proceeds credited to the interest fee of
15 costs I guess on leased minerals maybe.

16 MS. HARDY: Or overrides.

17 HEARING OFFICER BRANCARD: Yeah, okay. All
18 right. So it seems like the parties are ready to brief
19 this issue?

20 MS. HARDY: That's correct.

21 HEARING OFFICER BRANCARD: Do you have a
22 schedule or do you want to send me a schedule for
23 briefing?

24 MR. FELDEWERT: We can. I know we
25 preliminarily discussed it, but we can certainly get

1 together and send you a proposed schedule for briefing,
2 yes.

3 MS. HARDY: I would be happy to do that.

4 HEARING OFFICER BRANCARD: And as always,
5 it's helpful to both you and I if you do page limits.

6 MS. HARDY: We talked about that.

7 MR. FELDEWERT: I am always in favor of
8 page limits.

9 HEARING OFFICER BRANCARD: All right. But
10 I, now we don't have a record at this point, okay, so I
11 would assume there might be some documents you want to
12 include with your briefs, you know, if there's
13 something, I mean, you heard mention of the BLM here
14 taking a position or something, I mean, are there any
15 documents you need to include in this or can you do this
16 as a purely theoretical discussion?

17 MR. FELDEWERT: And maybe I need to visit
18 with Ms. Hardy a little bit more, but I, it's still
19 unclear to me and it's still unclear to my clients
20 exactly what Fae is proposing with respect to the
21 75 percent threshold. I mean, I read the statute and it
22 seems to me you look at the unit area they propose, you
23 look at the mineral ownership in that area and you need
24 to have 75 percent buy-in independent of whatever
25 allocation formula you decide to come up with. But they

1 seem to be viewing it differently. And maybe I just
2 need to visit with Ms. Hardy a little bit more about
3 what they are actually saying with respect to the
4 75 percent because I'm still, honestly still unclear.

5 HEARING OFFICER BRANCARD: All right. So
6 would it be helpful since we don't have a record at this
7 point if the parties would agree, you know, could agree
8 to certain facts and then perhaps also list facts that
9 are in dispute?

10 MR. FELDEWERT: Yeah, and I, I hear you.
11 I'm not sure this is really a fact of the matter, it
12 seems to me it's a statutory interpretation issue and
13 maybe one of the things Ms. Hardy and I should discuss
14 is maybe they file a brief laying out what their
15 position is and attaching whatever documents they
16 believe that they need to justify their position and
17 then we would have an ability to respond to that.
18 Maybe, Dana, that's the best way to go. I mean, you and
19 I talked about simultaneous briefs, but I'm still a
20 little fuzzy about what Fae is proposing.

21 MS. HARDY: Right, that would probably make
22 sense.

23 HEARING OFFICER BRANCARD: Okay. Yeah, so
24 I just kind of want to have you all at least considering
25 what facts you want to see and that we have access to

1 because obviously there's a lot of stuff going on behind
2 the scenes here that we don't have access to that's, as
3 you said, Mr. Feldewert, it may not be relevant, it may
4 just be simply interpreting the words of the statute
5 here.

6 MR. FELDEWERT: Right.

7 HEARING OFFICER BRANCARD: Dealing with
8 issues of costs and stuff and unit operations, you know,
9 those are not necessarily well defined. We have a
10 definition of a unit operator, but we don't have a
11 definition of unit operations, so.

12 MR. FELDEWERT: Right. We got a definition
13 of unit area, I know that. So but I do believe it's, I
14 do believe this is not an issue that the division has,
15 at least to my knowledge, directly addressed. In fact,
16 Mr. Brancard, I think it's been a little while since
17 we've had a statutory unit.

18 HEARING OFFICER BRANCARD: I believe so, I
19 can't recall any. I mean, if you all can find cases and
20 orders, that would be great, but.

21 MS. HARDY: I haven't located any on this
22 issue either.

23 HEARING OFFICER BRANCARD: Thank you. All
24 right. So I guess the way we're going to leave it then
25 is that the parties will submit a proposed scheduling

1 order for briefing on this case.

2 MS. HARDY: Yes.

3 HEARING OFFICER BRANCARD: Can we get it
4 done in a week or so?

5 MS. HARDY: Sure.

6 MR. FELDEWERT: Yes.

7 HEARING OFFICER BRANCARD: Okay. So we'll
8 leave that next Thursday will be the deadline then.

9 MR. FELDEWERT: Got it.

10 HEARING OFFICER BRANCARD: Okay. Anything
11 else then on cases 22971, 972? Hearing none, we will
12 await a proposed scheduling order delivered by the
13 parties.

14 MS. HARDY: Thank you.

15 MR. FELDEWERT: Thank you.

16 HEARING OFFICER BRANCARD: Thank you. All
17 right. With that, we have item No. 43, case 22988,
18 Matador Production.

19 MR. BRUCE: Mr. Examiner, Jim Bruce
20 representing Matador.

21 HEARING OFFICER BRANCARD: Thank you.
22 ConocoPhillips.

23 MS. MUNDS-DRY: Good morning, Mr. Examiner.
24 Ocean Munds-Dry representing ConocoPhillips.

25 HEARING OFFICER BRANCARD: Thank you. Any

1 other parties interested in case 22988? Hearing none, I
2 believe we have an objection to hearing this by
3 affidavit filed by ConocoPhillips. And we can set this
4 for a contested hearing if that's where we want to go.

5 MR. BRUCE: That's what I would like, Mr.
6 Examiner.

7 HEARING OFFICER BRANCARD: All right. Ms.
8 Munds-Dry?

9 MS. MUNDS-DRY: Yes, thank you.

10 HEARING OFFICER BRANCARD: November 3rd or
11 November 17?

12 MR. BRUCE: Either one. Ocean, a
13 preference?

14 MS. MUNDS-DRY: Let's, let's say
15 November 3rd, if that works for you, Mr. Brancard and
16 Mr. Bruce.

17 MR. BRUCE: Yep.

18 HEARING OFFICER BRANCARD: Okay. And once
19 again, anybody else interested in 22988? Hearing none,
20 this case will be set for a contested hearing on
21 November 3rd. I will issue a prehearing order.

22 MS. MUNDS-DRY: Thank you.

23 MR. BRUCE: Thank you.

24 HEARING OFFICER BRANCARD: All right. I
25 think we are done with status conferences. We will now

1 look to try to resolve the following three cases, these
2 are items 45, 44, 46, case 21651, 21733, 22309, which is
3 actually a commission case that has been remanded to us.
4 And so let's start with Longfellow Energy.

5 MS. SHAHEEN: Sharon Shaheen of Montgomery
6 & Andrews on behalf of Longfellow Energy.

7 HEARING OFFICER BRANCARD: Spur Energy
8 Partners.

9 MR. RANKIN: Good morning, Mr. Examiner.
10 Adam Rankin with the Santa Fe office of Holland & Hart
11 appearing on behalf of Spur.

12 HEARING OFFICER BRANCARD: Okay. I have an
13 entry here from ConocoPhillips.

14 MS. HARDY: Dana Hardy for ConocoPhillips.

15 HEARING OFFICER BRANCARD: And also Fasken
16 Oil & Ranch I think was a party to the commission case.
17 Maybe I got that wrong. Anyway.

18 MS. SHAHEEN: Mr. Examiner, that may have
19 been a mistake in filing. I think I do recall that my
20 paralegal filed an entry of appearance in the wrong case
21 in one matter and I thought we had withdrawn that entry
22 of appearance, but that may be the explanation for that
23 in your record.

24 HEARING OFFICER BRANCARD: Okay. Well,
25 we'll consider withdrawing it now.

1 MS. SHAHEEN: Thank you.

2 HEARING OFFICER BRANCARD: All right. Any
3 other interested parties, and I'm looking primarily at
4 cases 21651, 21733? Hearing none, okay. So I guess I
5 will start, the parties didn't ask for this, but I will
6 start by reopening cases 21651 and 21733 because at this
7 point those cases in the division's records are dead, we
8 had an order, they're gone. But now you're back and you
9 want to change the positions of the board.

10 So we have two motions here, we have a motion to
11 dismiss, which I believe has already been granted,
12 Marlene is very efficient, and a motion to rescind the
13 order and a motion to approve case, a filing application
14 in case 21733. I know I'm kind of putting words in all
15 your mouths, but is that, we'll start with you, Mr.
16 Rankin.

17 MR. RANKIN: Thank you, Mr. Examiner. I
18 believe with the reopening of those two division cases
19 and our motions that we have filed, we have hopefully
20 put into place the elements that we discussed at the
21 last status conference and these cases can be disposed
22 of in accordance with the, with each of the motions.

23 So with that, as we discussed at the last status
24 conference, we have filed a joint motion to dismiss
25 Longfellow's application in case 21, where is it, 21651

1 and to rescind or revoke the order granting Longfellow's
2 application in that case. And then separately, Spur has
3 filed an application, or rather a motion to approve its
4 now uncontested application in case 21733 making it the
5 operator of the proposed spacing unit.

6 HEARING OFFICER BRANCARD: All right. Let
7 me just sort of go through the motions here on this, Mr.
8 Rankin, since you are the one seeking to revive an
9 application that we denied and make it the winner. So
10 first of all, let me say that I have reviewed the order
11 in this case and there is nothing in the order that, the
12 order, the decisioning order is not hinged on 21733
13 being a deficient application, the decision is simply
14 hinged on 21651 being a wee bit better.

15 So I don't, I don't have a problem with the
16 division approving 21751. I will now toss it at you,
17 however. I am hoping you have reviewed the record and
18 the checklist and you are comfortable that everything
19 that has been filed is accurate and up-to-date and
20 you're okay to go ahead with the checklist that you
21 submitted a very long time ago in this case.

22 MR. RANKIN: Mr. Examiner, yes, I believe
23 everything is accurate and nothing has changed in the
24 plans at this point from Spur, so we are comfortable
25 proceeding with the record as its been presented to the

1 division.

2 HEARING OFFICER BRANCARD: All right.
3 Thank you. Let me go to you, Ms. Shaheen, any comments?

4 MS. SHAHEEN: Thank you, Mr. Examiner. I
5 just thought it would be helpful to take the opportunity
6 to explain why Longfellow is proceeding in this manner.
7 It had been waiting for information from wells that were
8 drilled nearby and it did receive that information after
9 the order was entered, but before the commission was set
10 to hear these cases. And in light of that information,
11 Longfellow determined that it wouldn't be prudent to
12 drill those wells as they had been proposed. So that
13 is, is why we're proceeding in this manner.

14 HEARING OFFICER BRANCARD: Thank you, that
15 is helpful. I didn't ask for any comments from you, Mr.
16 Rankin, you're the winner, so I guess you're fine with
17 whatever the reasons are.

18 MR. RANKIN: Yeah, that's right.

19 HEARING OFFICER BRANCARD: Thank you. And
20 like I said last time, I don't take it personally that
21 you guys are wanting to rescind an order that I wrote,
22 but that's all right. Okay. So with that, these cases
23 21651 and 21733 having been reopened, 21651 is now
24 dismissed and we will take 21733 under advisement to
25 issue an order. And, sorry, first of all, we will

1 rescind the orders in this case which are 21834, is that
2 correct?

3 MR. RANKIN: Yes, I believe that's correct,
4 Mr. Examiner.

5 HEARING OFFICER BRANCARD: And we will
6 issue an order clarifying all this. Any other questions
7 or comments on cases 21651, 21733? And I will say
8 nothing about 22309 even though it's on the docket
9 because it's a commission case. Thank you, everyone.

10 MS. SHAHEEN: Thank you, Mr. Examiner.

11 MS. HARDY: Thank you.

12 HEARING OFFICER BRANCARD: All right. With
13 that, we are now on items I believe 47 through 50, and
14 these would be cases 22605, 22606, 22607, 22608. EGL
15 Resources.

16 MR. BRUCE: Mr. Examiner, Jim Bruce
17 representing EGL.

18 HEARING OFFICER BRANCARD: And we have an
19 entry from EOG Resources.

20 MR. FELDEWERT: Good morning, Mr. Examiner.
21 Michael Feldewert with the Santa Fe office of Holland &
22 Hart.

23 HEARING OFFICER BRANCARD: Are there any
24 other interested persons for cases 22605, 606, 607, 608?
25 Hearing none, Mr. Feldewert, do you object to these

1 cases going forward? Well, I think we have a motion for
2 continuance here, is that correct? Where are we on
3 this. Oh, these are, these are cases that should have
4 been continued and we have a late filed motion for
5 continuance, is that correct, Mr. Bruce?

6 MR. BRUCE: That is correct. I apologize.

7 HEARING OFFICER BRANCARD: All right.

8 Thank you. No objections I assume, so we will grant the
9 motion for continuances for cases 22605, 606, 607, 608.

10 Thank you.

11 MR. FELDEWERT: Thank you, sir.

12 HEARING OFFICER BRANCARD: With that, we
13 are on items 51 through 54, and we might actually have a
14 real hearing here. These are cases 22706, 22707, 22710,
15 22711. Matador Production.

16 MR. BRUCE: Mr. Examiner, Jim Bruce
17 representing Matador.

18 HEARING OFFICER BRANCARD: Thank you. Are
19 there any other interested persons for cases 22706, 707,
20 710, 711? Hearing none, Mr. Bruce, you may proceed. I
21 believe you had a filing today in this case also?

22 MR. BRUCE: Yeah, it's a supplemental
23 filing. I will explain that in a minute.

24 HEARING OFFICER BRANCARD: Thank you.
25 Please proceed.

1 MR. BRUCE: It's nothing really that
2 matters with respect to my discussion of the request in
3 these applications, it's just additional notice
4 materials.

5 HEARING OFFICER BRANCARD: Okay.

6 MR. BRUCE: Mr. Examiner, in all of these
7 cases Matador obtained pooling orders in the Bone Spring
8 and in the Wolfcamp formations in I believe it's the
9 north half of Sections 21 and 22, 27, 29 east. These,
10 these matters, one extension was granted last year, but
11 these matters were tied up in a development area dispute
12 with three or four other operators, and therefore they
13 could, since there was no appeal on approval for the
14 federal development area, APD's were not being granted.

15 Now these applications were timely filed, the
16 expert issued date on the extensions ended in late
17 April, but the parties were involved in negotiations and
18 there was another dozen cases that I had in this general
19 area that were also involved which I dismissed about a
20 month ago because all of the matters regarding the
21 development area were resolved among, among the parties.
22 Certain parties got certain acreage that they could
23 develop and the leftover was dismissed about a dozen
24 cases, but these four remain and Matador still desires
25 to drill these.

1 The settlement I think was a little over a month
2 ago, but federal APD's have still not been issued. So
3 Matador requests another, well, at this point it's about
4 six or seven months, next April to commence the wells.
5 And this is all set forth in the affidavit of the land
6 man Sam Prior who, yeah, there were three different
7 operators involved in the development area as shown by
8 the affidavits of Mr. Prior which are submitted as
9 Exhibit 3. And all the differences have been resolved
10 among the three operators and Matador now anticipates
11 that the federal APD's and its portion of the
12 development area will be approved shortly.

13 And so that said, they are requesting a one-year
14 extension from late April, I forget, I think the dates
15 of the orders vary, but they were either April 28th or
16 April 30, so one year from that date so that now that
17 all of the cleanup of the dispute has taken place,
18 everything can start moving forward.

19 The exhibit package does contain the
20 applications and proposed notices, the prior orders, the
21 land man's affidavits and my affidavit of notice and
22 what I filed late yesterday. When I filed Tuesday the
23 affidavit of notice only contained the notice letter
24 because I was still compiling about 100 certified
25 documents and I got those copied, it took me all day

1 yesterday, and so I filed those. So the filings that I
2 did late yesterday were simply all the certified
3 notices. And then there were unlocatable people and
4 there are two affidavits, both publications submitted as
5 Exhibit 5, one pertains to cases 22706 and 707, the
6 second one pertains to cases 22710 and 22711, and those
7 notices were published in June, so they were timely
8 filed, or timely published.

9 So with that, I would move the admission of
10 Exhibits 1 through 5 in these cases plus the exhibit
11 that was late filed, which is the replacement Exhibit 4
12 which is about 100 pages long, it is my original notice
13 affidavit, the notice letter showing all the parties
14 notified and then all of the certified notice materials.
15 And I'd ask that the cases be taken under advisement.

16 HEARING OFFICER BRANCARD: Thank you. Mr.
17 McClure, questions?

18 MR. MCCLURE: Yep, thank you, Mr. Brancard,
19 I do have a few questions. Mr. Bruce, I mean, you kind
20 of cleared up a lot of my questions already with what
21 you've already presented, but I guess just for
22 confirmation, so the BLM themselves didn't really have a
23 dispute with the developmental area, it was a matter of
24 operators had a dispute and now that that's been
25 resolved the BLM is just processing it, is that your

1 understanding?

2 MR. BRUCE: Yes, yes. If there's a dispute
3 over development area the BLM stands back until the
4 parties work something out.

5 MR. MCCLURE: Yeah, and then but it's your
6 understanding now that that's been worked out there
7 should be no further concerns from the BLM, is that
8 correct?

9 MR. BRUCE: That is correct.

10 MR. MCCLURE: Okay. Thank you. And your
11 thought process is that the additional, I mean, at this
12 point, six months, whatever it is, is that going to be
13 sufficient for Matador to have it on their drilling
14 schedule to get these wells drilled, or what?

15 MR. BRUCE: They told me that this would,
16 the additional whatever it is, seven months or so would,
17 would work out.

18 MR. MCCLURE: Okay. Thank you. I have,
19 thank you, Mr. Bruce, I have no further questions.
20 Thank you, Mr. Brancard.

21 HEARING OFFICER BRANCARD: Thank you. Mr.
22 Bruce, a lot of parties to, to provide notice to here, I
23 mean, normally what we've been requiring is like a
24 spreadsheet to go along with it.

25 MR. BRUCE: Yes, and that's the one thing I

1 didn't finalize late last night. I will get that to
2 you.

3 HEARING OFFICER BRANCARD: Great,
4 excellent. Okay. So with that, are there any other
5 persons for cases 22706, 707, 710, 711? Hearing none,
6 the exhibits will be admitted into the record and these
7 cases will be taken under advisement and we'll leave the
8 record open for the notice spreadsheet. Thank you.

9 MR. BRUCE: Thank you.

10 HEARING OFFICER BRANCARD: With that, I'm
11 on items 55 and 56, cases 22975, 22976. Kaiser-Francis
12 Oil Company.

13 MR. BRUCE: Mr. Examiner, Jim Bruce
14 representing Kaiser-Francis.

15 HEARING OFFICER BRANCARD: Thank you. Are
16 there any other persons here for cases 22975, 22976?
17 Hearing none, Mr. Bruce, you may proceed.

18 MR. BRUCE: Mr. Examiner, in case 22975
19 Kaiser-Francis seeks to force pool the north half/north
20 half of Section 24 in 23 south, 28 east and the north
21 half/north half of Section 19 in 23 south, 29 east, the
22 adjoining township. It will be dedicated to a first
23 Bone Spring and a second Bone Spring well.

24 The second case, and there's a separate exhibit
25 package, case 22976 involves the south half/north half

1 of the same Section 24 and the south half/north half of
2 Section 19 again for purposes of drilling two Bone
3 Spring wells, the first and a second Bone Spring well.

4 I'll just go through the first exhibit package,
5 they're virtually identical. The package contains the
6 application and proposed notice, the land man's
7 affidavit which contains usual land plat and C102's for
8 the well, for the wells. And one thing that I omitted
9 from this is -- well, I'll get to that in a second. The
10 only party being pooled in this matter is Chevron USA,
11 Inc. And Chevron has been given notice of this matter,
12 they are still trying to work things out. Chevron, I
13 think it was supposed to be in the exhibit package but
14 it may not have been, in both cases Chevron owns working
15 interest in the fee acreage of approximately 24 percent
16 and the land plat shows, in each exhibit package shows
17 what the fee acreage is as opposed to federal acreage.

18 There's a summary of communications with Chevron
19 that's been going on for over four months now, a copy of
20 the proposal letter and the AFE's for the well. And
21 then there are two geologic affidavits by the geologist,
22 one is for the first Bone Spring sand and the second is
23 for the second Bone Spring sand, those are Exhibits 3.
24 Then affidavit, my affidavit of notice is contained,
25 again only Chevron is being pooled and they did receive

1 timely notice, notice was timely mailed and they did
2 receive notice of this application over two weeks ago
3 and they are not objecting here.

4 And so we would ask that the Exhibits 1 through
5 5, and there is a pooling checklist also marked
6 Exhibit 5 in each case, Exhibits 1 through 5 be admitted
7 into evidence in each case and the matters be taken
8 under advisement. And because there was only one
9 working interest owner who needed to be pooled, I did
10 not prepare a spreadsheet. Thank you.

11 HEARING OFFICER BRANCARD: Thank you. Mr.
12 McClure, questions?

13 MR. MCCLURE: Yeah, Mr. Brancard, I do.
14 Mr. Bruce, I guess I actually was looking for that as
15 well and I'm not seeing it in the exhibits either and
16 that is the breakout of the percentage. Can you go
17 ahead and submit a supplemental document with that?

18 MR. BRUCE: Yeah, I will do so.

19 MR. MCCLURE: Okay, thank you. Okay -- I'm
20 sorry?

21 MR. BRUCE: I just dug that up in the
22 files, so I will get that to you.

23 MR. MCCLURE: Okay, thank you. Now you've
24 referenced an affidavit of publication, but it doesn't
25 seem like it is required, so that's the reason it wasn't

1 included here, correct?

2 MR. BRUCE: If I said affidavit of
3 publication, I should have just said the affidavit of
4 certified notice, but no, the publication is not
5 required.

6 MR. MCCLURE: Yeah, I'm in agreement.
7 Maybe I misheard you. Okay, very good. I was going to
8 say now something else, it looks like, it looks like
9 maybe the C102 was corrected, but on your Exhibit 8 it
10 looks like you have a typo for your pool code. Can you
11 update that for us. I'm assuming that the intention is
12 to match the C102's, and that is pool code 15,011, but
13 on your Exhibit A you have 15,001. Please, please
14 resend to that us, if you would.

15 MR. BRUCE: I will.

16 MR. MCCLURE: Okay. Thank you, sir. Mr.
17 Brancard, I have no further questions.

18 HEARING OFFICER BRANCARD: Thank you. Mr.
19 McClure, where was the mistake in the pool code?

20 MR. MCCLURE: Oh, on Exhibit A it has it
21 as, well, it's in both of these cases on their Exhibit 5
22 or whatnot, and it says pool name and pool code down on
23 the first page of Exhibit A. It has Corbaro Bluffs Bone
24 Spring south, which is correct, or seems to be correct
25 based on C102, and then the pool code is just a slight

1 typo on it.

2 MR. BRUCE: I will, I will correct the
3 pooling checklists and resubmit them along with the
4 other data you requested.

5 HEARING OFFICER BRANCARD: Okay. It's the
6 pooling checklist, that's the issue. Thank you.

7 MR. BRUCE: Yes.

8 MR. MCCLURE: Yes, yeah. I'm sorry, I
9 think I called it Exhibit A, but I'm sorry, I was
10 calling it the wrong thing, it was pooling application
11 checklist is what I meant.

12 HEARING OFFICER BRANCARD: Okay. Thank
13 you. My only questions were about the percentage
14 interest which you've already addressed, Mr. Bruce. So
15 are there any other persons interested then in cases
16 22975, 22976? Hearing none, the exhibits will be
17 admitted to the record, the case will be taken under
18 advisement, and we will leave the record open to allow
19 for submittal on what the percentage interest is of
20 Chevron I guess, the only person we hear about, and
21 revised checklist.

22 MR. BRUCE: Will do. Thank you.

23 HEARING OFFICER BRANCARD: Thank you.
24 Okay. With that, among items 57 and 58, this is cases
25 22993, 22994. Mewbourne Oil Company.

1 MS. HARDY: Mr. Examiner, Dana Hardy with
2 Hinkle Shanor on behalf of Mewbourne.

3 HEARING OFFICER BRANCARD: Thank you. Are
4 there any other interested persons for cases 22993,
5 22994? Hearing none, you may proceed, Ms. Hardy.

6 MS. HARDY: Thank you. In case No. 22992,
7 Mewbourne seeks an order pooling additional uncommitted
8 interests under the terms of order No. R-21735. That
9 order pooled all uncommitted interests in the Wolfcamp
10 formation underlying a standard horizontal spacing unit
11 comprised of the south half of the north half of Section
12 15 and the south half of the northwest quarter of
13 Section 14, Township 20 south, Range 29 east in Eddy
14 County. The order dedicated the unit to the Ithaca
15 15/14 WOEf Fed Com No. 1 well.

16 In case No. 22994, Mewbourne seeks an order
17 pooling additional interest under the terms of order No.
18 R-21652. That order pooled uncommitted interest in the
19 Wolfcamp formation underlying a standard horizontal
20 spacing unit comprised of the north half of the north
21 half of Section 15 and the north half of the northwest
22 quarter of Section 14, Township 20 south, Range 29 east.
23 That order dedicated the unit to the Ithaca 15/14 WODC
24 Fed Com No. 1H well. And in both cases Mewbourne
25 determined that it needed to pool additional interests

1 and those interests are all record title owners of the
2 leases.

3 In our exhibit packets we've provided Exhibit A
4 which is the self-affirmed statement of land man Arianna
5 Rodriguez. Ms. Rodriguez's exhibits include the
6 application and proposed notice of hearing, the original
7 order in each case, Exhibit A3 is the plat of tracts
8 ownership interest and the uncommitted interest to be
9 pooled, and that exhibit does show on the second page
10 that all of the interests are record title owners only.
11 Exhibit A4 is Ms. Rodriguez's communitization agreement
12 letter that she sent out to these parties. And Exhibit
13 A5 is her chronology of contact with the parties.

14 Exhibit B is my notice affidavit and it includes
15 as attachments the notice letter that I sent to each
16 party. Exhibit B2 is the chart listing the parties and
17 the dates that notices were sent and received. And we
18 did publish notice as well and the affidavit of
19 publication is provided in each case as Exhibit B3.

20 And with that, unless there are questions, I
21 would ask that the exhibits be admitted and that the
22 cases be taken under advisement.

23 HEARING OFFICER BRANCARD: Thank you. Mr.
24 McClure.

25 MR. MCCLURE: Thank you, Mr. Brancard. I

1 do have some questions on this. Ms. Hardy, for case
2 22993 it does look like the well that is referenced in
3 the original hearing order here is, although it is in
4 the, it is in the Wolfcamp formation -- or excuse me,
5 let me make sure I got the right one up. It is listed
6 as Katonah Canyon Wolfcamp, which is different than
7 what's in the original hearing order. I guess do you
8 know what went on here?

9 MS. HARDY: I do not know, Mr. McClure, but
10 I can find out if you would like me to do that.

11 MR. MCCLURE: Yes, please. I mean, my
12 presumption is that maybe it was, the original hearing
13 order was just submitted with the incorrect pool and
14 then it's since been adjusted to the correct pool. But
15 as long as we're in the same, I mean, I guess as long as
16 we're in the same target formation, I'm not quite sure
17 what the thoughts are here on that, but I guess I just
18 want to confirm that it is in the target formation at
19 least. And so if we could submit something in regards
20 to that.

21 MS. HARDY: Sure. And you had mentioned
22 that the pool that it spudded in is the --

23 MR. MCCLURE: The Katonah Canyon Wolfcamp.
24 The pool code, because I'm sure I'm mispronouncing it
25 is, 27191.

1 MS. HARDY: Okay.

2 MR. MCCLURE: Is what we currently have
3 listed anyway. Now the other one which is more of a
4 question I have is, I don't even see where it's been
5 spudded yet and the original order would have terminated
6 back in April. So I guess do you know what the status
7 is of the well for case 22994?

8 MS. HARDY: I don't, Mr. McClure, but I can
9 find that out as well.

10 MR. MCCLURE: Okay. Yeah, we're definitely
11 going to want to see that because occasionally we,
12 you're asking us to amend an order that may not even
13 exist without an extension I guess.

14 MS. HARDY: I expect the well has been
15 spudded, but I will, I will definitely verify that.

16 MR. MCCLURE: Okay. And maybe it just
17 hasn't been submitted to the division for whatever
18 reason.

19 MS. HARDY: Right.

20 MR. MCCLURE: So that, I mean, that's a
21 possibility for sure. But if we could just see some
22 sort of additional information on that. Now the
23 question I have here though, some of the additional
24 parties being pooled, they don't actually have any
25 working interest?

1 MS. HARDY: That's correct.

2 MR. MCCLURE: I guess so, I guess are they
3 even required to be pooled I guess?

4 MS. HARDY: Well, Mr. McClure, I think it's
5 my understanding that the state land office and the BLM
6 as well, although I think this one involves the state
7 land office, if record title owners can't be located or
8 for whatever reason don't sign the communitization
9 agreement, the state land office and the BLM looks at
10 the pooling order in lieu of those signatures, so that's
11 the reason that, that this is happening.

12 MR. MCCLURE: I gotcha. So just getting
13 all the T's crossed and the I's dotted for the Com
14 agreement essentially?

15 MS. HARDY: Exactly.

16 MR. MCCLURE: Okay. Thank you, Ms. Hardy.
17 With that additional supplemental information, that's
18 all of my, that's all my questions.

19 MS. HARDY: Thank you.

20 HEARING OFFICER BRANCARD: Thank you. Are
21 there any other interested persons for cases 22993,
22 22994? Okay. So, Ms. Hardy, you need to get us
23 information about these wells. And obviously if the
24 well was not timely spudded in the second case, we would
25 have to deny this application. So we can take it under

1 advisement and just wait for this information or we can
2 continue the hearing, what would your preference be?

3 MS. HARDY: I would prefer that you take it
4 under advisement and I can provide the information.

5 HEARING OFFICER BRANCARD: Okay. So with
6 that, the exhibits will be admitted into the record, the
7 cases will be taken under advisement, but as I said, it
8 could be denied.

9 MS. HARDY: Thank you.

10 HEARING OFFICER BRANCARD: All right. With
11 that, I will call item No. 59, case 23012. Spur Energy
12 Partners.

13 MS. HARDY: Dana Hardy with Hinkle Shanor
14 on behalf of Spur Energy Partners.

15 HEARING OFFICER BRANCARD: Are there any
16 other interested parties for case No. 23012? Hearing
17 none, you may proceed, Ms. Hardy.

18 MS. HARDY: Thank you. In this case Spur
19 seeks an order pooling uncommitted interest in the Yeso
20 formation underlying a 320-acre more or less standard
21 horizontal spacing unit comprised of the south half of
22 Section 25, Township 19 south, Range 25 east in Eddy
23 County. And Spur proposes to dedicate the unit to three
24 wells, the Darko 25 Federal 20H, Darko 25 Federal 21H,
25 and the Darko 25 Federal 30H. The intervals of the

1 wells are orthodox and this is a proximity tract unit
2 with the Darko 25 Federal 30H well being the proximity
3 tract well.

4 In support of the application we've provided
5 with our exhibits the self-affirmed statement of land
6 man Drew Oldis. Mr. Oldis provides the application and
7 proposed notice of hearing, C102's, the plat of tracts
8 and ownership interest, the sample well proposal and
9 AFE's, and the summary of communications. And all of
10 the land ownership information is included in Exhibit A3
11 and the parties who are being pooled are highlighted.

12 Exhibit B is the self-affirmed statement of
13 geologist Matt Van Wie. Mr. Van Wie provides a location
14 map, structure map, structural cross section and a gun
15 barrel schematic.

16 Exhibit C is my notice affidavit, I provided the
17 notice letter that I sent to all of the interested
18 parties, a chart showing the dates on which notice was
19 sent and received, the certified mail returns and
20 receipts, and an affidavit of publication which was
21 provided, published timely.

22 So with that, unless there are questions, I
23 would ask that the case, that the exhibits be admitted
24 and that the case be taken under advisement.

25 HEARING OFFICER BRANCARD: Thank you. Mr.

1 McClure.

2 MR. MCCLURE: No questions, Mr. Brancard.

3 HEARING OFFICER BRANCARD: Okay. So, okay.

4 Ms. Hardy, so I was trying to figure out who all you're
5 trying to notice here. There appears to be an unleased
6 mineral interest in one of your interesting 20-acre
7 tracts, the heirs of Julia McKinley. And it doesn't
8 appear that your client has even found any addresses for
9 the heirs of Julia McKinley.

10 MS. HARDY: That I believe is correct.

11 HEARING OFFICER BRANCARD: Do you have any
12 idea what efforts they undertook to try to figure out?

13 MS. HARDY: I do not, but Spur's land man
14 Drew Oldis is on the line and may be able to answer that
15 question for you.

16 HEARING OFFICER BRANCARD: Okay. We can do
17 that in a second. The other question I had may involve
18 your geologist, I don't know if he's on the line, he or
19 she is on the line. I'm looking at your geologic
20 exhibit, let me see, B1 is one example, B2 is also
21 there. You're doing lay down wells in an area that
22 seems to be mostly stand up wells. I mean, the
23 geologist affidavit says in this area you can do either,
24 but everybody else seems to be doing stand up wells, so
25 I'm just curious about that.

1 MS. HARDY: Right.

2 HEARING OFFICER BRANCARD: Go ahead, I'm
3 sorry for interrupting you.

4 MS. HARDY: Oh, I was just going to say
5 that I don't have information other than his affidavit
6 states that there is no preferred orientation in
7 Paragraph 8, so that he believes that the orientation is
8 appropriate for these wells.

9 MR. OLDIS: Dana, I'm online, I can answer
10 the questions regarding Julia McKinley.

11 HEARING OFFICER BRANCARD: Mr. Oldis, hang
12 on, hang on. Are you on the phone or are you on --

13 MR. OLDIS: I'm on the Webex.

14 HEARING OFFICER BRANCARD: Okay. Can you
15 light yourself up.

16 MR. OLDIS: Did that work?

17 HEARING OFFICER BRANCARD: Not yet. Is
18 there a start video button there?

19 MR. OLDIS: I don't have video capability.

20 HEARING OFFICER BRANCARD: Okay. All
21 right, that's fine. I'll just assume that you are
22 raising your right hand.

23 MR. OLDIS: Okay.

24 DREW OLDIS,
25 duly sworn, was examined and testified as follows:

1 MR. OLDIS: Yes.

2 HEARING OFFICER BRANCARD: Thank you. So,
3 Drew Oldis, spell your name.

4 MR. OLDIS: D-R-E-W, O-L-D-I-S.

5 HEARING OFFICER BRANCARD: Thank you.
6 Please proceed, Ms. Hardy, with a question.

7 MS. HARDY: Mr. Oldis, can you describe
8 what was done in an effort to locate contact information
9 for the heirs of Julia McKinley?

10 MR. OLDIS: Yes. We searched all the
11 records of Eddy County and could only find the original
12 document to her giving her the ownership and no other
13 documents were found referring to her or this piece of
14 mineral interest that she owned.

15 Additionally, we searched all records from her
16 original address in Butler County in Kansas and were not
17 able to find anything of record through the probate of
18 property records attaching anybody to this interest.
19 And then additionally did some Internet searches on
20 Websites, People Finder, Ancestry.com, and couldn't
21 really locate anything. And then knowing that a portion
22 of this area had been previously compulsory pooling
23 order, we looked at those case files and they were not
24 able to provide any more clarity as to who this interest
25 belongs to from Julia McKinley.

1 HEARING OFFICER BRANCARD: Thank you. Mr.
2 Oldis, since you're saying heirs of Julia McKinley, you
3 must have some evidence that she has passed on?

4 MR. OLDIS: Yes, the original deed was from
5 1919.

6 HEARING OFFICER BRANCARD: Okay. All
7 right. Well, that makes sense. So there's been no
8 transfer since 1919, it's the same?

9 MR. OLDIS: We couldn't find anything tying
10 her to this or anybody from her heirs from that original
11 deed, you know, it turns out there's a lot of McKinley's
12 in Butler County and we just weren't able to find who is
13 the heir.

14 HEARING OFFICER BRANCARD: Okay. Thank
15 you, I appreciate that. Okay. So my other question
16 then was about the lay down wells. I notice looking at
17 Exhibit B1 that it looks as if there might have actually
18 been stand up wells in this unit, they look like a half
19 mile stand up wells.

20 MR. OLDIS: There is two stand up wells, or
21 in Section, in that southeast portion of Section 25.
22 Sorry, southwest, excuse me, southwest, sorry.

23 HEARING OFFICER BRANCARD: That would be a
24 different formation than what you're shooting at?

25 MR. OLDIS: I'm, I'm not exactly sure. Let

1 me see if our, I wonder if our geologist might be on the
2 line somewhere.

3 HEARING OFFICER BRANCARD: I mean, maybe,
4 Ms. Hardy, with the land ownership here that that's your
5 only choice is to do lay down wells, but.

6 MS. HARDY: I don't see our geologist on
7 the line, I don't know if he can be available or I can
8 also provide the division with some more information.

9 HEARING OFFICER BRANCARD: Yeah, so if you
10 can just give us a -- hello? If you could just give us
11 a little more information about the choice for the lay
12 down wells and also is there any conflict with the
13 existing stand up wells that are in, appear to be in
14 this unit.

15 MS. HARDY: Sure, I'll be happy to do that.

16 HEARING OFFICER BRANCARD: And I'm
17 satisfied with your efforts for the heirs of Julia
18 McKinley given that we're dealing with over a century
19 old mineral deed here. All right. Any other, Mr.
20 McClure, anything come to mind?

21 MR. MCCLURE: No, sir, Mr. Brancard, I'm
22 still good.

23 HEARING OFFICER BRANCARD: Okay. So with
24 that, the exhibits will be admitted into the record.
25 Anyone else interested in case 23012? Hearing none,

1 exhibits are admitted and the case is taken under
2 advisement with the record left open for some more
3 detail on, from the geologist on the choice of a lay
4 down well and other wells in this unit.

5 MS. HARDY: Thank you very much.

6 HEARING OFFICER BRANCARD: Thank you. I
7 will now turn to our court reporter and ask if she's
8 doing okay? All right. I see a thumbs up and so we
9 will keep moving then.

10 On today's worksheet we are now on I believe
11 items 60 through 64, these would be cases 23000, 23001,
12 23002, 23003, 23004. Strata Production.

13 MS. SHAHEEN: Thank you, Mr. Examiner.
14 Sharon Shaheen with Montgomery & Andrews on behalf of
15 Strata.

16 HEARING OFFICER BRANCARD: And are there
17 any other interested persons for cases 23001, 2, 3 and
18 4? Hearing none, Ms. Shaheen, proceed.

19 MS. SHAHEEN: Thank you. We submitted the
20 exhibits on Tuesday and we did make an effort to include
21 all of the exhibits for each application in the same
22 package. There's one land man affidavit identified as
23 Exhibit A and one geologist affidavit Exhibit B, and
24 then we have five different sets of exhibits, one for
25 each application.

1 In case Nos. 23000, 23001, and 23002 Strata
2 seeks to pool Sections, parts of Section 30 and 31 in
3 Township 23 south, Range 31 east to target the Brushy
4 Canyon. The only party being pooled in these three
5 cases is Oxy USA.

6 In case No. 23000 Strata seeks to pool a
7 standard 200-acre spacing unit comprised at the west
8 half/west half of Section 31 and the southwest quarter
9 of the southwest quarter of Section 30. And this
10 spacing unit would be dedicated to the Pajarito Fed Com
11 30 31 MML No. 7H well.

12 In case No. 23001 Strata seeks to pool a
13 standard 200-acre more or less spacing unit comprised of
14 the east half of the west half of Section 31 and the
15 southeast quarter of the southwest quarter of Section 30
16 and that spacing unit would be dedicated to the Pajarito
17 Fed Com 30 31 NNL No. 6H.

18 And then in case No. 23002 Strata seeks to pool
19 another 200-acre spacing unit comprised here of the
20 southwest quarter of the southeast quarter of Section 30
21 and the west half/west half of Section 31. This would
22 be dedicated to the Pajarito Fed Com 30 31 OOL No. 5H.

23 In case Nos. 23003 and 23004 Strata seeks to
24 pool parts of Sections 19, 30 and 31, in Township 23
25 south and Range 31 east. And the only parties that will

1 be pooled in these two cases are Oxy USA and Oxy Y-1.

2 In case No. 23003 Strata seeks to pool the
3 northwest quarter of the northwest quarter of
4 Section 31, the west half/west half of sections 30 and
5 19, and the southwest quarter/southwest quarter of
6 Section 18. This spacing unit in case No. 23003 is
7 dedicated to the Pajarito Fed Com 31 18 DML No. 1H
8 wells.

9 Finally, in case No. 23004 Strata seeks to pool
10 a 320-acre standard spacing unit comprised of the
11 northeast quarter of the northeast quarter of
12 Section 31, the east half, the east half of Section 30,
13 and the east half of the southeast quarter and southeast
14 quarter of the northeast quarter of Section 19. This
15 spacing unit would be dedicated to the Pajarito Fed Com
16 31 19 AAL No. 4H well.

17 All of these, the first and last take-points and
18 completed intervals for all of these wells will meet the
19 setback requirements set forth in the statewide rules.
20 We've included general location maps for each
21 application as Exhibit A1, tract maps as Exhibit A2,
22 unit maps as Exhibit A3, ownership breakdowns and
23 pertinent leases as Exhibit A4, a chronology of
24 contacts, Exhibit A5. Again, the only parties here were
25 Oxy USA and Oxy Y-1. They've both received their

1 certified mailings and, and those are attached to
2 Exhibit, I believe it's Exhibit C, which is my affidavit
3 of notice. We also in an abundance of caution published
4 and you will find the affidavit of publication attached
5 to Exhibit C.

6 Exhibit D is our affidavit of Geologist Scott
7 Kelly. And I'll just mention quickly here, both
8 affiants have previously testified before the division
9 and had their credentials accepted into the record. Mr.
10 Kelly provides us with the usual exhibits here, Exhibits
11 B1 through B6, the regional setting, the stratigraphic
12 column, Brushy Canyon structure map, type logs,
13 structural cross section map, the structural cross
14 section. And he provides the measure depth and two
15 vertical depth proposed for each well in Paragraph 11
16 and he also states of note in Paragraph 13D that the
17 most efficient way to develop the acreage in all of
18 these cases is as proposed because of drilling island
19 locations due to potash limitations.

20 With that, unless the division has questions, I
21 would ask that all of these exhibits be admitted into
22 the record that are identified on the table of contents
23 in the exhibit package and that these cases be taken
24 under advisement.

25 HEARING OFFICER BRANCARD: Thank you. Mr.

1 McClure, questions?

2 MR. MCCLURE: Yes, Mr. Brancard, I do. Ms.
3 Shaheen, so when you referenced that because of the
4 potash area they're drilled as laid out here, is that
5 referring to kind of the odd I guess start and stop
6 points as you're like leaving out a quarter/quarter here
7 and you include an extra quarter/quarter in the other
8 section, is that what you're referring to?

9 MS. SHAHEEN: I believe so. I anticipated
10 that you might have questions here and the Strata's land
11 man Mitch Krakauskas is here in attendance and he can
12 answer those questions in a little more detail than I
13 can.

14 MR. KRAKAUSKAS: Yes, I'm happy to answer
15 that.

16 MR. MCCLURE: Mr. Brancard, are we wanting
17 to swear him in?

18 HEARING OFFICER BRANCARD: Yes, of course.

19 MR. MCCLURE: Okay.

20 HEARING OFFICER BRANCARD: Raise your right
21 hand.

22 MITCH KRAKAUSKAS,
23 duly sworn, was examined and testified as follows:

24 HEARING OFFICER BRANCARD: Can you spell
25 your name for the court reporter.

1 MR. KRAKAUSKAS: First name Mitch,
2 M-I-T-C-H, last name Krakauskas, K-R-A-K-A-U-S-K-A-S.

3 HEARING OFFICER BRANCARD: Please proceed,
4 Ms. Shaheen.

5 MS. SHAHEEN: Thank you. Mr. Krakauskas, I
6 believe you heard Mr. McClure's question. As I
7 understand it, he's asking whether the potash
8 limitations are the reasons that we have the surface
9 locations and bottom hole locations that have been
10 identified on each of the C102's for these five wells?

11 MR. KRAKAUSKAS: They are. The addition of
12 the southwest/southwest Section 18 on the Pajarito
13 No. 1, Strata owns that, 100 percent of that 40-acre
14 tract. Our concern is that if we don't extend that
15 additional quarter mile that that will not get
16 developed, you know, in the foreseeable future, so we
17 included that in that well.

18 Pajarito No. 4, the northeast/northeast quarter
19 of Section 19 is more easily accessible from the east
20 where there's a pad a quarter mile away, less than a
21 quarter mile away. Strata does not own any interest in
22 that tract, there's five other owners in that tract.
23 Rather than having a contested hearing and getting in an
24 argument over wells that we own, you know, 90 percent
25 of, it was, it was thought that they can develop it from

1 the east more efficiently and effectively the way that
2 they would like to do so.

3 MR. MCCLURE: So essentially it's your
4 understanding then that acreage is not going to be
5 stranded, they are proposing to drill a well there then,
6 correct?

7 MR. KRAKAUSKAS: I don't know if they're
8 proposing to drill a well there as I'm not an owner in
9 that acreage, but there is a closer location that is
10 approximately an eighth of a mile less than a quarter of
11 a mile away, so it's more easily accessible than being
12 at the end of a two and a half mile lateral, you know,
13 getting out two and a half miles is already a stretch,
14 you know, there's a risk that we may not make it that
15 far just due to, you know, common issues in drilling.
16 So rather than risk it and go through the pooling
17 process with those five parties, we've decided to leave
18 that out of our formation unit as it is more easily
19 accessible from the east and does not risk the well.

20 MR. MCCLURE: Now having said that though
21 you, in the instance where you own 100 percent of the
22 working interest though, clearly you're taking that
23 extra risk because you think that acreage might be
24 stranded otherwise, correct?

25 MR. KRAKAUSKAS: Correct.

1 MR. MCCLURE: Okay. The other question I
2 had is the area in between your east half of the east
3 half well and the west half of that west half well at
4 the center areas of the Section 19 and Section 30, do
5 you know what the plan is for that acreage?

6 MR. KRAKAUSKAS: We, we plan to drill those
7 wells, we just don't have them in our one-year plan. So
8 we'll be back to a hearing if we don't make a deal with
9 Oxy in the future to, to develop that acreage as well.

10 MR. MCCLURE: Now as far as percentage of
11 working interest in that area, does your company own the
12 majority?

13 MR. KRAKAUSKAS: Yes, we own the majority
14 of the interest. Scroll to that exhibit.

15 MR. MCCLURE: Do you have it listed?

16 MR. KRAKAUSKAS: If you look at Exhibit 3,
17 you'll see by my company I represent Strata --

18 MR. MCCLURE: You, either I lost you or you
19 lost your Internet.

20 HEARING OFFICER BRANCARD: Mr. Krakauskas,
21 we cannot hear you at this point. We can see you, we
22 just can't hear you. Not now. Maybe if you turn off
23 your video and just try audio.

24 MS. SHAHEEN: I'm not sure he can hear us.

25 HEARING OFFICER BRANCARD: It's showing him

1 as muted, it's also showing him as frozen, that's not a
2 good sign.

3 MS. SHAHEEN: Let me see if I have a cell
4 phone number for him and text him.

5 HEARING OFFICER BRANCARD: Okay. Now
6 you're not muted, but we can't hear you, I don't think
7 we can hear you.

8 MR. KRAKAUSKAS: Can you hear me?

9 HEARING OFFICER BRANCARD: Yes.

10 MR. KRAKAUSKAS: Okay, we're back. Sorry
11 about that, I don't know what happened. So if you'll go
12 to Pajarito No. 4H and go to Exhibit A3. We, we --

13 MR. MCCLURE: I'm on A4, let me scroll up a
14 bit.

15 MR. KRAKAUSKAS: Yeah, A3 will be a little
16 easier to see the division of interest.

17 MR. MCCLURE: Do you know what page that's
18 on on the --

19 MR. KRAKAUSKAS: Page 3.

20 MR. MCCLURE: Okay, I see a page number. I
21 must not be in the right place.

22 MS. SHAHEEN: It's going to be in case
23 No. 23004, so towards the end there.

24 MR. KRAKAUSKAS: Oh, you combined all the
25 exhibits, I apologize.

1 MS. SHAHEEN: I'm going to tell you what
2 pdf page it is here, just a sec.

3 MR. MCCLURE: Yeah, thank you, that might
4 be the easiest way.

5 MS. SHAHEEN: 127.

6 MR. MCCLURE: Okay, I got it. I see 127,
7 it just looked like it said Exhibit A4 I guess, but I
8 think I'm on the right page. So go ahead, sir.

9 MR. KRAKAUSKAS: So can you guys hear me
10 now?

11 MR. MCCLURE: Yes, sir, we can.

12 MS. SHAHEEN: I'm sorry, just to clarify,
13 the, the tract, I think Mr. Krakauskas may be referring
14 to the, to the unit map that's Exhibit A3 and that would
15 be on Page 126.

16 MR. KRAKAUSKAS: Correct.

17 MR. MCCLURE: Okay, okay, yep, I'm there
18 now too.

19 MR. KRAKAUSKAS: So we have a term
20 assignment from Link & Associates, SJR, Wade Carrigan
21 and Wynn Investments. And the interest in the infill
22 wells between the east half and the west half will be
23 similar to this. So we will have approximately 82 and a
24 half percent of that interest.

25 MR. MCCLURE: The other two entities there,

1 right, is what you're referring to?

2 MR. KRAKAUSKAS: Yes, sir.

3 MR. MCCLURE: Okay. Now is this also
4 correct I guess for the east half -- well, I mean,
5 obviously it wouldn't be exact numbers, but is it
6 similar to this in the east half of the east half of 31
7 then, because I think that one was left off, but
8 obviously that's accessible rather than being bordered
9 in by the east half?

10 MR. KRAKAUSKAS: The southeast/northeast of
11 31 and the northeast of the southeast of 31 currently
12 have two vertical Delaware wells producing that were
13 drilled back in the '80s, so that's why we chose not to
14 include those or drill a east half/east half well in
15 Section 31.

16 MR. MCCLURE: Okay, I gotcha. And you
17 know, I think that's, that's all of the questions I
18 have. Thank you, sir. Thank you, Ms. Shaheen. Back to
19 you, Mr. Brancard.

20 MR. KRAKAUSKAS: Thank you, Mr. McClure.

21 MR. MCCLURE: Thank you.

22 HEARING OFFICER BRANCARD: Thank you. So
23 you have all these interest owners listed, but the only
24 uncommitted owner is Oxy, is that correct?

25 MR. KRAKAUSKAS: Correct. We, we actually,

1 Link & Associates, SJR, Wade Carrigan and Wynn
2 Investments are all family or friends of ours who invest
3 in all our properties. We actually have a term
4 assignment from them to develop this acreage. And the
5 only parties that we do not have commitment from are Oxy
6 USA and Oxy Y-1.

7 HEARING OFFICER BRANCARD: Okay. Well,
8 usually the documents sort of indicate who's committed
9 and who's not, that's why I'm asking.

10 MR. KRAKAUSKAS: I apologize. Future,
11 future exhibits I'll put that on there.

12 HEARING OFFICER BRANCARD: Either with
13 asterisks or highlighting or people do various ways of
14 indicating which ones are committed, so therefore we
15 know who has to get notice.

16 MR. KRAKAUSKAS: Yes, sir.

17 HEARING OFFICER BRANCARD: That's the
18 important part for us. So these are overlapping spacing
19 units here?

20 MR. KRAKAUSKAS: They are. We're going to
21 basketweave since, since we won't be able to complete
22 our lateral, you know, until we're out a certain
23 distance from the vertical portion of the wellbore, we
24 don't want to leave any of that, that acreage that would
25 be stranded on nonoverlapping laterals, so we're

1 overlapping so we can complete the entirety of the
2 lateral through the, you know, both spacing units.

3 HEARING OFFICER BRANCARD: Okay. So cases
4 23000 and 23003, that's your DML 1H there, are
5 overlapping?

6 MR. KRAKAUSKAS: Correct. And basically
7 between the first, the first perforation on your lateral
8 on one well going north versus the first perforation on
9 your lateral on the well going south, you can save
10 anywhere from a thousand to 1,200 feet of lateral pay,
11 horizontal pay by doing the basketweaving.

12 HEARING OFFICER BRANCARD: Okay. Thank
13 you. I think that's all the questions I had. So, yeah,
14 Ms. Shaheen, if you'd just, you know, on your
15 applications indicate when they're overlapping, okay,
16 just so, you know, if any issues come up with notice,
17 which there shouldn't be here, this is the same interest
18 owners, right, so it's not, it's not an issue, but
19 that's, that's a separate sort of step in the horizontal
20 well rules in overlapping spacing units, just so we
21 understand that you have complied with that. I mean, if
22 you could just submit something, that would be helpful.
23 So it just affects those two cases I believe, those are
24 the only overlaps.

25 MR. KRAKAUSKAS: Correct.

1 MS. SHAHEEN: It would be 23001 and 23003?

2 HEARING OFFICER BRANCARD: No, it's 23000.

3 MS. SHAHEEN: Okay.

4 HEARING OFFICER BRANCARD: And 23004, the
5 southwest half ones, is that right?

6 MR. MCCLURE: 23003, I think, Mr. Brancard.

7 HEARING OFFICER BRANCARD: 23003 is it,
8 okay, I believe.

9 MR. MCCLURE: Unless I'm wrong.

10 MR. KRAKAUSKAS: Correct, Pajarito No. 1
11 and Pajarito No. 7.

12 MS. SHAHEEN: And, and would a supplemental
13 affidavit that briefly addresses the, the overlapping
14 spacing units and the reasons for that, would that be
15 sufficient?

16 HEARING OFFICER BRANCARD: Yeah, I mean,
17 just indicate that you're also, you know, have
18 overlapping spacing units and, you know, notice was
19 provided obviously because this is the same interest
20 owners. That's all, it's not a big deal.

21 MS. SHAHEEN: Okay. Will do.

22 HEARING OFFICER BRANCARD: Okay. I think
23 that's the only questions I have. Thank you for
24 addressing the stranding potential issues here. All
25 right. Is that it, Mr. McClure?

1 MR. MCCLURE: Yes, sir, Mr. Brancard, I
2 didn't have any other questions pop up.

3 HEARING OFFICER BRANCARD: All right. Are
4 there any other interested persons then for 23000, 001,
5 002, 003 or 004? Hearing none, the exhibits will be
6 admitted into the record, the case will be taken under
7 advisement, we'll leave the record open just for a
8 supplemental affidavit that discusses the overlapping
9 spacing units, and I guess also just confirm in that
10 affidavit that the only uncommitted party is Oxy.

11 MS. SHAHEEN: Will do. Thank you, Mr.
12 Examiners.

13 HEARING OFFICER BRANCARD: Thank you.
14 Okay. With that, we are now on items 65 and 66, these
15 are cases 23010, 23011. Titus Oil & Gas.

16 MS. SHAHEEN: Sharon Shaheen, Montgomery &
17 Andrews, for Titus Oil & Gas.

18 HEARING OFFICER BRANCARD: Thank you. Are
19 there any other interested persons for cases 23010,
20 23011? Hearing none, Ms. Shaheen, you may proceed. And
21 you also have a motion here to replace the applicant.

22 MS. SHAHEEN: That is correct, Mr.
23 Examiner. And, and this was done, this is actually a
24 straightforward case, just asking to extend the time to
25 drill. This is the first extension of time to drill

1 these wells and there's some potash issues and we
2 haven't received the approval of the permits to drill
3 from BLM. But in the meantime, and we explained in our
4 original exhibits that Titus and Fasken had entered into
5 an operating agreement that named Fasken as the operator
6 and that we would be filing a change of operator after
7 the permits had been approved. However, the permits
8 have not yet been approved and then Titus was in the
9 position of being the applicant to extend the time for
10 drilling and then after it filed the application to
11 extend the time for drilling, Titus divested itself of
12 its assets in this acreage. And so I, I spoke with Mr.
13 Tremaine and he suggested we file this motion to replace
14 Titus as the applicant. So that's the history of it.

15 And I, we don't have any other parties here.
16 Fasken is in good standing with the division, Fasken
17 continues to own an interest in the spacing units, Titus
18 and Fasken anticipate that the BLM permits will be
19 approved shortly and a change of operator will be filed
20 with the division at that time.

21 In light of these circumstances, Titus asks that
22 Fasken be, that Titus be replaced with Fasken as the
23 applicant in these matters.

24 HEARING OFFICER BRANCARD: Thank you. Mr.
25 McClure, questions?

1 MR. MCCLURE: Yes, Mr. Brancard, I do. Ms.
2 Shaheen, so just to confirm, I mean, obviously this is a
3 deal that both operators are in support of, correct, and
4 you're representing both operators in this case?

5 MS. SHAHEEN: That's right. And we did
6 enter an appearance on behalf of Fasken I believe in
7 both cases, it may have been that my paralegal omitted
8 one of the cases, but Fasken has entered an appearance
9 in both of these, in at least one of the cases, and if
10 not the other, I now enter an appearance on behalf of
11 Fasken.

12 MR. MCCLURE: So a question I had. Can we
13 go to the developmental area. It looks like the BLM
14 still has it as pending status. To your understanding
15 do they have any outstanding issues that need to be
16 addressed before they can process that?

17 MS. SHAHEEN: I don't believe so. My
18 understanding is getting approval is imminent, but it
19 just has not yet happened.

20 MR. MCCLURE: Okay. Very good. And as far
21 as changes to the AFE with the change of operator, is it
22 essentially going to be the same, the same AFE that
23 we're looking at, or what?

24 MS. SHAHEEN: I believe so. I haven't been
25 told that there would be a different AFE here, but my

1 land man Mr. Wallace I believe may be on the phone and,
2 and if you have questions for him. Mike, are you there?
3 Does someone need to allow him to speak?

4 MR. MCCLURE: Is he on the call-in?

5 MS. SALVIDREZ: He is there and he can
6 unmute himself.

7 MS. SHAHEEN: Mike, can you hear us? I'm
8 going to shoot him a quick email. If we can't get him
9 on I can talk with him after the hearing and provide
10 additional information in the form of a supplemental
11 affidavit, if that would be helpful

12 MR. MCCLURE: Yes, yes, please, that should
13 be sufficient I would think. I don't know, I don't know
14 if Mr. Brancard concurs though on that.

15 HEARING OFFICER BRANCARD: Well, what
16 exactly did you need, the information, Mr. McClure?

17 MR. MCCLURE: Just a supplemental
18 confirming that it is the same AFE that's going to be
19 used, or very similar I guess in value.

20 MR. WALLACE: This is Mike Wallace, I'm on
21 the line. Can you hear me?

22 MR. MCCLURE: Yes, sir, we can.

23 HEARING OFFICER BRANCARD: Mr. Wallace, can
24 you raise your right hand. I will just assume you are.

25 MIKE WALLACE,

1 duly sworn, was examined and testified as follows:

2 MR. WALLACE: Yes.

3 HEARING OFFICER BRANCARD: Thank you. And
4 spell your name for the record.

5 THE WITNESS: It's D-A-V-I-D, M, I go by
6 Mike, W-A-L-L-A-C-E.

7 HEARING OFFICER BRANCARD: Thank you. So I
8 guess the question was whether the AFE will change with
9 the change of operator?

10 MR. WALLACE: It's my understanding that
11 there won't be any material changes to the AFE, I think
12 that it will be similar than what was sent out.

13 MR. MCCLURE: Thank you, sir. I have no
14 further questions, Mr. Brancard.

15 HEARING OFFICER BRANCARD: Okay. Thank
16 you. All right. So, Mr. McClure, you're okay then on
17 the extension, you have no questions?

18 MR. MCCLURE: Well, it's a first year
19 extension, I think we can probably give some leeway I
20 guess.

21 HEARING OFFICER BRANCARD: Okay.

22 MR. MCCLURE: I didn't have any questions
23 on it I guess. I mean, my only concern was on the
24 developmental area if there was any disputes there then,
25 you know, potentially they may be coming back in a year

1 and it's just nice to have a heads up I guess on if
2 we're going to be getting another extension request
3 before the well can be spudded, but I think that's kind
4 of been addressed by Ms. Shaheen.

5 HEARING OFFICER BRANCARD: Okay.

6 MR. WALLACE: Yes, also, I'm sorry, also
7 the permits are going to be approved fairly soon and we
8 plan on drilling these wells as soon as we have
9 approval, so I think one extension is going to be
10 sufficient.

11 HEARING OFFICER BRANCARD: Thank you. All
12 right. Okay. So I guess my only concern, Ms. Shaheen,
13 is that it's one thing to replace an applicant, but it's
14 another thing to change the operator because you already
15 have an order and, you know, we have a process for that,
16 the C145 process. So I, I'm sort of leaning that we
17 would continue just to rely on the C145 process in this
18 case. Your situation is not unusual, we have a number
19 of these cases where one party has filed an application
20 and then got bought out by somebody else or traded with
21 somebody else, so we sort of muddle along figuring out
22 who the real party is, so.

23 MS. SHAHEEN: Well, well good. I, I think
24 the change of operator form is fine if that's sufficient
25 for the division. I just wanted to make sure that there

1 wasn't going to be an issue with these applications
2 because Titus no longer has an interest in the acreage.

3 HEARING OFFICER BRANCARD: They are a
4 record title operator I guess. All right. With that,
5 any other persons interested in cases 23010, 23011?
6 Hearing none, the exhibits will be admitted into the
7 record and these cases will be taken under advisement.

8 MS. SHAHEEN: Thank you, Mr. Examiners.

9 HEARING OFFICER BRANCARD: Thank you. All
10 right. I'm on case 67, 23005. Texas Standard
11 Operating.

12 MR. BRUCE: Mr. Examiner, Jim Bruce for
13 Texas Standard.

14 HEARING OFFICER BRANCARD: All right. Mr.
15 Bruce, I, you know, as of yesterday and this morning, I
16 don't see any exhibits filed.

17 MR. BRUCE: Well, they're sitting right in
18 front of me and I thought I had filed them. I don't
19 know what --

20 HEARING OFFICER BRANCARD: Marlene, is
21 there anything pending that we missed?

22 MS. SALVIDREZ: I processed everything.

23 HEARING OFFICER BRANCARD: Okay. So no
24 exhibits, no hearing. This case will be continued to
25 September 15th.

1 MR. BRUCE: Thank you, Mr. Examiner. I
2 apologize, I, I started filing them all at the same time
3 and I guess I just missed one.

4 HEARING OFFICER BRANCARD: Okay. Thank
5 you. Next case, No. 68, case 23013. Mewbourne Oil
6 Company.

7 MR. BRUCE: Mr. Examiner, Jim Bruce
8 representing Mewbourne.

9 HEARING OFFICER BRANCARD: Are there any
10 other interested parties for case 23013? Hearing none,
11 Mr. Bruce, you may proceed.

12 MR. BRUCE: Mr. Examiner, in this case
13 Mewbourne seeks to pool the west half/east half of
14 Section 15 and the west half/east half Section 10 in 23
15 south, 34 east from the top of the Bone Spring to the
16 base of the second Bone Spring. The reason for that is
17 there are existing Bone Spring wells, one in the west
18 half/east half of Section 15, a one mile lateral, and
19 another one mile lateral in the third Bone Spring in the
20 west half/east half of Section 10.

21 Mewbourne seeks to pool its Ibex 15/10 B10B IH
22 and B20B 1H wells. Exhibit 1 is the application and
23 post notice. Exhibit 2 is the land man's affidavit
24 which contains the usual information of the parties
25 being pooled and their interests, et cetera. The land

1 plat shows the tracts and the interest owners involved.
2 There are C102's for each of the wells, hopefully I've
3 got that right on this. And attachment B2, Exhibit 2,
4 the land man's affidavit shows the parties being pooled
5 and their interests in the well unit. There is Exhibit
6 2C is a summary of communications with the parties and
7 the proposal letter. And then attachment D contains
8 AFE's.

9 Finally, attachment E to Exhibit 2 because of
10 the overlap, both of which wells, the existing third
11 Bone Spring wells are operated by Mewbourne, but
12 Mewbourne sent out a letter pursuant to regulations
13 regarding overlap. That 20-day period, objection period
14 has expired. Everyone in the third Bone Spring wells is
15 obviously in the first and second Bone Spring wells, so
16 there's really no adverse effect from the overlap.

17 Exhibit 3 is the affidavit by Jordan Carole with
18 the cross section showing all the wells in the area. If
19 you look at Exhibit 3A, every single well in this area
20 is a stand up well, and so hence the reason for this
21 stand up unit. There's a cross section showing that the
22 zone is continuous and uniformly thick across the
23 targeted interval, and therefore each quarter/quarter
24 section will produce more or less equally to the well's
25 production.

1 When I filed these Tuesday night, the exhibits,
2 I had the horizontal drawing plan for the first Bone
3 Spring well, I did not have it for the second Bone
4 Spring well. I did a supplemental filing yesterday and
5 submitted Exhibit 3D, which is the directional drilling
6 plan for the second Bone Spring well. Exhibit 4 is my
7 affidavit of notice with various green and white cards.
8 And Exhibit 7 which I did file yesterday is a
9 spreadsheet showing the status of the certified mailings
10 in this case, so you just have that, although it was a
11 supplemental filing. And, whoops, I notice that I may
12 have done what I've done before, Mr. Examiner. Oh, one
13 thing of note is one of the parties being pooled is Tom
14 Ragsdale and during the course of this proceeding we
15 discovered a new address for Mr. Ragsdale, so besides
16 the original notice letter, two days later another
17 notice letter was sent to Mr. Ragsdale who did receive
18 the actual notice.

19 And if I'm looking at this right, I haven't
20 looked it up on the computer yet, I might have filed a
21 pooling checklist and the affidavit of publication, I
22 may have turned them upside down, so I don't know if
23 they show up in your exhibit package, Mr. Examiner.

24 HEARING OFFICER BRANCARD: They do.

25 MR. BRUCE: They do, okay. That was after

1 I filed them. One thing, Mr. Examiner, notice was
2 published timely in the newspaper and I have still not
3 received the actual affidavit of publication. I have
4 contacted the Hobbs Newspaper, but I haven't heard back
5 from them yet. I'm trying to get an affidavit of
6 publication or a, perhaps a second one if the first one
7 wasn't shipped to me. But that is a, obviously that
8 could be an issue. But as you can see, they billed me
9 for it and I paid it and notice was published I believe.
10 And I would ask permission to supplement the record with
11 what I hear back from the Hobbs Newspaper.

12 But with that, I move admission of Exhibits 1
13 through 6. And I can either take the matter under
14 advisement or continue it for two weeks to see if I can
15 get the affidavit of publication.

16 HEARING OFFICER BRANCARD: Thank you. Mr.
17 McClure, questions?

18 MR. MCCLURE: Yes, Mr. Brancard, I do. Mr.
19 Bruce, you already addressed I guess the big question I
20 had, which was the affidavit of publication. But I do
21 have another question. Is it your understanding that
22 both of these wells are going to be allocated to the
23 same Federal Com agreement?

24 MR. BRUCE: Yes, it would be under the same
25 Com agreement, yes.

1 MR. MCCLURE: I guess the reason I ask
2 that, why do they have different well names then?

3 MR. BRUCE: Oh, oh, wait a minute. Are you
4 talking about with the third Bone Spring wells?

5 MR. MCCLURE: No, no, no. Both of the
6 wells in this pooling application have different well
7 names from each other, but yet presumably they'll be
8 part of the same Com agreement?

9 MR. BRUCE: They will be.

10 MR. MCCLURE: I guess I wanted to confirm
11 that.

12 MR. BRUCE: They will be part of the same
13 Com agreement. The only name difference is, let me be
14 sure, is it's Mewbourne's naming system, they're the
15 Ibex 15/10 B10B, which is the first Bone Spring well,
16 and the 15/10 B20B 1H, which is the second Bone Spring
17 well. They're in the same pool, same formation,
18 different zones, first and second Bone Spring sand, but
19 they would be in the same Com agreement.

20 MR. MCCLURE: And I'm just wondering -- oh,
21 go ahead, Mr. Bruce.

22 MR. BRUCE: The interest ownership is
23 uniform throughout the Bone Spring formation in this
24 area.

25 MR. MCCLURE: Okay, very good. Yeah, I was

1 kind of assuming that it would come back to Mewbourne's
2 naming convention. Having said that, Mewbourne's naming
3 convention is not the same as the division's naming
4 convention, essentially all wells that are going to the
5 same "lease," the Com agreement, should have uniform
6 names. Having said that, I don't know as it's an issue
7 for this application, but just something for
8 consideration. Thank you, Mr. Bruce. Thank you, Mr.
9 Brancard, I have no other questions.

10 HEARING OFFICER BRANCARD: Thank you. Mr.
11 Bruce, the other thing that you will need to correct is
12 your checklist, your legal description. There are too
13 many townships and ranges in there.

14 MR. BRUCE: Your point being?

15 HEARING OFFICER BRANCARD: That's a mighty
16 big well in there.

17 MR. BRUCE: I just got carried away with
18 the keyboard. I will change that.

19 HEARING OFFICER BRANCARD: Thank you. All
20 right. Are there any other interested persons for case
21 23013? Hearing none, the exhibits will be admitted into
22 the record, the case will be taken under advisement, the
23 record left open for revised checklist and affidavit of
24 publication.

25 MR. BRUCE: Thank you, sir.

1 HEARING OFFICER BRANCARD: All right. I'll
2 check in once again with our court reporter, how are you
3 doing? All right.

4 So with that, I will call items 69 and 70 and I
5 guess 71, these are cases 22995, 22996, 22997. Novo Oil
6 & Gas.

7 MR. SMITH: Good morning, Mr. Examiner.
8 I'm Bryce Smith with Modrall Sperling on behalf of the
9 applicant, Novo Oil & Gas.

10 HEARING OFFICER BRANCARD: Thank you. I
11 have an entry of appearance for MRC Delaware Resources.

12 MS. VANCE: Good morning, Mr. Hearing
13 Examiner, Mr. McClure. Paula Vance with the Santa Fe
14 office of Holland & Hart on behalf of Matador.

15 HEARING OFFICER BRANCARD: Thank you. Are
16 there any other interested persons for cases 22995, 996,
17 or 997? Hearing none, Mr. Smith, I believe you have a
18 motion to dismiss on 22997, is that correct?

19 MR. SMITH: Yes, Mr. Examiner.

20 HEARING OFFICER BRANCARD: All right. Are
21 there any objections to the motion?

22 MS. VANCE: None from our end.

23 HEARING OFFICER BRANCARD: So we will grant
24 the motion to dismiss and you will go forward then, Mr.
25 Smith, with cases 22995 and 996. Please proceed.

1 MR. SMITH: And thanks, Mr. Examiner. I'm
2 going to put the two cases on separately just because of
3 the spacing units at issue in each case. So first in
4 case No. 22995, Novo Oil & Gas seeks to pool uncommitted
5 mineral interests in a 320-acre Wolfcamp horizontal
6 spacing unit comprised of the west half of Section 26,
7 Township 22 south, Range 28 east in Eddy County.

8 You'll see that we timely filed the exhibits on
9 Tuesday, August 30th. And Tab A is the compulsory
10 pooling checklist. Behind that is Tab B which is the
11 declaration of professional land man Peter Schmidt. Mr.
12 Schmidt has not previously testified before the
13 division. He has a BBA in energy management and finance
14 from the University of Oklahoma and he's been with Novo
15 since 2021, but he's worked in the industry as a land
16 professional since 2010. And I would refer the division
17 to Mr. Schmidt's resume which is attached as Exhibit B8
18 to his declaration and I would ask that his credentials
19 as a professional land man be accepted by the division
20 as a matter of record.

21 HEARING OFFICER BRANCARD: Thank you. Any
22 objections? Hearing none, so admitted.

23 MR. SMITH: Thank you, Mr. Examiner. With
24 his declarations and typical land exhibits, including
25 the applications in C102 for these wells, you'll see

1 that the wells are in the Crocubot Wolfcamp which has,
2 utilizes 320-acre building blocks. And this is a
3 320-acre horizontal spacing unit.

4 One of the things I wanted to call out in Mr.
5 Schmidt's declaration is that Novo is asking for
6 expedited review and approval of these applications to
7 an extent possible just because of an impending
8 deadline, contractual deadline with one of the committed
9 interest owners to drill the wells in this acreage.

10 Also with the land exhibits is the lease tract
11 map, the summary of interest and the list of the parties
12 being pooled. You also will find a summary of contacts
13 with the noncommitted working interest owners as well as
14 a notice of affidavit prepared by this firm which shows
15 that notice was timely mailed to the two working
16 interest owners which we're seeking to pool here on
17 August 9th.

18 And Tab C is the declaration of Novo's geologist
19 Mr. Michael Hill. Mr. Hill has previously testified
20 before the division and his credentials have been
21 accepted as a matter of record. With Mr. Hill's
22 declaration is the usual suite of geology exhibits
23 including the locator map, the wellbore schematic
24 showing the development plan, and then the geology study
25 that Mr. Hill performed for these wells.

1 So with that, I'd ask, I stand for questions and
2 ask that the exhibits in case No. 22995 be admitted into
3 the record and that the case be taken under advisement.

4 HEARING OFFICER BRANCARD: Thank you. Mr.
5 McClure.

6 MR. MCCLURE: Mr. Brancard, I have, I have
7 no questions for this case.

8 HEARING OFFICER BRANCARD: All right. So,
9 Mr. Smith, this is a gas well, is that correct?

10 MR. SMITH: Yes, it's in the Wolfcamp,
11 Crocubot Wolfcamp pool and it's a gas pool, that's
12 correct.

13 HEARING OFFICER BRANCARD: All right.
14 Thank you. Are there any other interested persons? Or
15 I'll go to Ms. Vance. Questions?

16 MS. VANCE: No questions.

17 HEARING OFFICER BRANCARD: Objections?

18 MS. VANCE: No objections.

19 HEARING OFFICER BRANCARD: Thank you. All
20 right. With that, I will admit the exhibits in case
21 22995 and the case will be taken under advisement.

22 MR. SMITH: Thank you, Mr. Examiner.

23 HEARING OFFICER BRANCARD: You may proceed
24 with 22996.

25 MR. SMITH: Thank you. So again, Bryce

1 Smith with Modrall Sperling on behalf of the applicant
2 Novo Oil & Gas, Northern Delaware.

3 In this case 22996 Novo seeks an order from the
4 division pooling uncommitted interest owners a 160-acre
5 Bone Spring horizontal spacing unit comprised of the
6 west half of the west half of Section 26 and 22 south,
7 Range 28 east in Eddy County.

8 The exhibits were filed on Tuesday, August 30th.
9 Tab A is the pooling checklist and behind that is the
10 declaration of Mr. Schmidt who has now been admitted as
11 an expert professional land man whose credentials have
12 been accepted by the division. Behind his declaration
13 is the applications in the C102's for these wells.
14 These wells are in the Clever Bluff Bone Spring south
15 pool which is pool code 15011. With his declaration
16 you'll find the lease tract map, the summary of
17 interests, and a list of the parties to be pooled.

18 Additionally there is the summary of Mr.
19 Schmidt's contacts with the working interest owners that
20 are uncommitted as well as the notice of affidavit
21 prepared by this firm which shows the notice was mailed
22 to them on August 9th. Behind that Tab C is the
23 declaration of Novo's professional geologist Mr. Hale.
24 Mr. Hale has previously testified before the division
25 and his credentials have been accepted as a matter of

1 record. With Mr. Hale's declaration is the usual suite
2 of geology exhibits including the locator map, the
3 wellbore schematic and the geology studies for these
4 wells.

5 With that, I stand for questions and ask the
6 exhibits in case 22996 be admitted into the record and
7 that the case be taken under advisement.

8 HEARING OFFICER BRANCARD: Thank you. Mr.
9 McClure, questions?

10 MR. MCCLURE: Mr. Brancard, I don't have
11 any questions for this case either.

12 HEARING OFFICER BRANCARD: Thank you. Mr.
13 Smith, it's sort of hard to go through your exhibits
14 because you have a lot of copies of the same application
15 again and again. So, anyway, let's look at 22996, your
16 checklist here. I think you need to make some
17 corrections on this. It says your spacing unit is
18 40 acres, which it's not, it's 160 acres, right? And
19 then it says your building blocks are 160 acres, which
20 they're not, they're 40 acres, so.

21 MR. SMITH: Yeah, I can correct that.

22 HEARING OFFICER BRANCARD: I think that was
23 the only issues I have, unless you can for me tell me
24 how to pronounce the name of your wells.

25 MR. SMITH: Crocubot.

1 HEARING OFFICER BRANCARD: Crocubot.

2 MR. SMITH: That's how I pronounce them, I
3 can't say that that's the official Novo pronunciation.

4 HEARING OFFICER BRANCARD: I was expecting
5 something a little more French, but.

6 MR. SMITH: Yeah, that's the, that's the
7 southern New Mexico version of pronouncing that, I'm
8 sure I butchered it.

9 HEARING OFFICER BRANCARD: Thank you. Are
10 there any questions, Ms. Vance?

11 MS. VANCE: No questions and no objections.

12 HEARING OFFICER BRANCARD: Thank you. With
13 that, the exhibits in case 22996 will be admitted into
14 the record, the case will be taken under advisement with
15 the record left open for a revised checklist.

16 MR. SMITH: Thank you, Mr. Examiner.

17 HEARING OFFICER BRANCARD: With that, we're
18 down to item No. 72, case 23026. Marathon Oil Permian,
19 LLC.

20 MS. BENNETT: Thank you, Mr. Examiner.
21 Deanna Bennett on behalf of Marathon Oil Permian, LLC.

22 HEARING OFFICER BRANCARD: Thank you. Are
23 there any other interested parties for case 23026?
24 Hearing none, Ms. Bennett, you may proceed.

25 MS. BENNETT: Thank you. In this case

1 Marathon seeks an extension of time to commence drilling
2 of the initial FiddleFire well. In this case Marathon
3 is seeking an extension of time through October 2023,
4 the original order would expire in October 2022. And
5 the original order involves a Bone Spring 640-acre
6 standard spacing unit in the north half of Sections 23
7 and 24, Township 24 south, Range 28 east. And there are
8 two wells in that application, one of which is a
9 proximity tract well which is how we were able to create
10 a 640-acre standard unit.

11 In the application, or in the exhibits that we
12 filed I've included the application, actually first the
13 first exhibit is the self-affirmed declaration of Chase
14 Rice. And Mr. Rice is a land professional for Marathon
15 and he's previously testified before the division and
16 his credentials have been accepted as a matter of
17 record. And in his self-affirmed declaration Mr. Rice
18 explains the reasons for needing the extension of time,
19 which is just Marathon getting back on track after COVID
20 and the supply change disruptions. Everything is
21 proceeding step wise, but things that were further
22 behind in their original drilling schedule now are
23 needing to be moved out a bit of time.

24 So the other thing I wanted to point out in Mr.
25 Rice's affidavit is that Marathon has approved APD's for

1 these wells and Marathon is anticipating spudding these
2 wells October 1st of 2023. So these are on Marathon's
3 drilling schedule and Marathon does have approved APD's
4 for the wells. Also as Mr. Rice explains in his
5 affidavit, there's no opposition to the extension of
6 time and no other parties have come forward to drill
7 this acreage, so there's no obstacle to Marathon
8 drilling it, they just need a bit more time to get
9 caught up with their drilling schedule.

10 So in addition to Mr. Rice's declaration, I've
11 included the application that we filed as well as the
12 prior order in this case for the division's convenience.
13 And I've also included our notice exhibit and the notice
14 exhibit is a declaration from myself which shows the
15 mailing list and the letters were timely sent.

16 Exhibit B is the certified mailing tracking
17 information which is a table that shows, it tracks the
18 mailing for us and it shows the names and addresses of
19 the parties to whom notice was sent and the status of
20 the mailing. And there are three parties that still
21 show mailed and I looked up the tracking numbers for
22 those three parties and the tracking information says
23 it's in transit, the letters are in transit, that
24 there's been a delay, but they are in transit. That's
25 as much as I was able to find on the USPS Website.

1 And then we published out of an abundance of
2 caution and our affidavit of publication is included
3 with our exhibit packet as Exhibit C and notice that the
4 publication was timely done as well.

5 So with that, I would ask that the exhibits in
6 this case be admitted into the record and I'm happy to
7 answer any questions, or try to answer any questions the
8 division may have.

9 HEARING OFFICER BRANCARD: Thank you. Mr.
10 McClure.

11 MR. MCCLURE: Yeah, Mr. Brancard, I do have
12 some questions. Ms. Bennett, I guess, so essentially I
13 guess is the reason because it's supply chain issues or
14 because Marathon has too many wells on its schedule
15 then? I think those were the two different reasons you
16 indicated.

17 MS. BENNETT: Well, I wasn't trying to say
18 that they have too many wells on their schedule. What I
19 was trying to say is you can imagine with COVID and with
20 the supply chain issues, things got backed up. And
21 right now we're getting to the end of things that had
22 been backed up. So it's not that there are too many
23 wells, it's just moving through this in a step wise
24 fashion, we're now at a point where orders that are set
25 to expire in October, or 2022, those wells were

1 necessarily pushed back because orders for wells that
2 were going to expire earlier are moving forward, if that
3 makes sense. So it's more of a chain reaction than too
4 many wells.

5 MR. MCCLURE: So then I guess is Marathon
6 unable to contract additional drilling rigs to get back
7 on schedule?

8 MS. BENNETT: I don't know the answer to
9 that question. I just know that Marathon has these
10 wells on its drilling schedule and so it is clear that
11 they intend to drill these wells, but I can't speak to
12 the availability of rigs and how those rigs are
13 allocated at this time.

14 MR. MCCLURE: Well, I guess the expected
15 spud date I guess makes me question I guess how far down
16 the list actually it is because your expected spud date
17 is quite literally two weeks before the new requested
18 extension date.

19 MS. BENNETT: Mm-hmm.

20 MR. MCCLURE: And so I guess are they
21 actually going to be able to meet their schedule here I
22 guess?

23 MS. BENNETT: Again, I don't want to put
24 words in Marathon's mouth, but I did expressly ask them
25 to include that information so that we could demonstrate

1 to the division that these are on their schedule and
2 that they intend to drill them. So based on my request
3 to have them put that information in the declaration, I
4 would assume that means that they feel confident that
5 they can meet that deadline.

6 MR. MCCLURE: So I guess if Marathon were
7 not to be able to meet that deadline, does that mean
8 they're going to come back again and ask for a third
9 year extension if they don't meet that two-week window
10 there?

11 MS. BENNETT: That's what we would need to
12 do.

13 MR. MCCLURE: Is come back for another
14 third extension if they don't. So then the intention
15 isn't to let it expire and get a new order after the
16 second year, it would be to come back for a third year
17 extension if Marathon is not able to meet that two-week
18 window then?

19 MS. BENNETT: Well, I mean, sitting here,
20 again, I'm not going to promise that Marathon isn't in
21 the future, that there's some constraints that come up
22 that prevent them from moving forward with these wells,
23 but the intent is to drill them under this extension of
24 time and not let the order expire.

25 MR. MCCLURE: I guess what my question is

1 on something else you brought up is there is no
2 competing I'll say pooling orders or there is no
3 competing proposal to drill wells across this acreage.
4 I guess do we actually know that there's no interest
5 because, I mean, they have an active order so, I mean,
6 it seems unlikely that somebody could come in, even if
7 they do have interest, that they would come in and try
8 to compete against an active order here, you know,
9 without a good argument for getting rid of the order.
10 So, I mean, can we actually say there is no interest
11 there or are we just speculating that there's no
12 interest there?

13 MS. BENNETT: Well, I did provide notice to
14 all the pooled working interest owners, uncommitted
15 working interest owners and none of them objected to it
16 or appeared in the case. And so I guess, you know, my
17 assumption from that is that they don't have an interest
18 in challenging the order. They certainly could have
19 come in and challenged the order. I've seen in the past
20 where folks have come in and challenged an extension of
21 time on the grounds that the development wasn't moving
22 quickly enough and that did not happen here.

23 MR. MCCLURE: Okay. Thank you, Ms.
24 Bennett. I don't have any other questions, Mr.
25 Brancard.

1 MS. BENNETT: Thank you very much, Mr.
2 McClure.

3 HEARING OFFICER BRANCARD: Thank you. Are
4 there any other interested persons for case 23026?
5 Hearing none, the exhibits will be admitted into the
6 record and case 23026 will be taken under advisement.

7 MS. BENNETT: Thank you very much.

8 HEARING OFFICER BRANCARD: Once again, I'll
9 check in with our court reporter. We have one more case
10 to go, but this one may run a little bit longer, so.
11 Okay, we're ready to go. How are you doing, Mr.
12 McClure, are you okay?

13 MR. MCCLURE: I'm good, yeah.

14 HEARING OFFICER BRANCARD: All right. So
15 we're now on item 73, case 22973. Catamount Energy
16 Partners.

17 MR. FELDEWERT: May it please the
18 Examiners, Michael Feldewert from the Santa Fe office of
19 Holland & Hart on behalf of the applicant.

20 HEARING OFFICER BRANCARD: Thank you. Are
21 there any other interested persons here today for case
22 22973? Hearing none, Mr. Feldewert, I believe this is a
23 continuation from a prior hearing and there were a
24 number of issues that were raised that we asked for
25 additional information on or clarification or revised

1 application or whatever.

2 So maybe you can start with the whole issue of
3 the spacing units and what your client decided to come
4 up with, that they were applying for a nonstandard
5 spacing unit, but it appeared to fall into both
6 categories of a nonstandard spacing unit, so what was
7 the resolution?

8 MR. FELDEWERT: The resolution, Mr.
9 Examiner, as shown by our supplemental exhibits, in
10 particular the affidavit of Denise Greer, which we've
11 marked as supplemental Exhibit A, so this is her second
12 statement I should say. The company went ahead and
13 provided notice to all of the affected parties
14 surrounding the proposed spacing unit. And the only
15 parties who had not already been notified are contained
16 in what we've marked at the end here, the supplemental
17 exhibits. Exhibit C1, you'll see there's two parties,
18 Morningstar Operating and Simco are the only parties
19 offsetting the nonstandard spacing unit that were not
20 previously notified. They have received notice and
21 indicated both to Catamount and by their nonappearance
22 here that they do not have any objection to the proposed
23 nonstandard spacing unit. So we've notified everybody
24 within and we've notified the affected parties outside.

25 HEARING OFFICER BRANCARD: Well, I

1 appreciate your explanation because I could not figure
2 out from your submittal who was notified as a result of
3 that action. But you're saying it's just, it's just
4 those two listed then after your affidavit?

5 MR. FELDEWERT: Those were the two
6 additional affected parties who had not previously
7 received notice.

8 HEARING OFFICER BRANCARD: Okay. It would
9 just be helpful if you explained that in an affidavit or
10 writing that that's how you complied with that, that's
11 all.

12 MR. FELDEWERT: I was looking at
13 Paragraph 2 of her statement.

14 HEARING OFFICER BRANCARD: Yeah, but it
15 just says we notified people, it doesn't say who or how.

16 MR. FELDEWERT: Okay.

17 HEARING OFFICER BRANCARD: That's all.
18 Normally there's a list and then we can check the list
19 against who you gave notice to or whatever, so. Or a
20 map showing the properties around it and et cetera.
21 But, all right. So all that property around this
22 spacing unit you have now notified?

23 MR. FELDEWERT: The affected parties, yes.

24 HEARING OFFICER BRANCARD: Okay. All
25 right. So you're going to continue with one large

1 nonstandard horizontal spacing unit?

2 MR. FELDEWERT: Correct.

3 HEARING OFFICER BRANCARD: Okay. Thank
4 you. So that was, that was one set of issues. I'm
5 trying to recall what other issues we had. I guess just
6 updating the interests, which I think you've done here.

7 MR. FELDEWERT: Yeah. I think you asked,
8 and I'm looking at my notes, that since it was going to
9 take a little you said to get the order together anyway,
10 you wanted to continue the matter so that they could
11 continue their discussions with all the small interest
12 owners within the spacing unit. And you'll see that Ms.
13 Greer testifies that they have undertaken those
14 additional efforts. Her Exhibit A6 identifies a, what
15 would be the revised ownership by tract because they
16 were able to reach some additional agreements with the
17 smaller owners, did some acquisitions, so it shows the
18 new, the current ownership by tract.

19 Then if you go to the end of A6, which would be
20 Page 10 of the 30-page pdf, there's a summation of that
21 and you'll see that she has highlighted the remaining
22 owners that still need to be pooled. She's also
23 identified, and she did that in red, and then she also
24 identified in green those that said they were on the
25 lease, but they just haven't executed the lease

1 agreement yet.

2 HEARING OFFICER BRANCARD: Right. And we
3 asked for a more detailed discussion of the summary of
4 communications.

5 MR. FELDEWERT: So if you look at Exhibit
6 A7, which begins on Page 12 of the 30-page pdf, you'll
7 see that there's a contact history with a group of
8 working interest owners on the first page. And then the
9 remaining pages are the unleased owners, their attempts
10 to locate them and attempts to reach a voluntary
11 agreement. You'll see a lot of them are still in
12 probate, they can't find the heirs, they've contacted
13 relatives, et cetera. It's a pretty extensive effort.

14 HEARING OFFICER BRANCARD: Okay. So that
15 deals with, it deals with, there were two issues, which
16 I think you maybe have dealt with both in this exhibit,
17 which is A, the communications you actually had with the
18 parties you were able to reach, and then efforts to
19 locate people who were unlocatable.

20 MR. FELDEWERT: Yes.

21 HEARING OFFICER BRANCARD: Okay. So this
22 exhibit deals with both of those?

23 MR. FELDEWERT: Yes.

24 HEARING OFFICER BRANCARD: Okay.

25 MR. FELDEWERT: And then of course we

1 provided previously at the, I believe it was the
2 August 4th hearing, and we published notice in the
3 newspaper as well.

4 HEARING OFFICER BRANCARD: Okay. So for
5 the persons you provided additional notice to.

6 MR. FELDEWERT: Exhibit C1?

7 HEARING OFFICER BRANCARD: Yes. I'm trying
8 to find out what the date of the mailing is.

9 MR. FELDEWERT: I'm looking at the
10 wonderful U.S. Postal Service notice here.

11 HEARING OFFICER BRANCARD: Not exactly
12 helpful.

13 MR. FELDEWERT: Yeah. Our records indicate
14 the item was delivered on 8/15.

15 HEARING OFFICER BRANCARD: I guess the
16 issue is when you mailed it, right, that's what we're
17 looking for. Anyway, there's a 20-day notice period.

18 MR. FELDEWERT: Right.

19 HEARING OFFICER BRANCARD: I just wanted to
20 make sure that you have met that, and I think you would
21 have had to have mailed it by August 12th, if I am
22 correct. So can you verify that?

23 MR. FELDEWERT: I'm looking to see --

24 HEARING OFFICER BRANCARD: We normally have
25 a copy of the letter, right, attached to your affidavit,

1 but you don't.

2 MR. FELDEWERT: Yeah. Let me see, I'll get
3 that to you. I'm not sure why that wasn't in there.

4 HEARING OFFICER BRANCARD: So a copy of the
5 letter with a date on it would be, would work.

6 MR. FELDEWERT: Yep.

7 HEARING OFFICER BRANCARD: All right. I'm
8 trying, I'm going through the transcript, which I don't
9 believe we posted yet.

10 MR. FELDEWERT: No, I'm glad I had my notes
11 because I didn't have a transcript.

12 HEARING OFFICER BRANCARD: And oddly we've
13 gotten this transcript before we've gotten the prior, we
14 just got this, we got it before we got the prior
15 hearing. All right. Well, I think the big issue was
16 the spacing unit question and that we provided you with
17 a series of options and you went with option A.

18 MR. FELDEWERT: Yes, if that's the enlarged
19 nonstandard spacing unit, yes.

20 HEARING OFFICER BRANCARD: Right. And, and
21 by all your surrounding properties I assume you included
22 the ones in Colorado, correct?

23 MR. FELDEWERT: Yes.

24 HEARING OFFICER BRANCARD: Okay. All
25 right. I jumped in before you got a chance to make your

1 presentation, Mr. Feldewert, but I don't know if there
2 was anything else you wanted to add.

3 MR. FELDEWERT: Well, I think you led me
4 through it very aptly. I guess I would need to move the
5 admission of supplemental Exhibit A along with the
6 attachments and then the exhibit, supplemental Exhibit
7 C1 which is my affidavit and then the notice of
8 information for the two additional parties that were not
9 previously noticed.

10 HEARING OFFICER BRANCARD: All right. Mr.
11 McClure.

12 MR. MCCLURE: Yes, Mr. Brancard. Now, Mr.
13 Feldewert, I had a question in regards to the exhibits
14 from the initial, or when the case was first heard. And
15 this might have been covered. I guess just for
16 clarification, it looks like there's two different
17 exhibit packets and it looks like the one that was
18 submitted, or at least appears first in our imaging has
19 an additional six pages compared to the one that appears
20 later in our imaging. Just to confirm, is the one with
21 the more pages, with the higher page count, is that the
22 most up-to-date exhibit or is it the one that appears to
23 be later in our imaging?

24 MR. FELDEWERT: There would be a package
25 that is labeled amended exhibits, okay, which would be,

1 as I looked at the file it was the second package.

2 MR. MCCLURE: Okay. So then it is the one
3 with the --

4 MR. FELDEWERT: And just to make, and there
5 was some corrections we needed to make, so that is the
6 exhibit package that you should go with.

7 MR. MCCLURE: Okay. And I do see that
8 amended now that you say that. And actually, it looks
9 like on the second one, which is the one with the higher
10 page count, it looks like the second one in imaging that
11 says amended has the higher page count, just for
12 whatever reason the file size is bigger on the original,
13 I don't know what's up with that. I'm sorry, Mr.
14 Feldewert, what was that?

15 MR. FELDEWERT: No, I'm glad you, I hadn't
16 gone back and counted the pages, so I'm glad the second
17 one, because I was going to be hardpressed to figure out
18 why it would be shorter. But the amended package is
19 the, is the one that you should utilize along with the
20 exhibits that we submitted Tuesday.

21 MR. MCCLURE: Yeah, very good, very good.
22 Now that I, now that I see the big bold type it says,
23 "Amended exhibits," that does become overly clear I
24 guess, I just hadn't seen that prior to my question.

25 Now based upon the prior transcript it would

1 seem like Morningstar is the working interest in the
2 acreage both north and south of the spacing unit, is
3 that correct?

4 MR. FELDEWERT: You would have to ask
5 Denise Greer our land person, who is actually I believe
6 on the line if you -- did she testify to that
7 previously? Because I didn't have the transcript from
8 the prior case.

9 MR. MCCLURE: You know, I don't remember
10 who it was in the transcript that had testified to that,
11 if it was you answering questions or her.

12 MR. FELDEWERT: It probably would have been
13 Ms. Greer because I would not have that information.

14 MS. GREER: I'm on the line, yes, this is
15 Denise Greer, Catamount Energy, I'm the senior land man
16 at Catamount. Morningstar is the operator both to the
17 north and the south of the, our proposed spacing unit,
18 they also have an interest within the proposed spacing
19 unit.

20 HEARING OFFICER BRANCARD: Thank you. Ms.
21 Greer, could you just -- well, you don't need to spell
22 your name because you have been previously admitted and
23 sworn in, so I just want to note that for the record.

24 MR. MCCLURE: Ms. Greer, are they the sole
25 working interest in the north and south then, are there

1 additional parties that were also included in the, in
2 the original notice?

3 MS. GREER: My understanding in the north
4 is they are the sole working interest owner. In the
5 south I'm not sure, we don't have an interest in their
6 wells to the south of us. There probably are other
7 working interest owners, but I'm not sure about that,
8 but they are the operator of that unit, they have wells
9 to the south of us.

10 MR. MCCLURE: And it may be, okay, it may
11 be, maybe I'm misremembering the rule, I'm trying to
12 remember if it's the operator that needs to be notified
13 for the outside of ASB or if it's the working interest.
14 You don't know the answer to that offhand, do you, Mr.
15 Brancard, or if Mr. Feldewert would know?

16 HEARING OFFICER BRANCARD: We can look up
17 the rule.

18 MR. MCCLURE: For some reason I thought it
19 was working interest, but now that, now that we're here,
20 it might be the operator.

21 MR. FELDEWERT: So it would be the affected
22 parties, and if you have an operator that's a
23 third-party operator, you can stop there, if not then
24 you go to working interest owners, and then if you go to
25 the working interest owner, you go to the unleased

1 mineral owners.

2 MR. MCCLURE: That sounds good. Thank you,
3 sir. Okay. So I guess an additional clarification, so
4 then Simco is the operator to the acreage west of the
5 spacing unit then, is that correct?

6 MS. GREER: That would be correct.

7 MR. MCCLURE: Okay. And then there is no
8 operator to the east of this because it's BLM unleased
9 acreage, is that also correct?

10 MS. GREER: That is correct.

11 MR. MCCLURE: Okay, very good. A question
12 I had, which I'm actually glad you're here today because
13 I guess there was another point that was touched upon a
14 little bit in the previous hearing, but I don't know if
15 we got very much detail, and that was the topic of the
16 overhead rates, the 14,000 for drilling and the 1,400
17 per month while operating. There's reference made to
18 that being in line with surrounding operators and then
19 your own operations.

20 I guess can you provide a little bit more
21 background as to, you know, like how many of the
22 surrounding operators, I mean, are we looking just in
23 proximity, I mean, are we looking at like one operator
24 in a ten-mile range or was there four operators in the
25 ten-mile range that are all running under the same

1 rates? I guess just a little more clarification if you
2 would, please.

3 MS. GREER: That is operators. I know
4 going up into Colorado it's been Simco has that, the
5 Southern Indian tribe has accepted that as the rate that
6 they accept because the tribe, Southern Indian
7 Reservation comes right up to the Colorado state line
8 just about, so there's a lot of wells. Morningstar has
9 accepted that rate. So I know BP who was in the basin,
10 they actually had a higher rate up there. So I think
11 multiple operators actually use that rate now in the
12 general basin. We've had no pushback from them.

13 MR. MCCLURE: And so then we realize they
14 have specifics as, to your understanding that's just
15 what's kind of surrounding, that's what's becoming
16 mainstream, does that kind of clarify I guess your
17 response?

18 MS. GEER: Yes, it's becoming mainstream.
19 And we've been sending it out and people have been
20 signing the operating agreement at that rate on other
21 wells that we're drilling in the area. So it was a
22 little bit lower rate than at one time it used to be a
23 little higher and it has dropped down now to the 14,000
24 for drilling and 1,400 for operating.

25 MR. MCCLURE: Okay. And then there's a

1 standard rate for all wells and the fact that this is a
2 multilateral well has no bearing on that then?

3 MS. GREER: No. I've seen some vertical
4 wells with that. We just feel it's also a fair rate for
5 the horizontals with the laterals.

6 MR. MCCLURE: You know, actually I think
7 that's all, that's all my questions. Thank you, Ms.
8 Greer. And thank you, Mr. Feldewert.

9 HEARING OFFICER BRANCARD: Thank you. And
10 just to review what Mr. Feldewert said, he's correct
11 that the notice goes to affected persons surrounding
12 areas, affected persons is defined as Mr. Feldewert
13 provided, and the other part of affected persons is that
14 if there is federal minerals or state minerals the
15 federal agency or the state agency has to be notified.
16 I believe you already did that, is that correct, Mr.
17 Feldewert?

18 MR. FELDEWERT: Yes, sir, that first
19 package of exhibits at the last hearing included the
20 notice to the BLM.

21 HEARING OFFICER BRANCARD: Okay. And I
22 know Ms. Greer mentioned this, but I just wanted to make
23 sure for the record, she mentioned the possible presence
24 of tribal lands, but are there any tribal lands
25 adjoining this property?

1 MS. GREER: No, the tribe is not involved
2 with this.

3 HEARING OFFICER BRANCARD: Okay. I know
4 they're not involved with this unit but, I mean, to the
5 north in Colorado, that's not tribal minerals, is that
6 correct?

7 MS. GREER: That's correct.

8 HEARING OFFICER BRANCARD: Okay. I just
9 wanted to clarify for the record because that would
10 require additional notice if there was tribal lands.
11 Thank you. Okay. So once again, are there other
12 interested persons here for case 22973? All right.
13 Hearing none, we will admit the supplemental exhibits
14 that were provided today. I appreciate the testimony of
15 Ms. Greer clarifying issues here for us.

16 What I want to do is continue this case to the
17 next docket, 9/15, solely for the purpose of making sure
18 that the letter was in fact mailed out 20 days in
19 advance because if it wasn't we'd have to continue it
20 anyway. So we're just going to continue it to that and
21 if you can provide that letter and other information
22 about that. And also if you could sort of expand the
23 affidavit at the same time just to sort of give us a
24 little more clarification on, you know, connect up your
25 affidavit to the list of the people you gave notice to

1 so that it's clear in the record who was given notice
2 and why to comply with this nonstandard spacing unit
3 requirement, just a little more detail would be helpful.

4 MR. FELDEWERT: Okay.

5 HEARING OFFICER BRANCARD: All right. So
6 with that, case 22973 is continued to September 15th to
7 deal with notice requirements.

8 And I believe we may be done with today's
9 agenda.

10 (Proceedings concluded for the day at
11 12:05 p.m. Central, 09-01-2022)

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REPORTER'S CERTIFICATE

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

I hereby certify that I reported the virtual
Examiner Hearing on the 1st day of September 2022, and
that the witnesses were first duly sworn to tell the
whole truth;

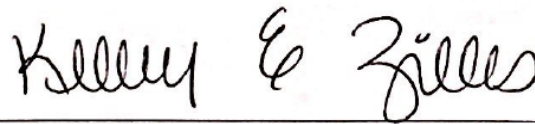
That the testimony was transcribed by me and is a
true record of the Hearing;

That the cost of the original has been charged to
the party who noticed the Examiner Hearing;

That I am not a relative or employee or attorney or
counsel of any of the parties, or a relative or employee
of such attorney or counsel;

That I am not financially interested in the action
and have no contract with the parties, attorneys, or
persons with an interest in the action that affects or
has a substantial tendency to affect my impartiality;

WITNESS MY HAND AND SEAL THIS 1st day of September
2022.



Kelley E. Zilles, RPR
Notary Public, Washington County, Minnesota
My commission expires 1-31-2025

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